

Planning and Development (Technical Amendment—Nature Reserves) Plan Variation 2016 (No 1)*

Notifiable Instrument NI2016—684

Technical Amendment No 2016-13

made under the

Planning and Development Act 2007, section 89 (Making technical amendments) and 90A (Rezoning—boundary changes)

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Nature Reserves) Plan Variation 2016 (No 1)*.

2 Technical amendment

I am satisfied under section 89(1)(a) of the *Planning and Development Act 2007* (the **Act**) that the Nature Reserves plan variation is a technical amendment to the Territory Plan.

3 Commencement

This instrument commences on the day after notification.

4 Meaning of *Nature Reserve Plan variation*

For this instrument:

Nature Reserve plan variation means the technical amendment to the plan variation 2016-13 in the schedule.

Note: no consultation was required in relation to the Nature Reserve plan variation under section 87 of the Act.

Brett Phillips
Delegate of the planning and land authority
08 December 2016

*Name amended under Legislation Act, s 60



ACT
Government

Environment and Planning

Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2016-13

Minor adjustments to the public land
Pc nature reserve overlays on the Territory Plan
Map for areas of the Canberra Nature Park (No.1)

December 2016

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1 INTRODUCTION

1.1 Purpose

This technical amendment makes the following changes to the Territory Plan Map

The Territory Plan map is varied to adjust the boundaries of the public land Pc nature reserve overlay for nine nature reserves in the Canberra Nature Park.

1.2 Public consultation

Under section 87 of the *Planning and Development Act 2007* (the Act) this type of technical amendment is not subject to public consultation.

1.3 National Capital Authority

The National Capital Authority does not need to be advised of this technical amendment as per 1.2.

1.4 Process

This technical amendment has been prepared in accordance with section 87 and section 90A of the Act.

1.5 Types of technical amendments under the Act

The following categories of technical amendments are provided under section 87 of the Act:

- (1) Each of the following territory plan variations is a **technical amendment** for which no consultation is needed before it is made under section 89:
 - (a) a variation (an **error variation**) that –
 - (i) would not adversely affect anyone's rights if approved; and
 - (ii) has as its only object the correction of a formal error in the plan;
 - (b) a variation to change the boundary of a zone or overlay under section 90A (Rezoning – boundary changes);
 - (c) a variation, other than one to which subsection (2) (d) applies, in relation to an estate development plan under section 96 (Effect of approval of estate development plan);
 - (d) a variation required to bring the territory plan into line with the national capital plan;
 - (e) a variation to omit something that is obsolete or redundant in the territory plan.
- (2) Each of the following territory plan variations is a **technical amendment** for which only limited public consultation is needed under section 90:
 - (a) a variation (a **code variation**) that –
 - (i) would only change a code; and
 - (ii) is consistent with the policy purpose and policy framework of the code; and
 - (iii) is not an error variation;
 - (b) a variation to change the boundary of a zone under section 90B (Rezoning – development encroaching on adjoining territory land);
 - (c) a variation in relation to a future urban area under section 90C (Technical amendments – future urban areas);
 - (d) a variation in relation to an estate development plan under section 96 (Effect of approval of estate development plan) if it incorporates an ongoing provision that was not included in the plan under section 94 (3) (g);
 - (e) a variation to clarify the language in the territory plan if it does not change the substance of the plan;
 - (f) a variation to relocate a provision within the territory plan if the substance of the provision is not changed.

Following each item in Part 2 Explanation of this technical amendment is a statement of compliance against the specific criteria for the relevant category of technical amendment.

TA2016-13 has been prepared in accordance with section 87(1) (b) of the Act.

2. EXPLANATION

This part of the technical amendment document explains the changes to be made to the Territory Plan, the reasons for the change, and a statement of compliance against the relevant section of the Act.

2.1 Changes to the Territory Plan Map

The changes adjust the public land Pc nature reserve overlay boundaries of the Territory Plan Map for nine nature reserves within the Canberra Nature Park

2.2 Reasons for the Change

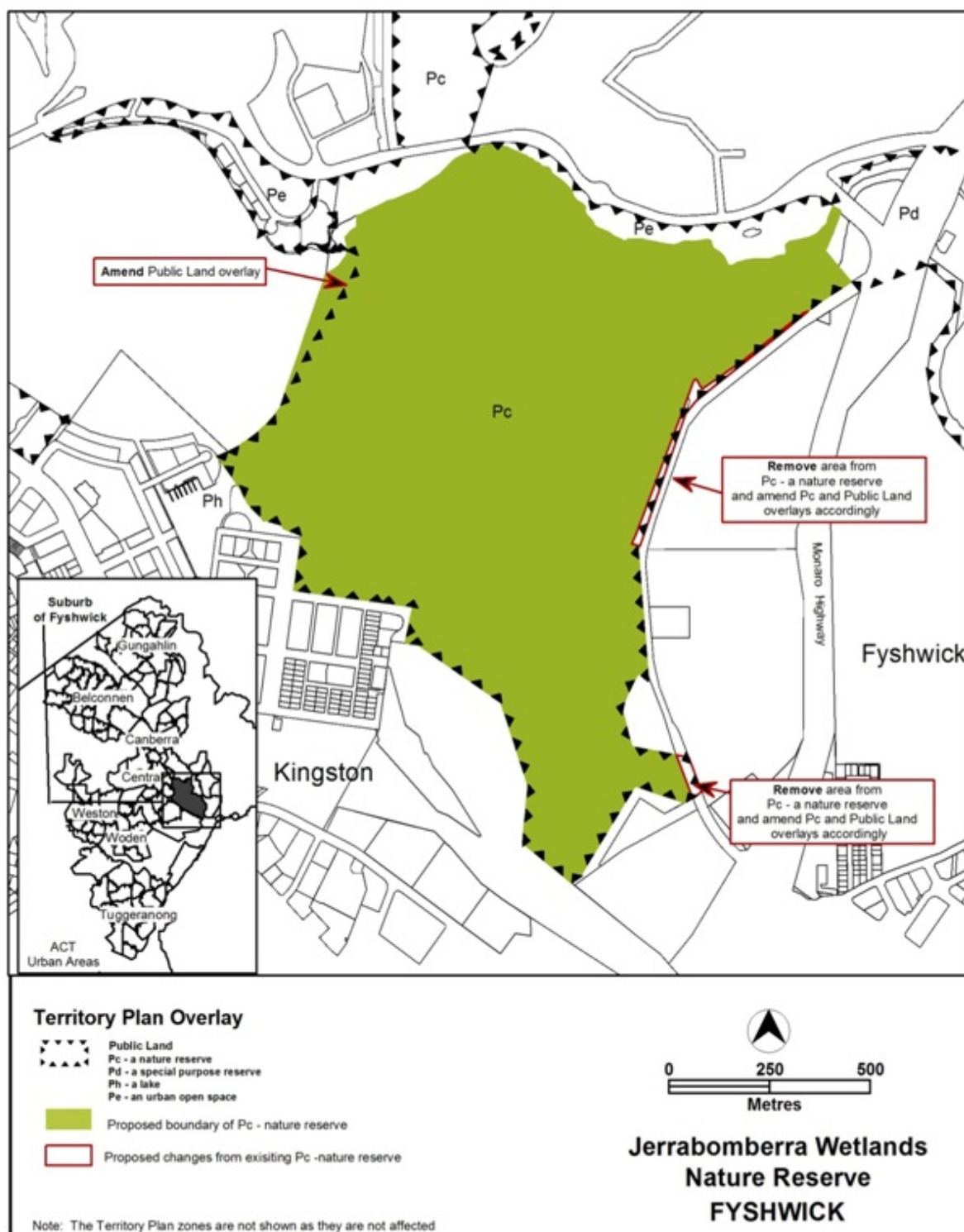
The Conservator of Flora and Fauna is undertaking a review of the boundaries of nature reserves within the Canberra Nature Park as a result of the enactment of the *Nature Conservation Act 2014* and the requirements for Activities Declarations for the reserves.

The boundaries of nine nature reserves have been adjusted to align with reserve management boundaries and address boundary anomalies, some of which have existed since the inception of the original Territory Plan in 1993.

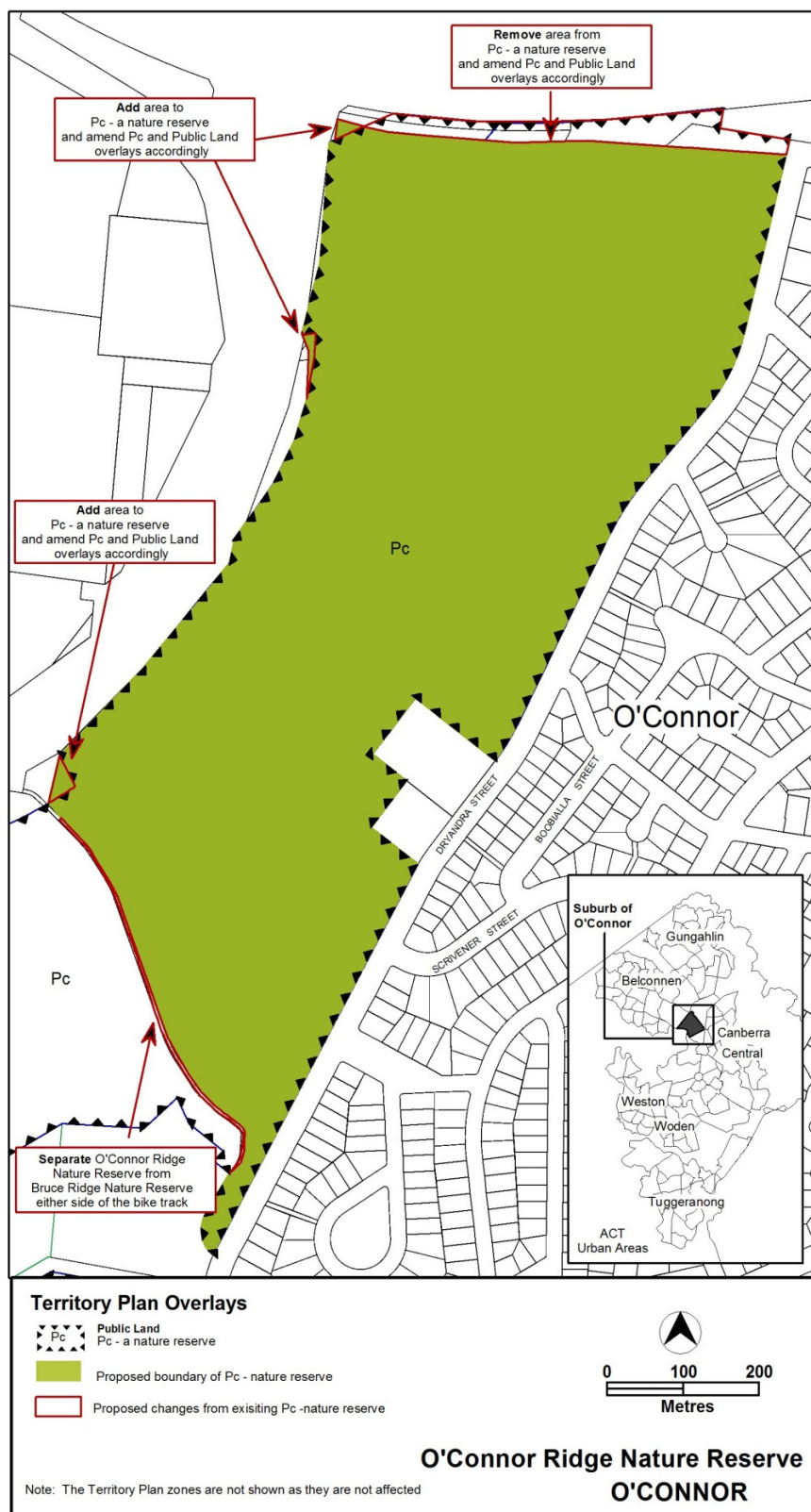
The new boundaries align with management fence lines and excise major roads from the reserves. These changes will better reflect management actions, allow for unambiguous regulation of activities and assist in the preparation of Activities Declarations.

2.3 Maps Illustrating Boundary Changes

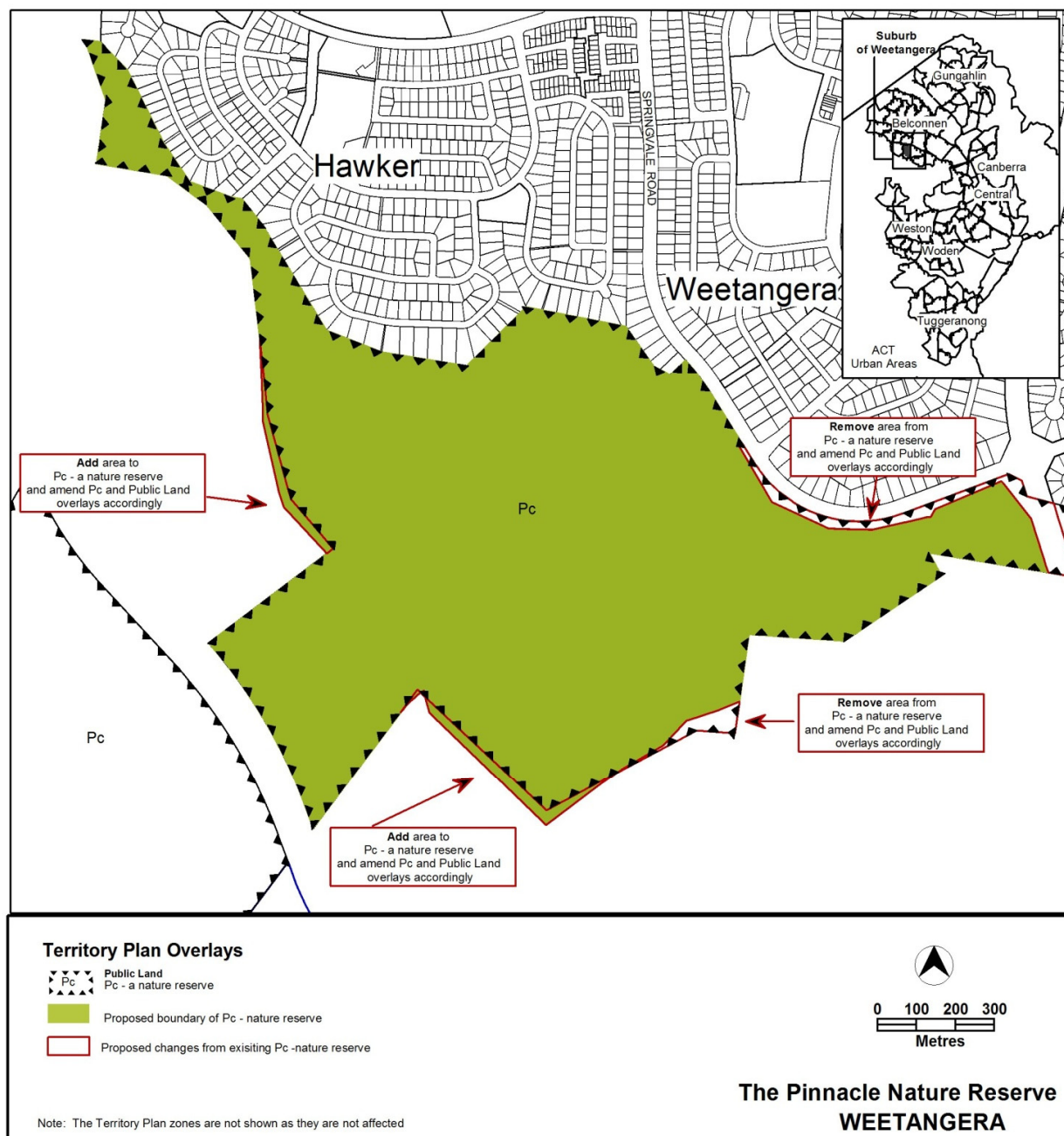
1 Jerrabomberra Wetlands Nature Reserve



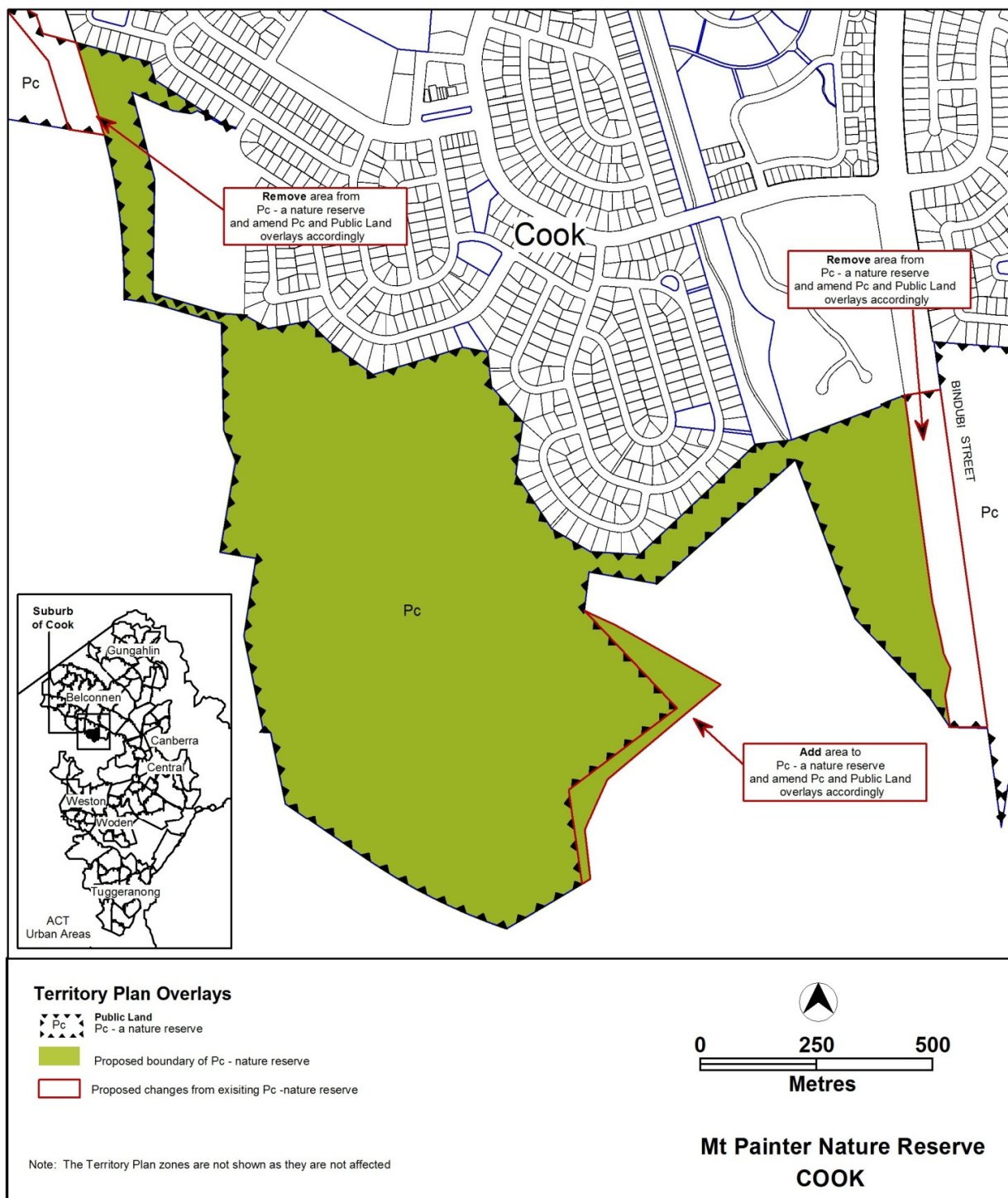
2 O'Connor Ridge Nature Reserve



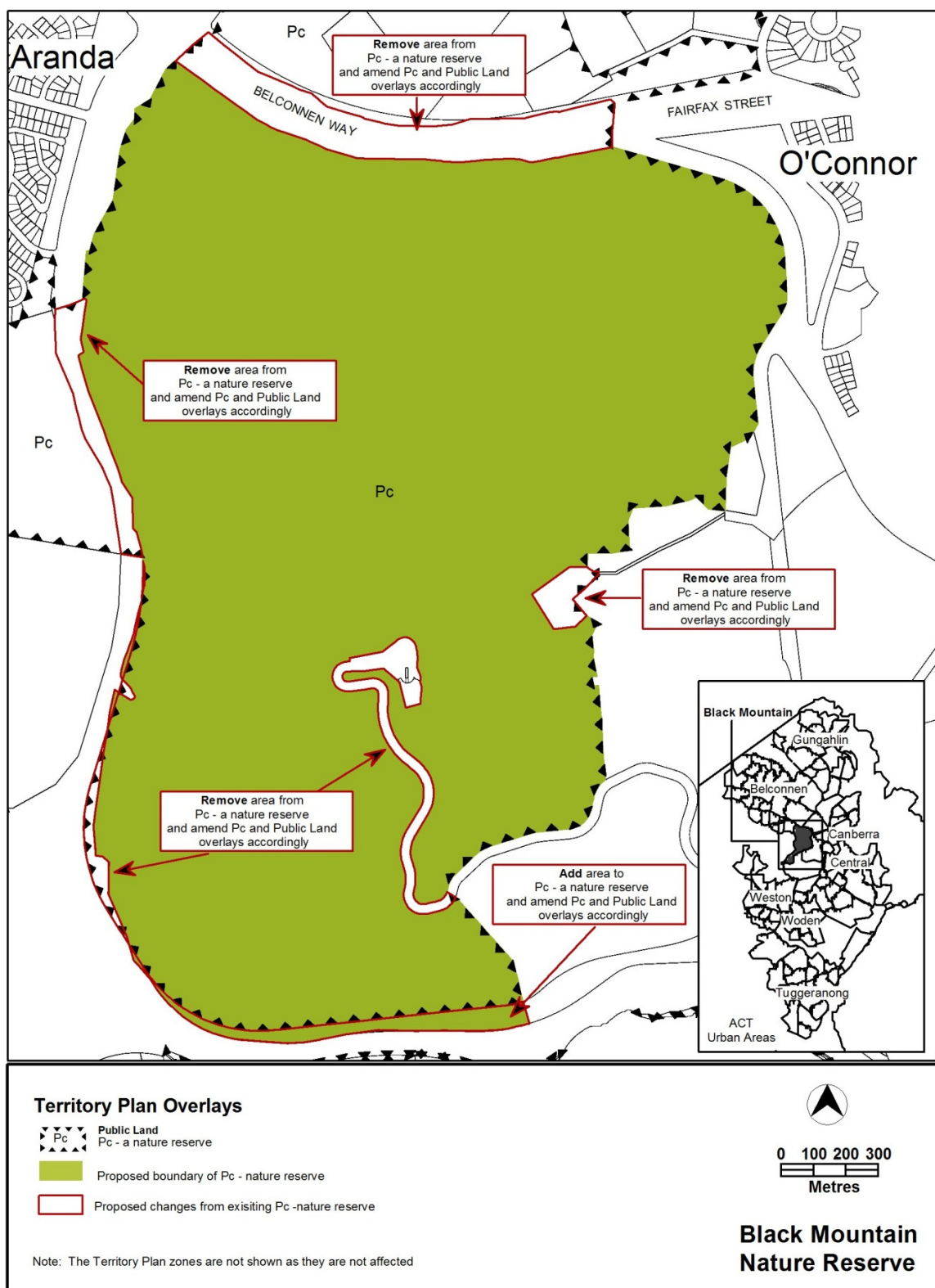
3 The Pinnacle Nature Reserve



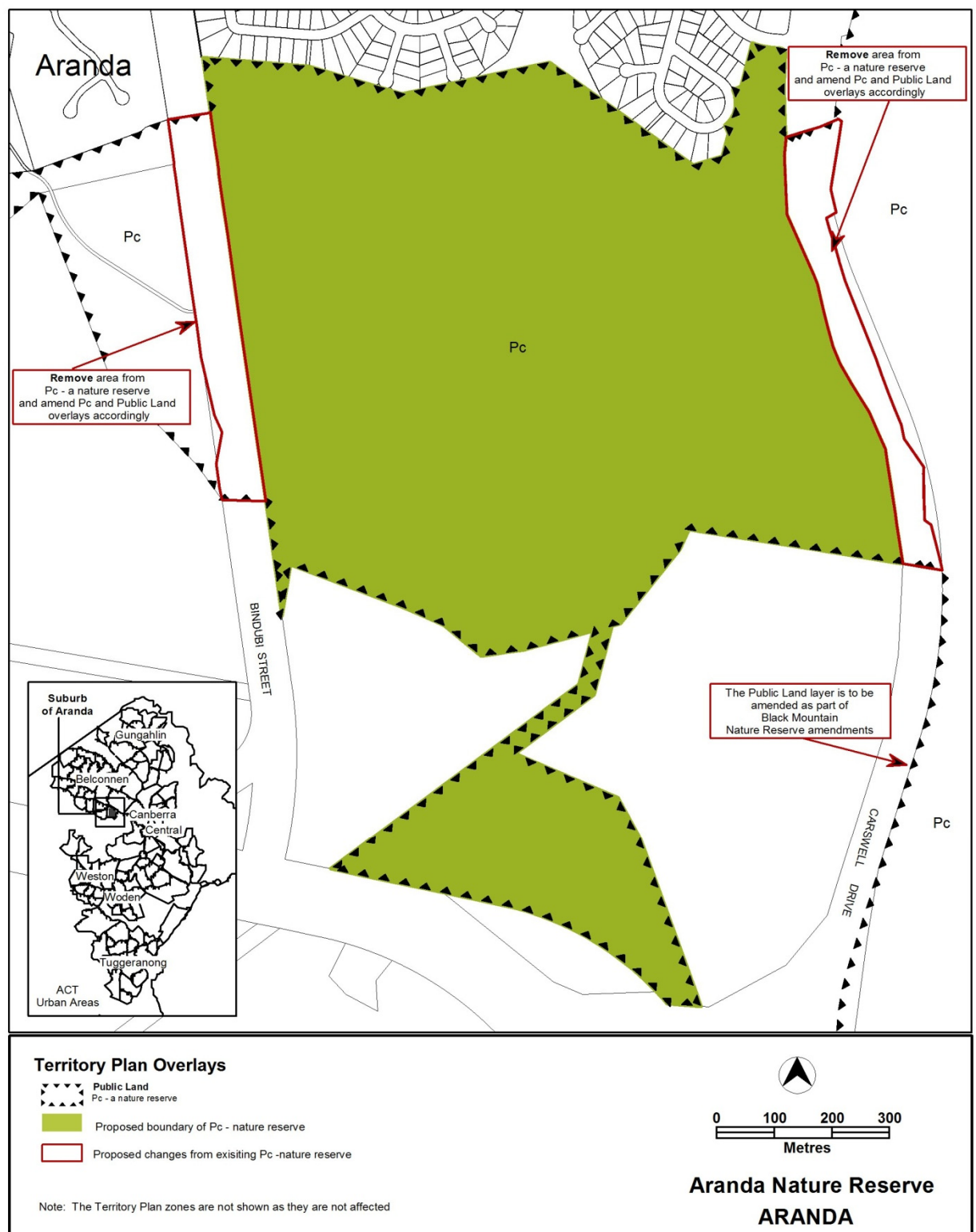
4 Mt Painter Nature Reserve



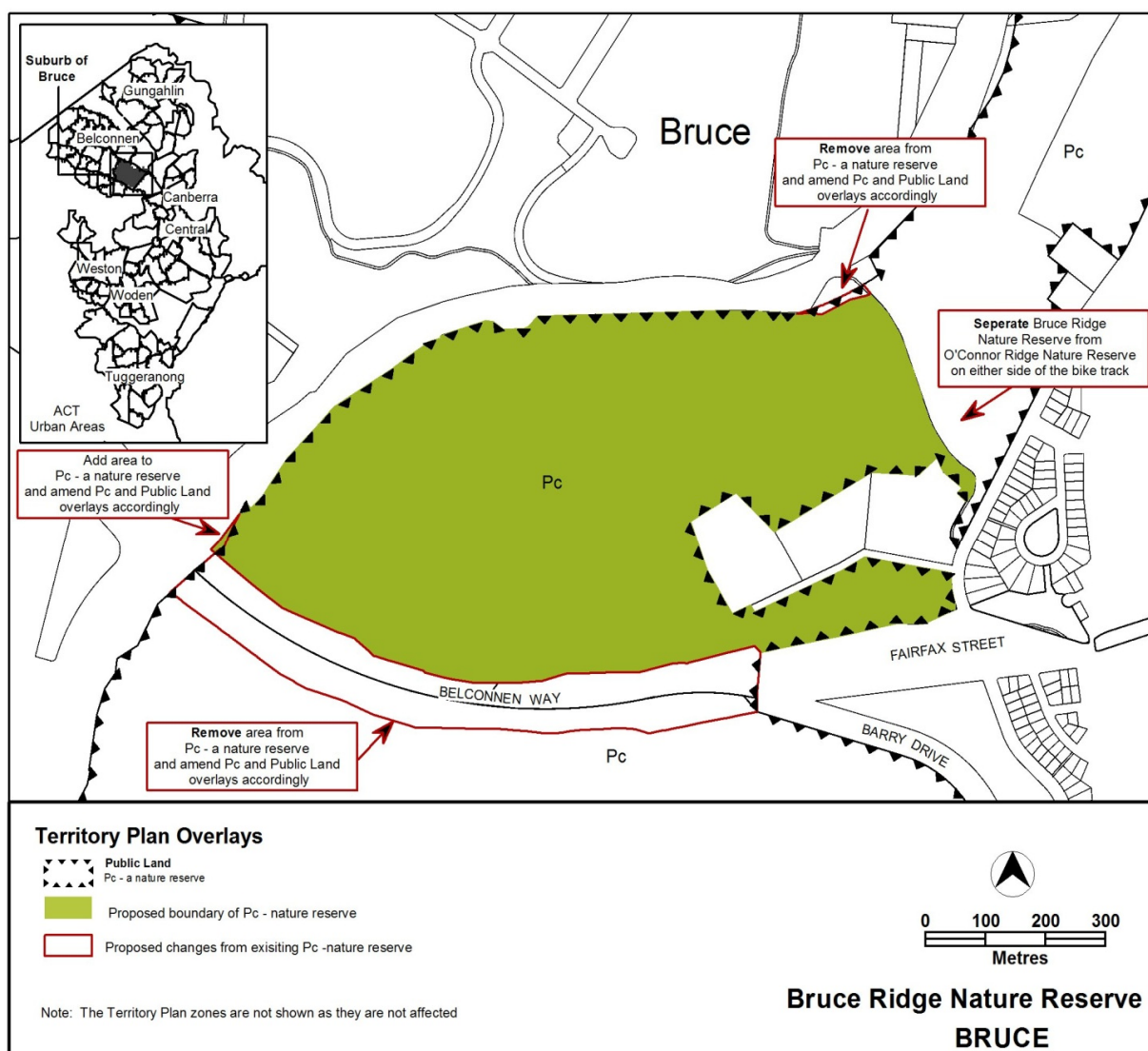
5 Black Mountain Nature Reserve



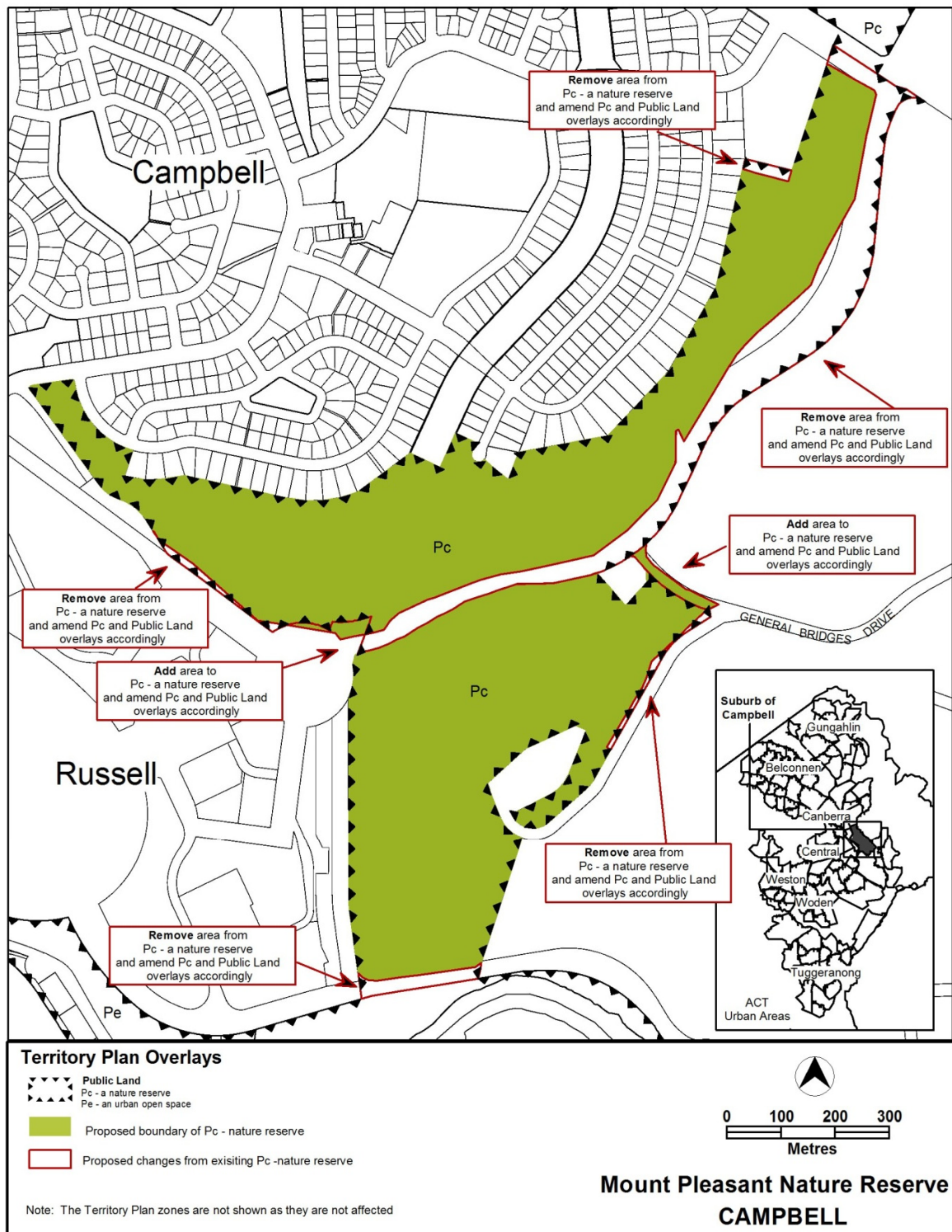
6 Aranda Nature Reserve



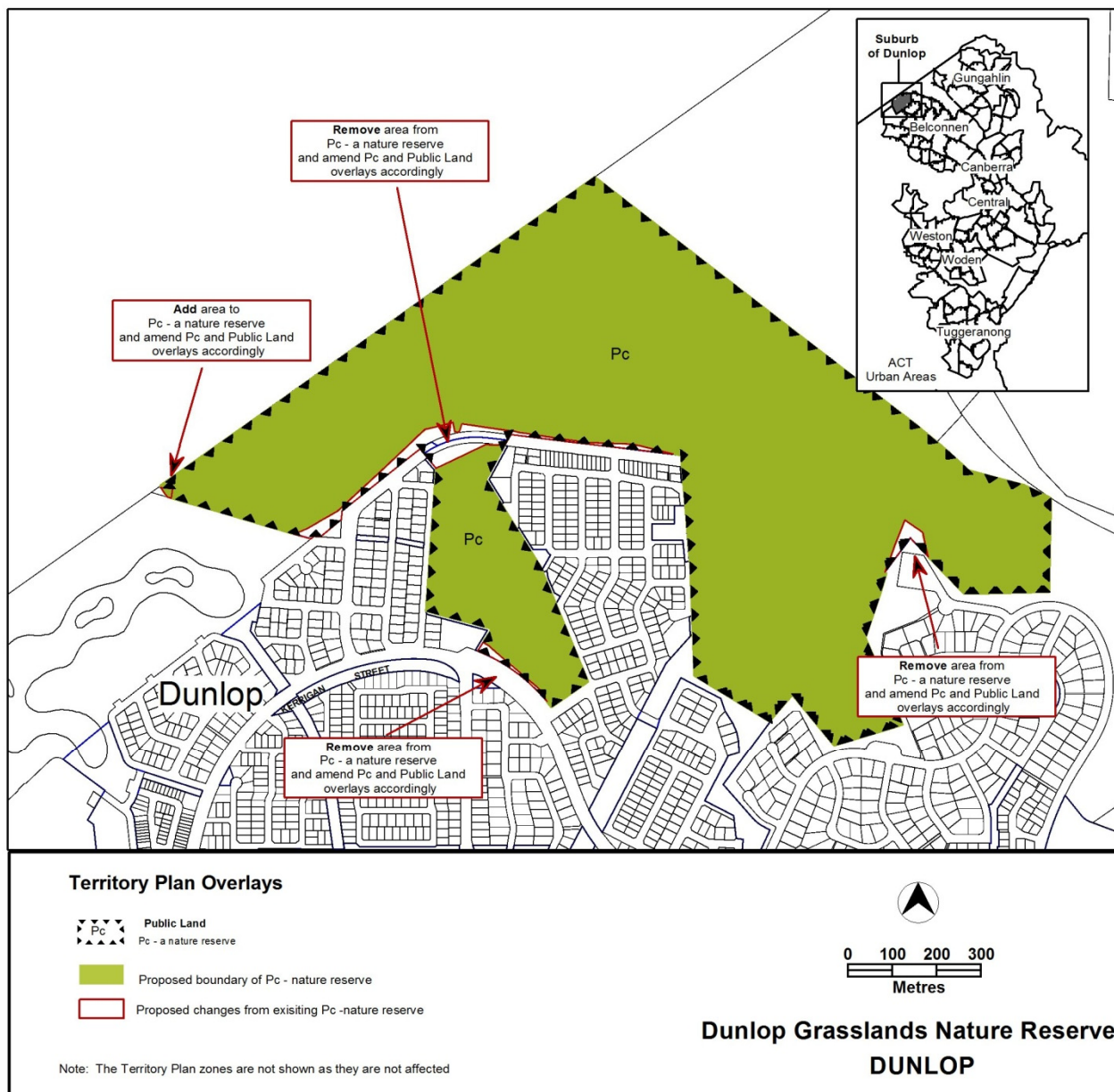
7 Bruce Ridge Nature Reserve



8 Mount Pleasant Nature Reserve



9 Dunlop Grasslands Nature Reserve



Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
<p>..the following territory plan variation(s) is a technical amendment for which no consultation is needed before it is made under section 89: ...</p> <p>s87 1(b)</p> <p style="padding-left: 40px;">a variation to change the boundary of a zone or overlay under section 90A (Rezoning – boundary changes);</p> <p>90A Rezoning—boundary changes</p> <p>(1) This section applies to a zone or overlay in relation to land if the land adjoins unleased territory land or land for which the Territory is the registered proprietor (<i>the adjoining territory land</i>).</p> <p>(2) The planning and land authority may vary the territory plan under section 89 (making technical amendments) to change the boundary of the zone or overlay to encroach onto the adjoining territory land if the change is consistent with—</p> <p style="padding-left: 40px;">(a) the apparent intent of the original boundary line; and</p> <p style="padding-left: 40px;">(b) the objective for the zone.</p> <p>(3) The planning and land authority may vary the Territory Plan under section 89 to change the boundary of an overlay to encroach onto the adjoining territory land if—</p> <p style="padding-left: 40px;">(a) the authority is advised to do so by—</p> <p style="padding-left: 80px;">(i) the conservator of flora and fauna; or</p> <p style="padding-left: 80px;">(ii) the custodian of the land for the overlay; and</p> <p style="padding-left: 40px;">(b) the conditions in subsection (2) (a) and (b) are satisfied</p>	<p>s87 1(b) - Compliant</p> <p>The proposal is to vary the boundaries of the overlay (Pc-a nature reserve) under section 90A of the Act, no consultation is required.</p> <p>s90A(1) - Compliant.</p> <p>The lands adjoin unleased territory land. The nature reserves are lands for which the Territory is the registered proprietor.</p> <p>s90A(2) - Compliant</p> <p>The boundaries of the public land Pc nature reserve overlay are changed to encroach (<i>and withdraw</i>) onto (<i>and from</i>) the adjoining territory land and are consistent with (a) and (b) below:</p> <p>s90A(2)(a) - Compliant</p> <p>The new boundaries align with management fence lines and excise major roads from the reserves, consistent with the intent of the original boundary line. The intent is to conserve the natural environment and provide for public use of the area for recreation, education and research (Schedule 3 of the Act).</p> <p>s90A(2)(b) - Compliant</p> <p>The overlays cover 1 zone, NUZ3 Hills, Ridges and Buffer</p> <p>The changes to the overlay are consistent with the environmental, recreational, visual, scientific and educational objectives of NUZ3 zone.</p> <p>s90A(3)(a)(i) - Compliant</p> <p>The conservator of flora and fauna advised the planning and land authority to vary the Territory Plan to change the boundaries of the overlay.</p> <p>s90A(3)(b) - Compliant</p> <p>conditions in subsection (2) (a) and (b) are satisfied</p>

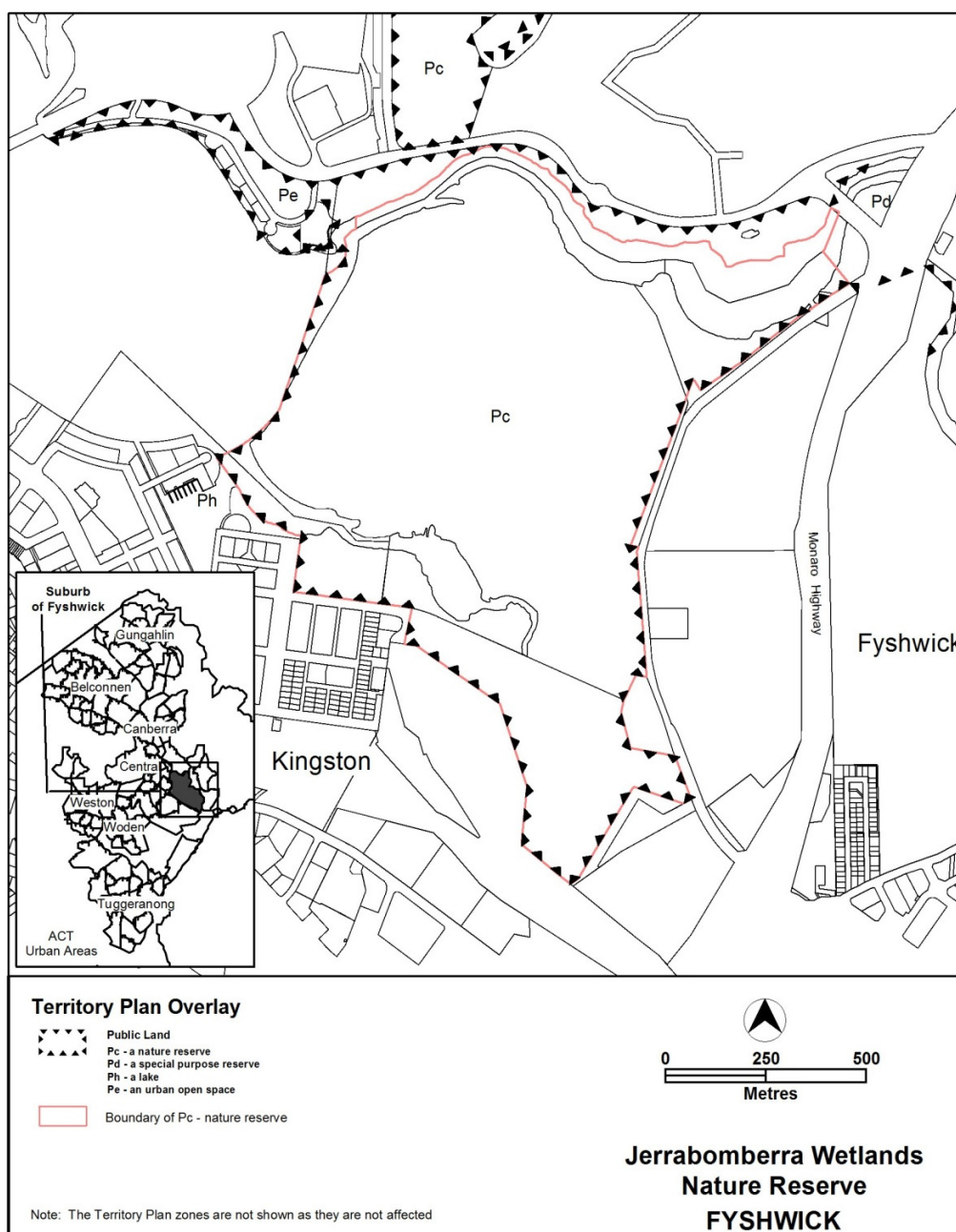
3 TECHNICAL AMENDMENT

This section of the technical amendment document provides the actual instructions for implementing the changes to the Territory Plan.

3.1 FINAL MAPS

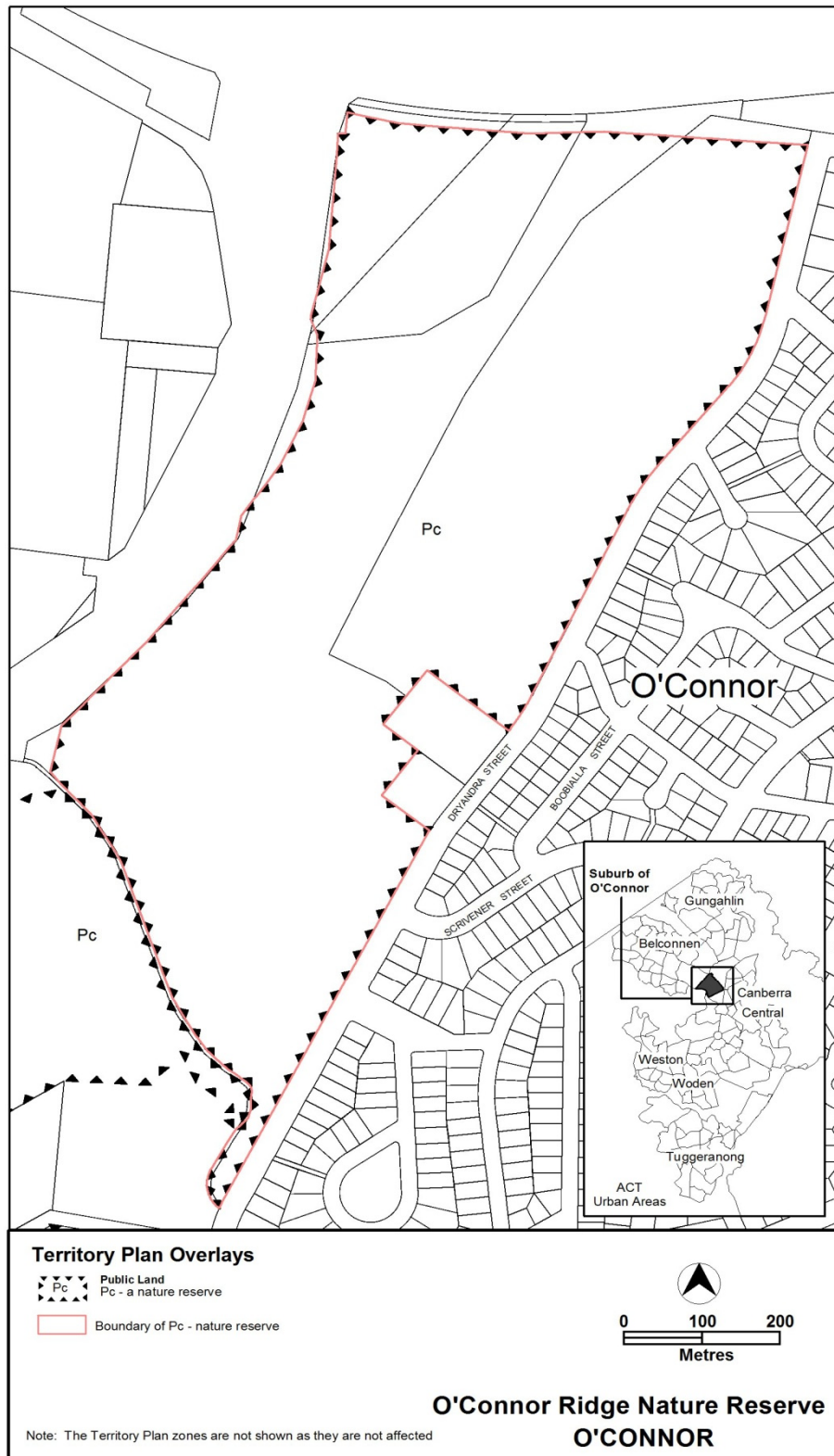
1 Jerrabomberra Wetlands Nature Reserve

Substitute



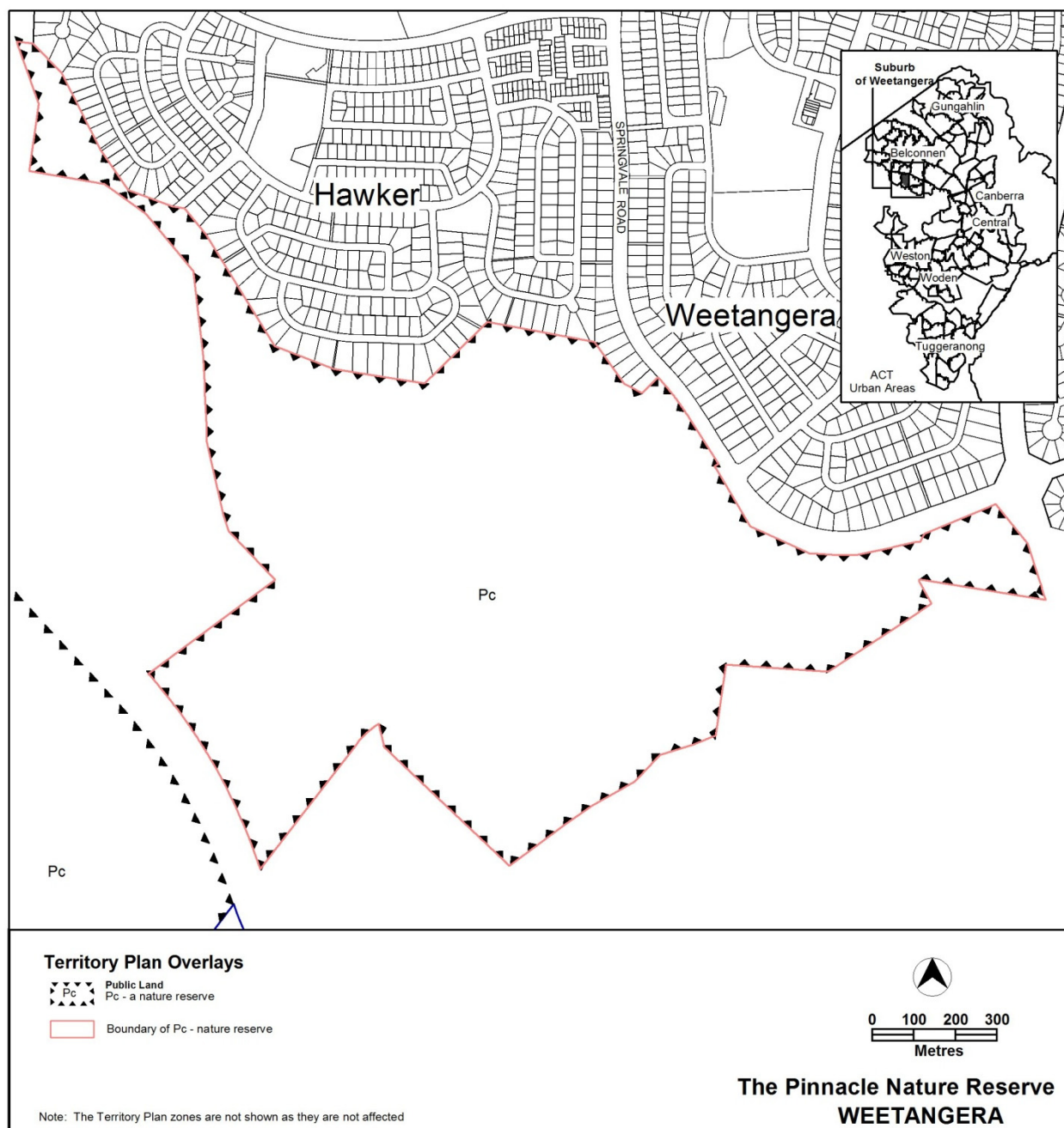
2 O'Connor Ridge Nature Reserve

Substitute



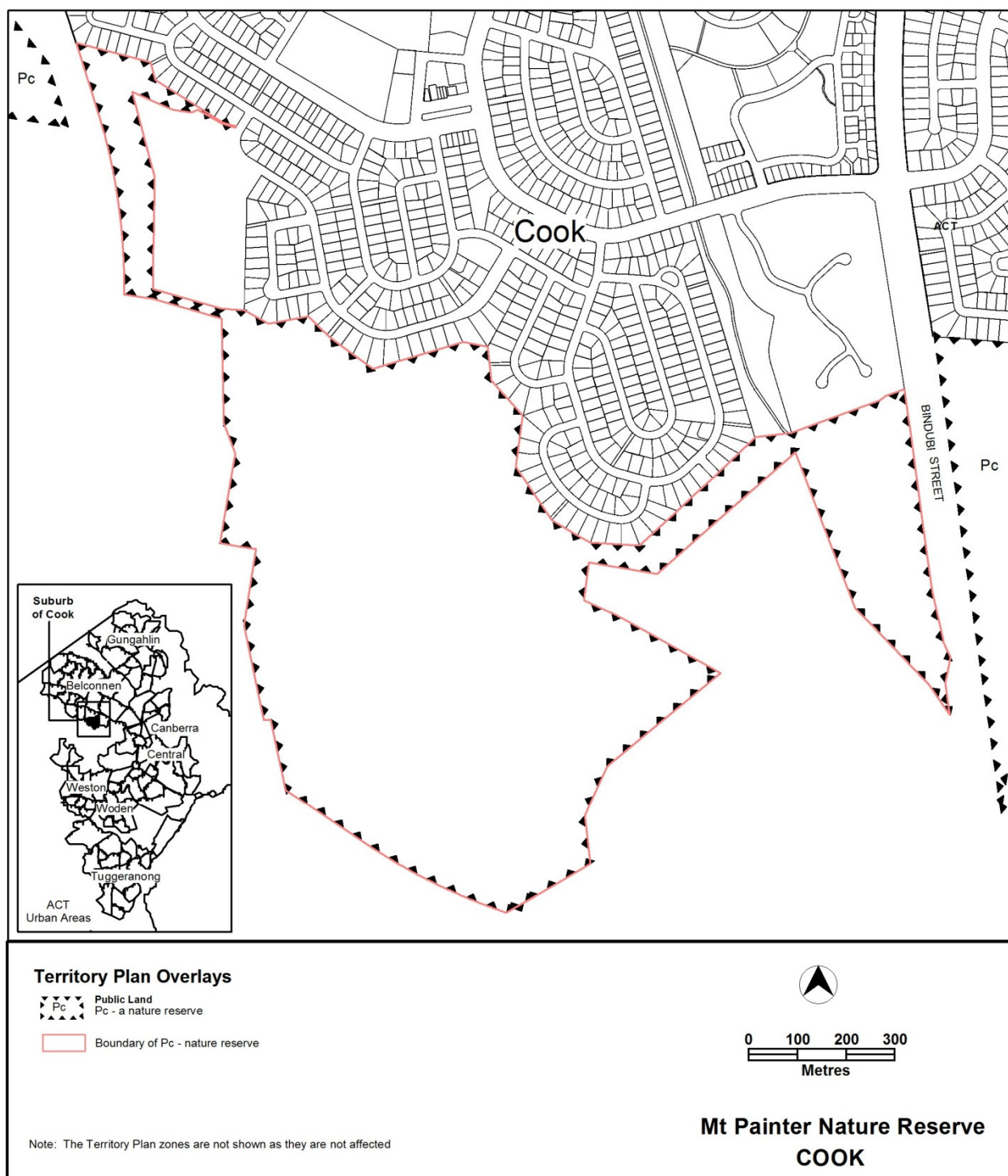
3 The Pinnacle Nature Reserve

Substitute



4 Mt Painter Nature Reserve

Substitute



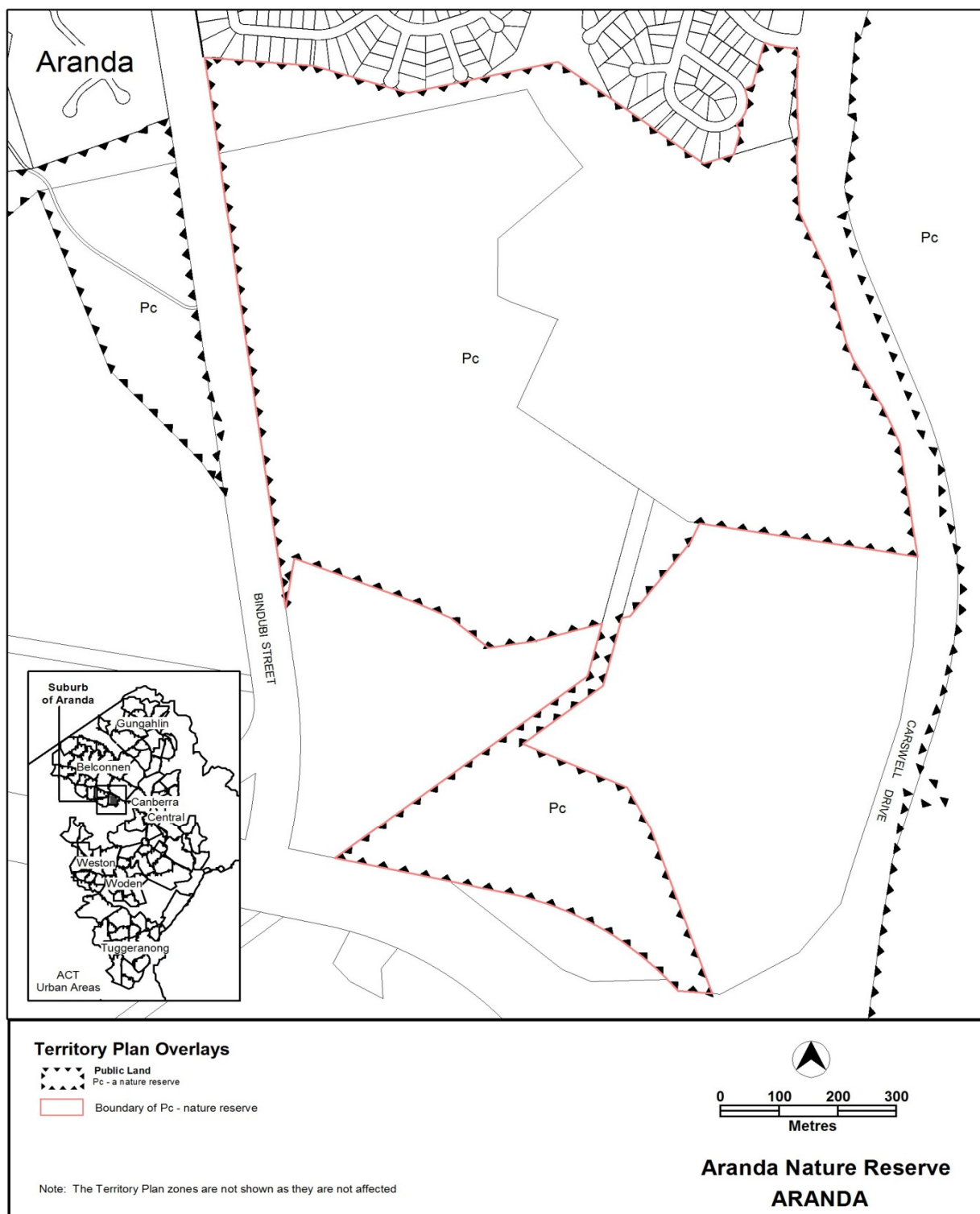
5 Black Mountain Nature Reserve

Substitute



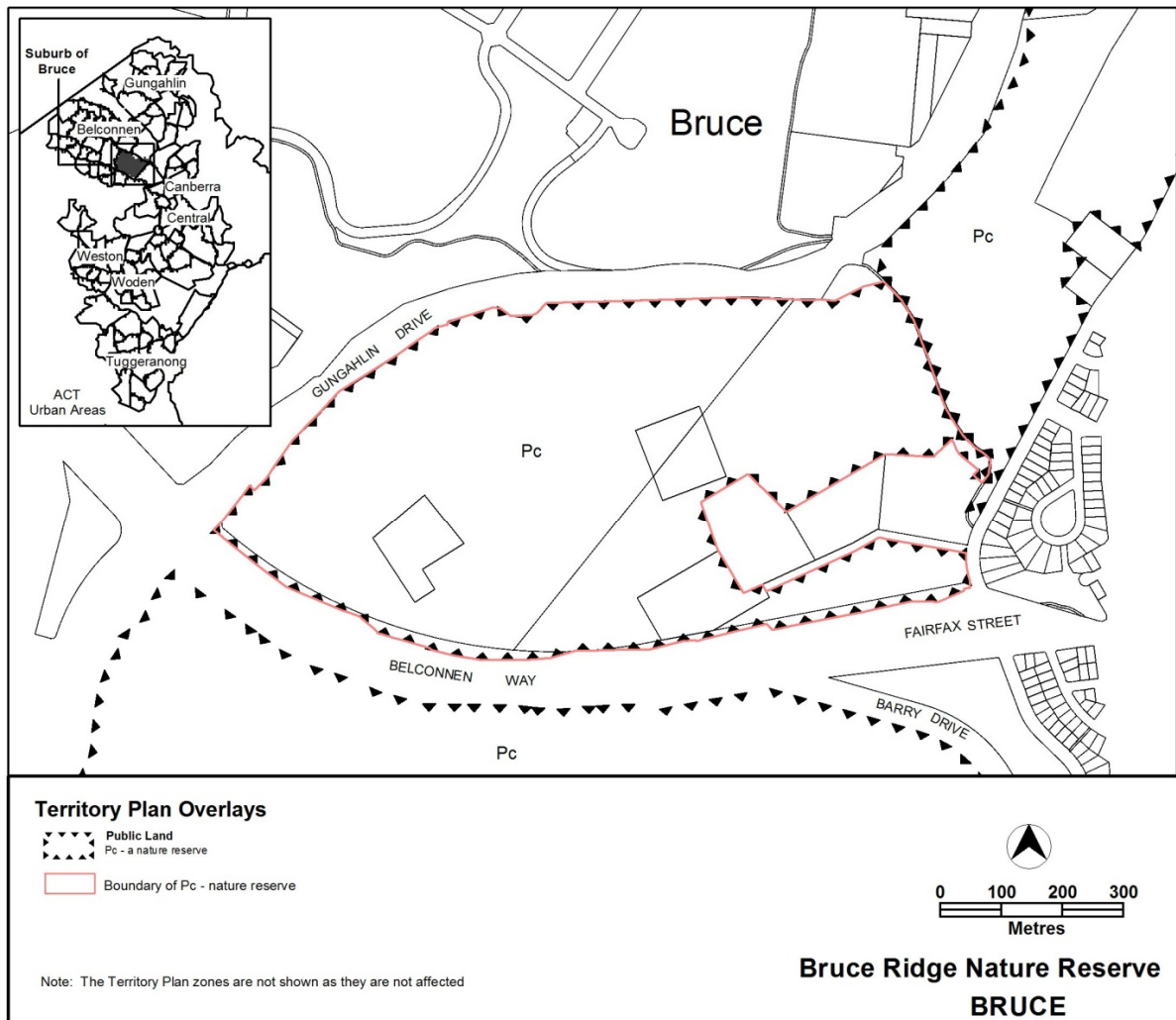
6 Aranda Nature Reserve

Substitute



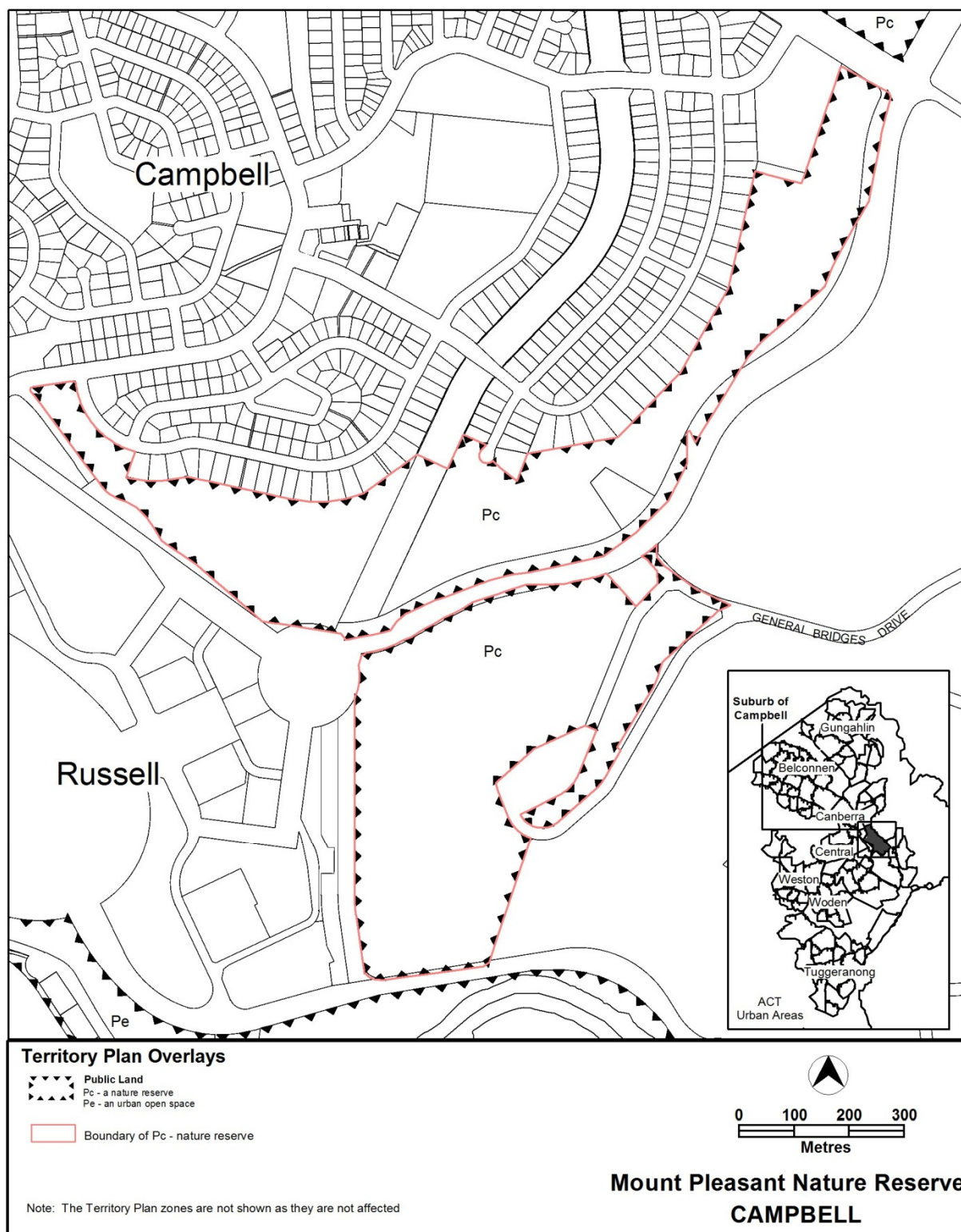
7 Bruce Ridge Nature Reserve

Substitute



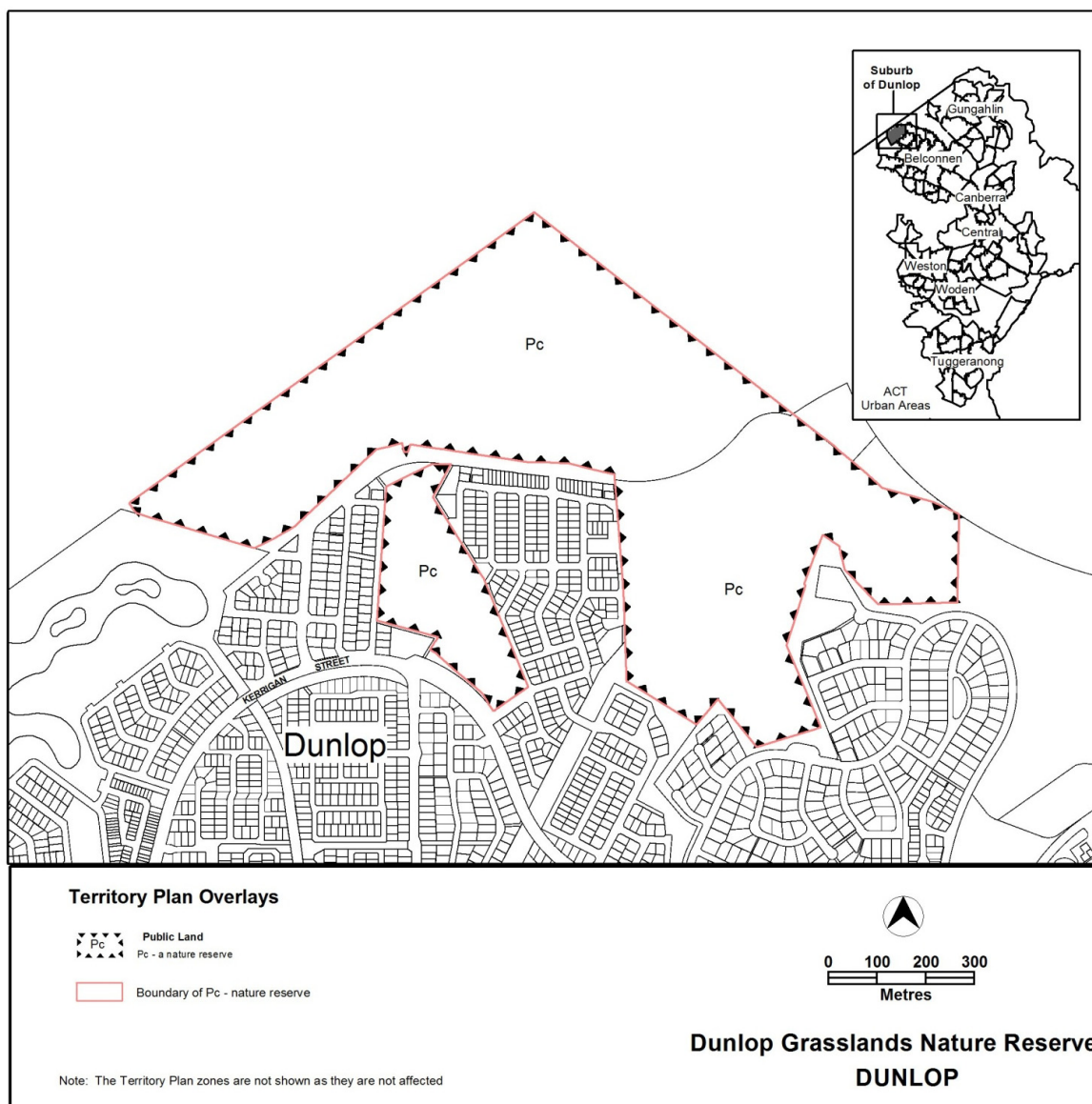
8 Mount Pleasant Nature Reserve

Substitute



9 Dunlop Grasslands Nature Reserve

Substitute



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ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
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PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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