

Planning and Development (Technical Amendment—Revised National Capital Plan) Plan Variation 2017*

Notifiable Instrument NI2017—265

Technical Amendment No 2017-03

made under the

Planning and Development Act 2007, section 89 (Making technical amendments)

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Revised National Capital Plan) Plan Variation 2017*.

2 Technical amendment

I am satisfied under section 89(1)(a) of the *Planning and Development Act 2007* (the **Act**) that Amendment 86: Revised National Capital Plan variation is a technical amendment to the Territory Plan.

3 Commencement

This instrument commences on the day after its notification day.

4 Meaning of ***Amendment 86: Revised National Capital Plan variation***

For this instrument:

Amendment 86: Revised National Capital Plan variation means the technical amendment to the Territory Plan, variation 2017-03, in the schedule.

Brett Phillips
Planning and Land Authority
23 May 2017

*Name amended under Legislation Act, s 60



ACT
Government

Environment, Planning and
Sustainable Development

Planning and Development Act 2007

Technical Amendment to the Territory Plan Variation 2017–03

Amendment 86: Revised National Capital Plan

May 2017

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1. INTRODUCTION

1.1 Purpose

This technical amendment to the Territory Plan makes the following changes to the Territory Plan map after consideration of the Amendment 86: Revised National Capital Plan.

Territory Plan changes made by this technical amendment include

- Adds and removes land from designated area
- Revises the Inter-town Public Transport (IPT) route overlay
- Adds and removes the S overlay upon land
- Corrects an error in the S overlay upon land
- Adds two new overlays and descriptions to the Territory Plan
 - ‘U’ overlay upon urban land subject to a Development Control Plan prepared by the NCA; and
 - ‘A’ overlay upon National Land subject to a master plan under applicable Commonwealth legislation.

1.2 Types of technical amendments under the Act

Section 87 of the *Planning and Development Act 2007* (the Act) sets the following types of technical amendments:

- (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 change noted in Part 2 Explanation of this technical amendment, a statement of compliance against the criteria for the relevant category of technical amendment is provided.

1.3 Public consultation

Section 87 of *Planning and Development Act 2007* provides for a technical amendment to bring the Territory Plan into line with the National Capital Plan for which no consultation is required before it is made. This form of variation is made by the planning and land authority of the ACT.

The planning and land authority of the ACT has prepared an information summary of the differences between the Territory Plan and the National Capital Plan after an assessment of the Amendment 86: Revised National Capital Plan. This information is available at the Environment, Planning and Sustainable Development Directorate (EPSDD) website (refer to www.planning.act.gov.au).

The ACT Government makes the Territory Plan map available via ACTmapi (refer to www.actmapi.act.gov.au/home.html). ACTmapi will be updated for changes to the Territory Plan by the next working day.

1.4 National Capital Authority

Within Designated Areas identified in the National Capital Plan (NCP), the National Capital Authority (NCA) is responsible for determining detailed conditions of planning, design and development, and for works approval. The Territory Plan does not apply to land included within Designated Areas.

The National Capital Authority is responsible for management of National Land (except Canberra Airport) and preparing development control plans for 'Territory Land with Special Requirements' identified in the NCP. In all other areas, and where it is not inconsistent with the National Capital Plan, the Territory Plan guides the day-to-day planning and development of Canberra and the Australian Capital Territory.

The National Capital Authority has been advised of this technical amendment.

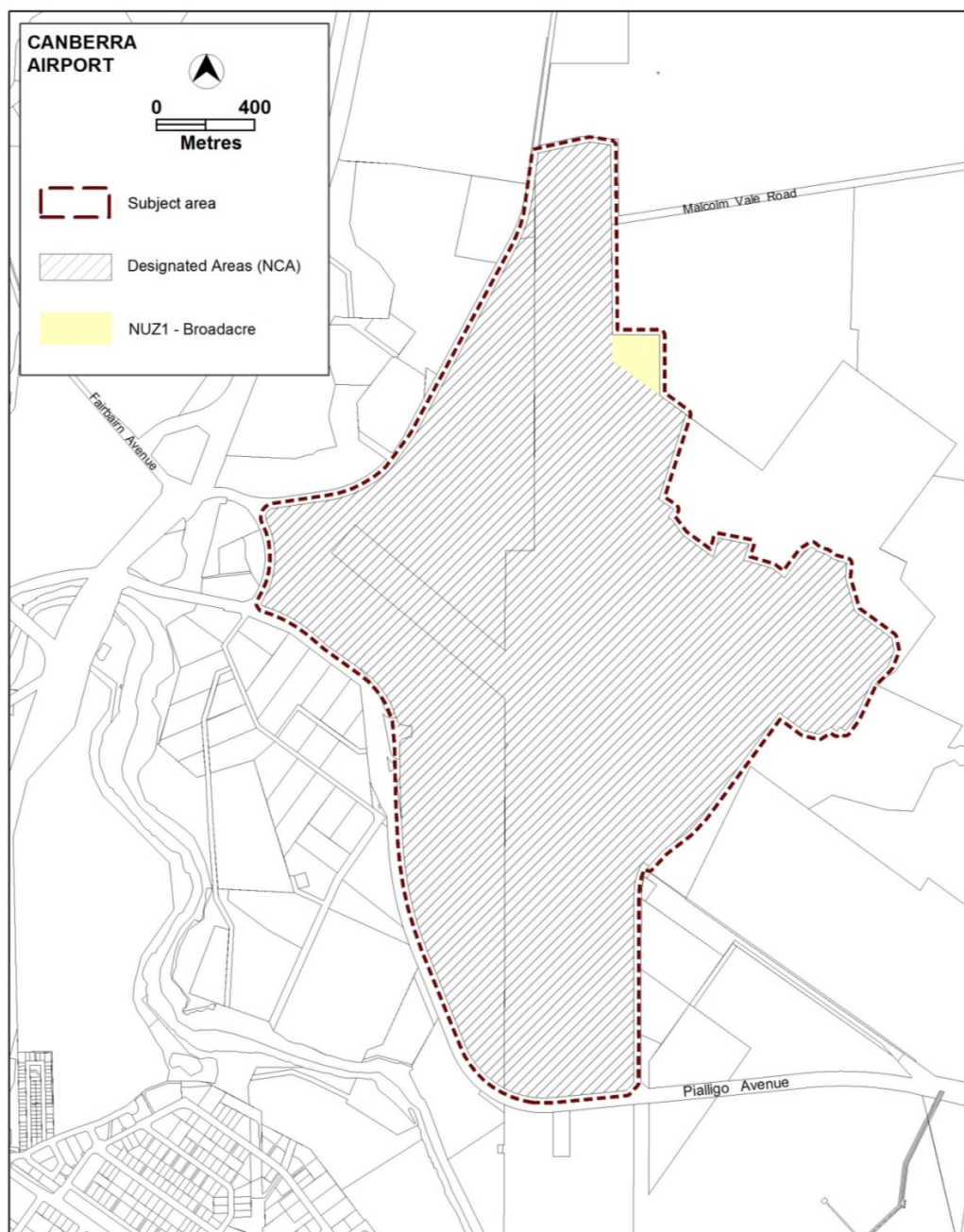
2. EXPLANATION

2.1 Territory Plan map

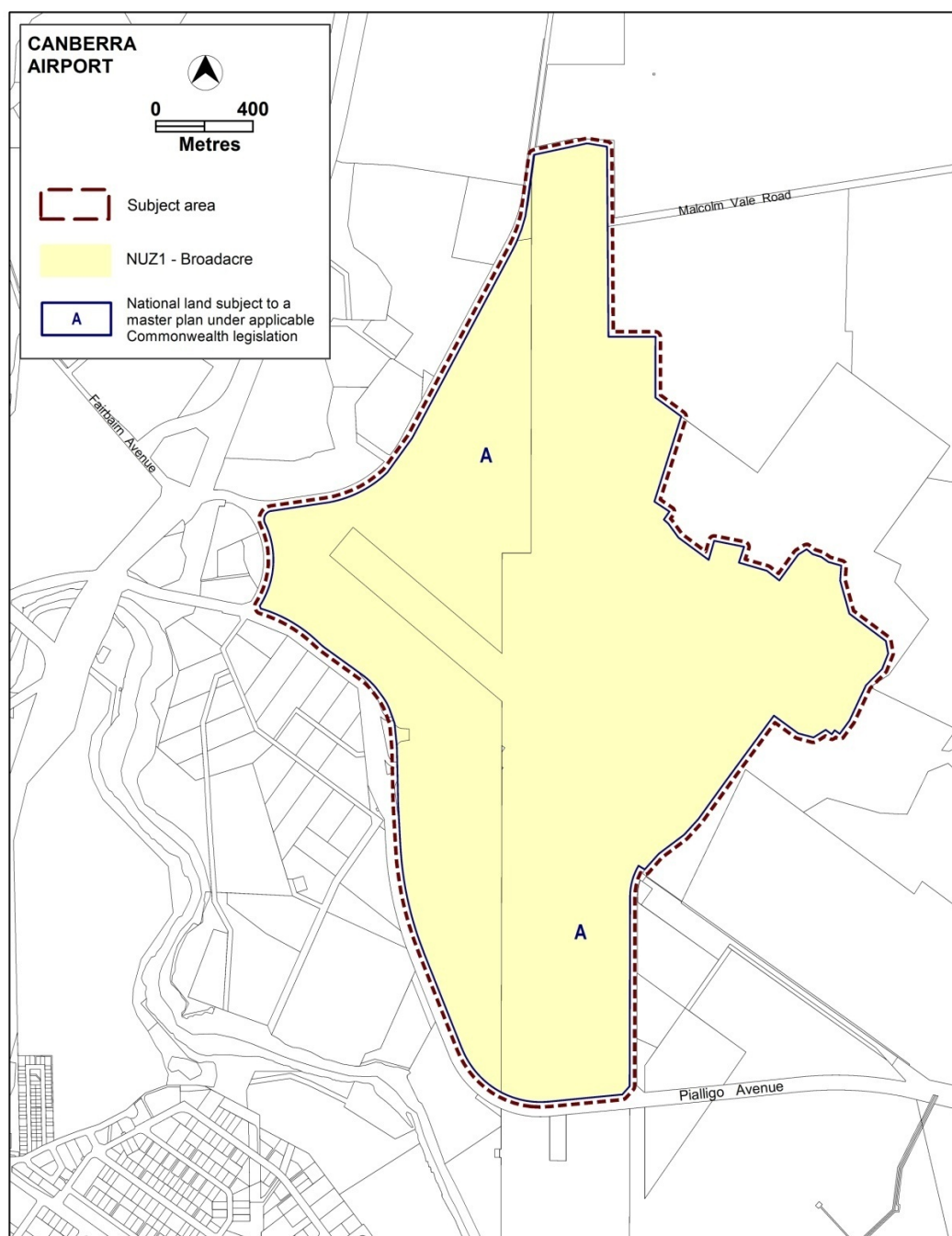
2.1.1 Changes to Designated Areas

Canberra Airport is National Land subject to a master plan under the *Airports Act 1996*. This Act excludes the airport from land planning and management regulations of the ACT. Amendment 86: Revised National Capital Plan omitted the site from Designated Area and shows the site as subject to Broadacre land use policy in the General Policy Plan. Canberra Airport is to be shown as NUZ1 Broadacre zone with a new 'A' overlay for information. The airport precinct has been expanded to match the site shown in the National Capital Plan.

Existing Territory Plan Map



Proposed Territory Plan Map

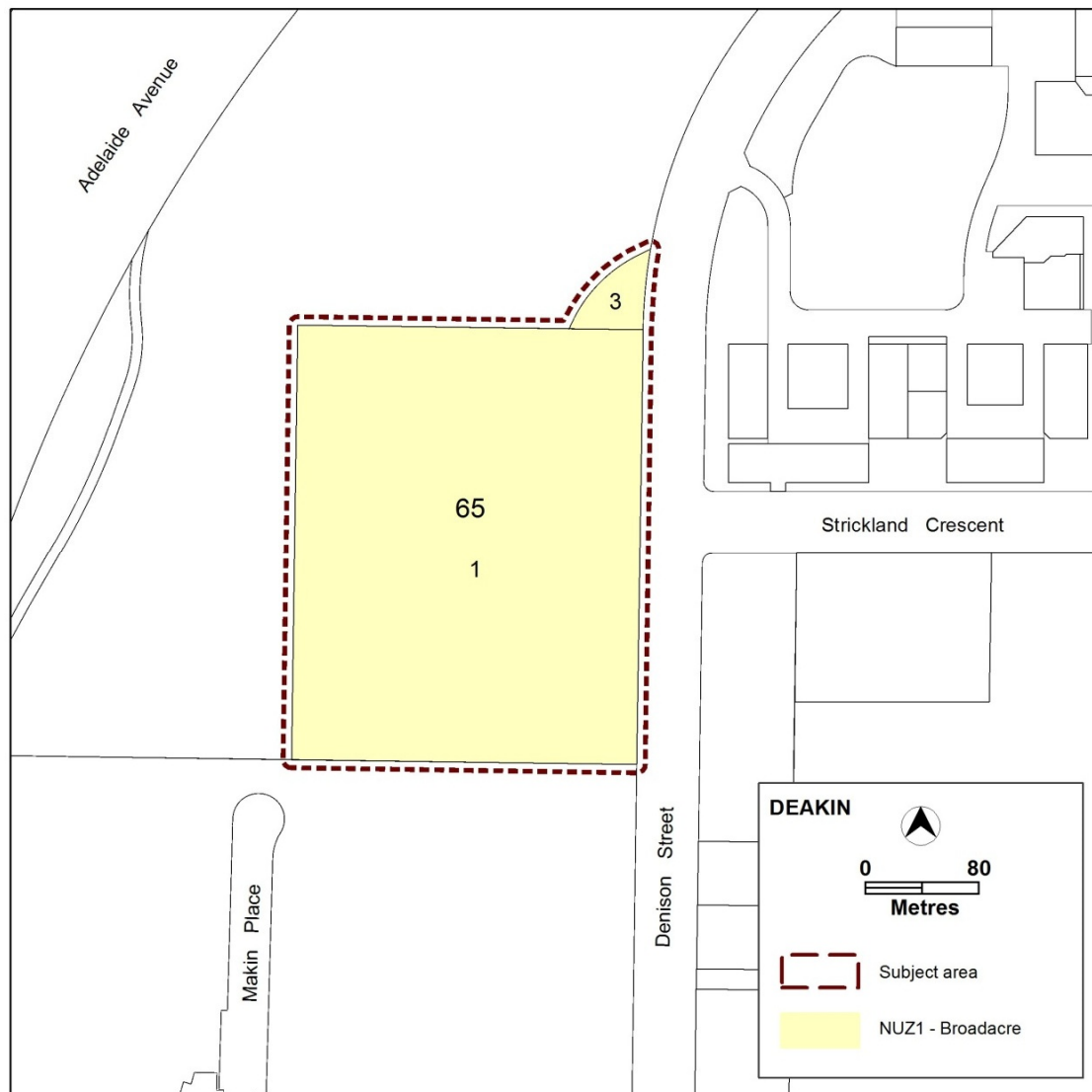


Compliance with the *Planning and Development Act 2007*

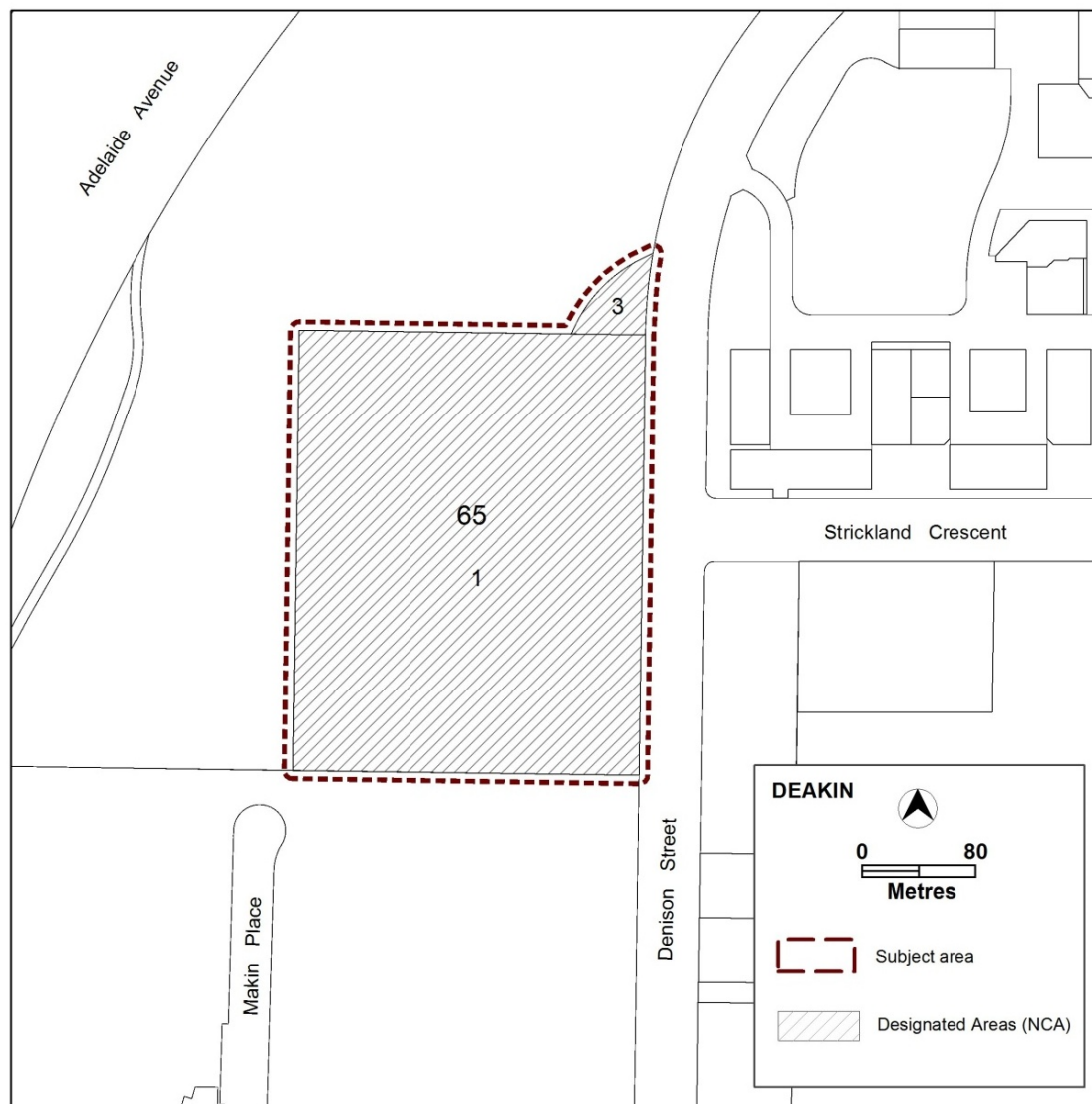
Section	Statement
s87(1)(d) a variation required to bring the Territory Plan into line with the national capital plan.	Compliant. The change to the Territory Plan is not consistent with Amendment 86: Revised National Capital Plan which substituted Designated Area with Broadacre land use policy in the General Policy Plan upon the site. It also added a note the site is subject to a master plan under applicable Australian Government legislation.

Royal Australian Mint is located upon blocks 1 and 3 section 65 Deakin. The site is National Land under *Australian Capital Territory (Planning and Land Management) Act 1988*. The Australian Government is responsible for the management of National Land. In the Territory Plan, the site is currently in the NUZ1 Broadacre zone. The site was added to Designated Area by Amendment 86 and the land use policy of 'National Capital Use' applied to the precinct. The Territory Plan will be updated to show this change.

Existing Territory Plan Map



Proposed Territory Plan Map

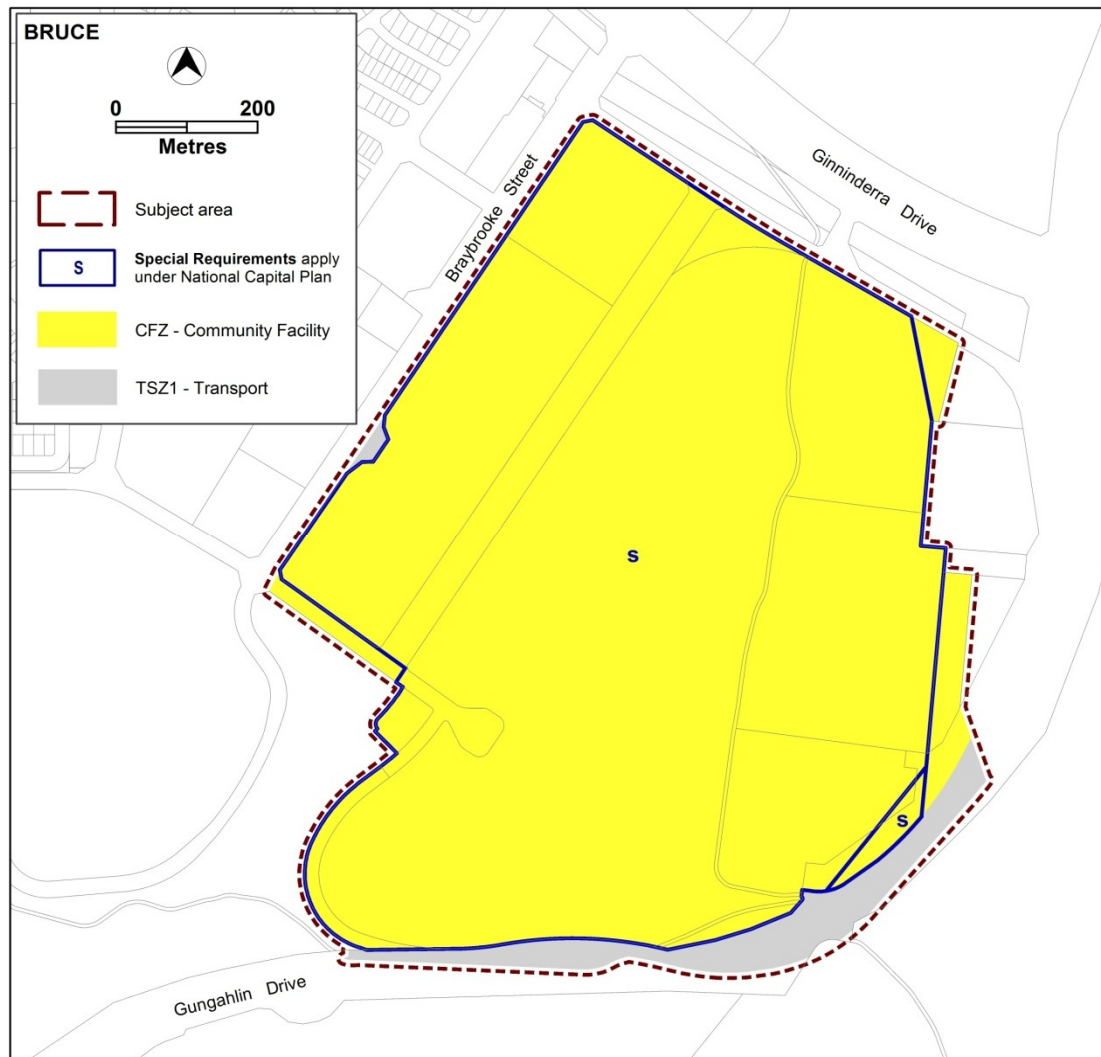


Compliance with the *Planning and Development Act 2007*

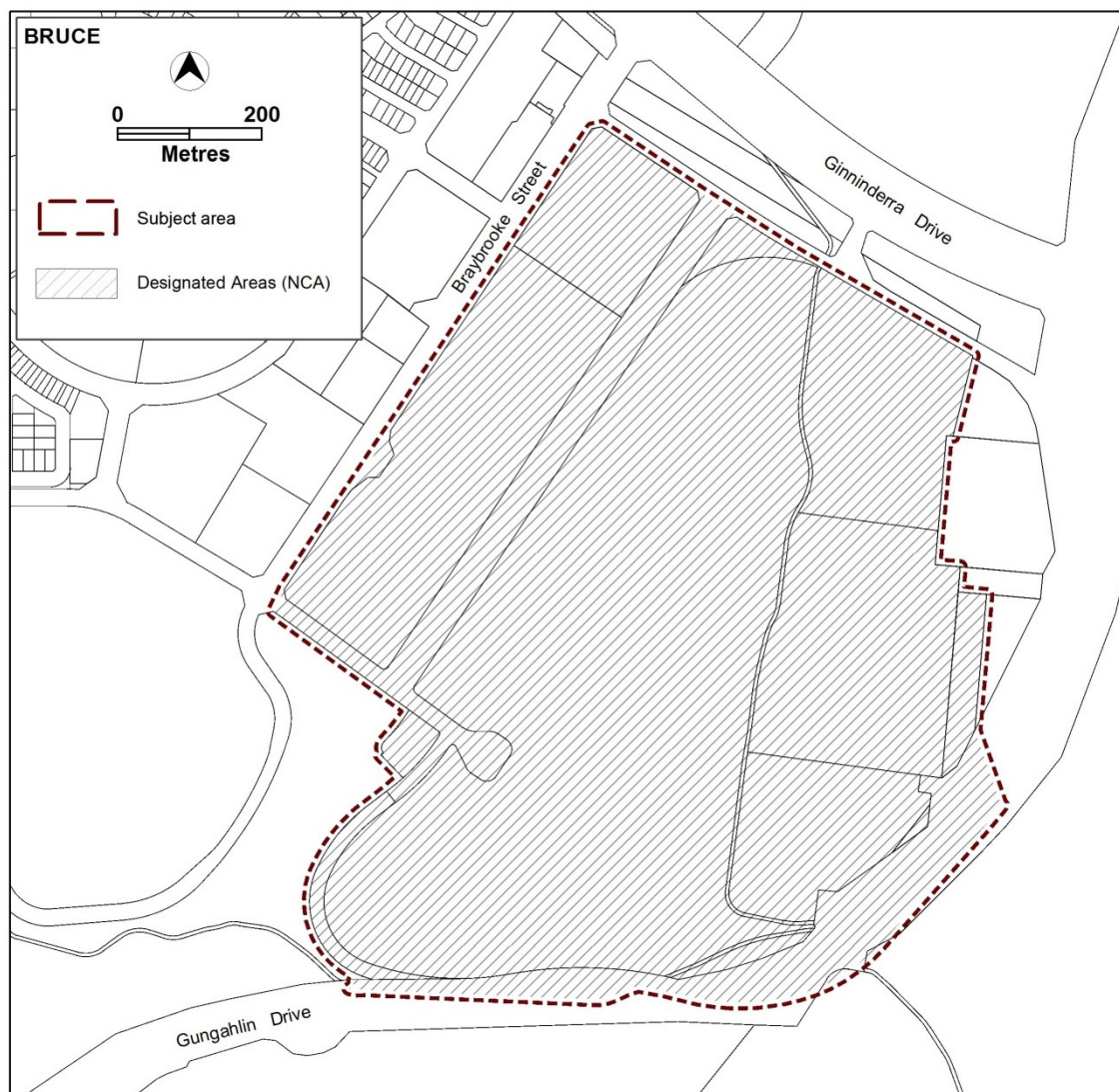
Section	Statement
s87(1)(d) a variation required to bring the Territory Plan into line with the national capital plan.	Compliant. Amendment 86: Revised National Capital Plan has included this land in Designated Area.

Australian Institute of Sport precinct in Bruce includes indoor and outdoor sporting facilities plus car parking in addition to the administration and accommodation facilities of the Australian Sports Commission. Prior to Amendment 86, the precinct was subject to Special Requirements for land in Urban Areas. Amendment 86: Revised National Capital Plan included the precinct in Designated Area and the land use policy of 'National Capital Use' applied to the precinct. The Territory Plan will be updated to show this change.

Existing Territory Plan Map



Proposed Territory Plan Map



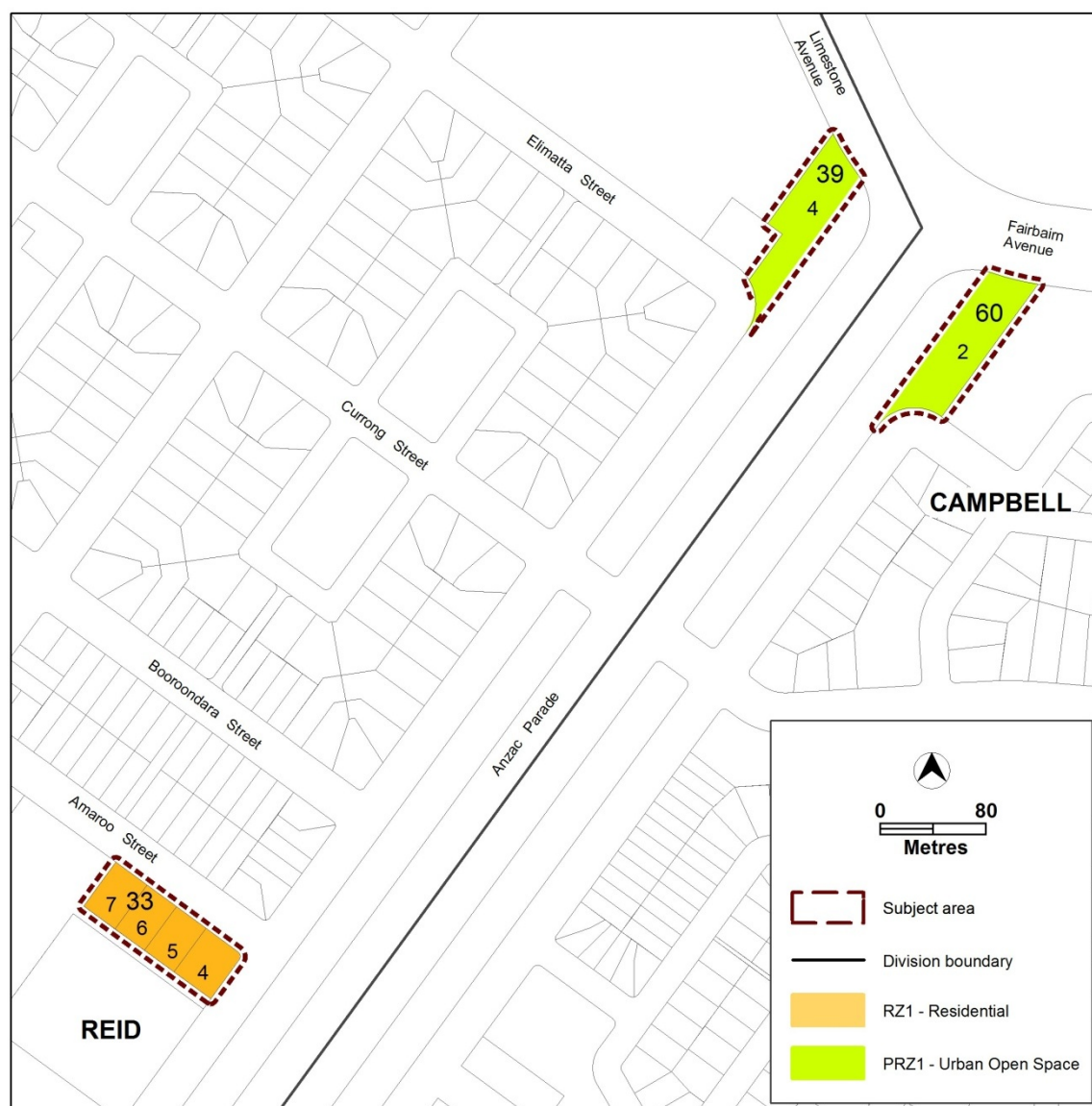
Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(d) a variation required to bring the Territory Plan into line with the national capital plan.	Compliant. Amendment 86: Revised National Capital Plan has included this land in Designated Area.

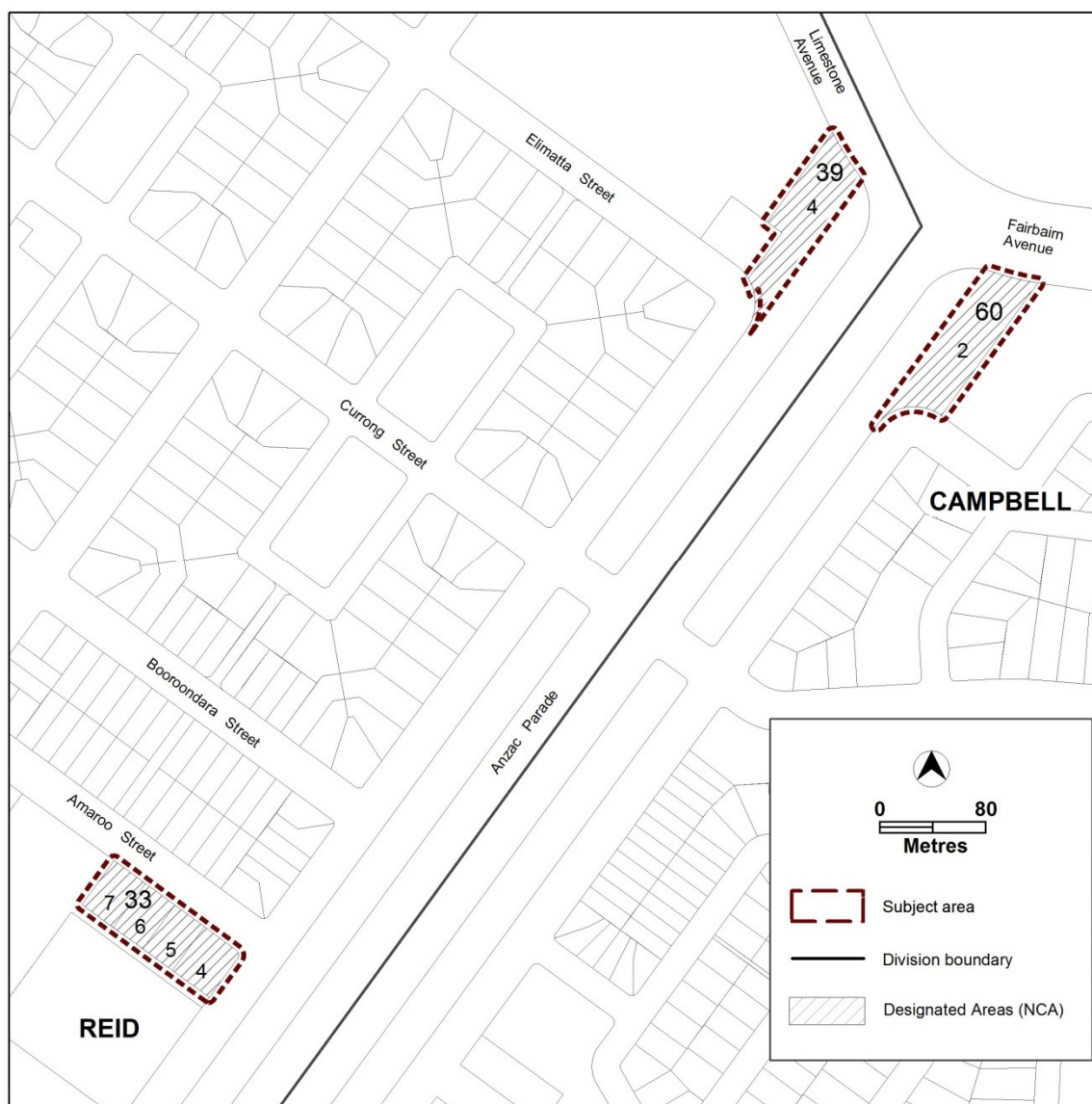
Single dwelling residential in Reid and road reserves adjoining Anzac Parade

Parade: Reid section 33 blocks 4, 5, 6 and 7 were within the Central National Area before Amendment 86. These blocks have been added to Designated Area with the land use policy of 'Land Use A – Central National Area'. Development controls for these blocks are as per the Constitution Avenue and Anzac Parade Precinct Code. Reid section 39 block 4 and Campbell section 60 block 2 adjoin Anzac Parade. Part of these blocks adjoining the parade was Designated Area with 'open space' land use before Amendment 86. The blocks were added to Designated Area by Amendment 86: Revised National Capital Plan. The Territory Plan is to be updated to reflect these changes.

Existing Territory Plan Map



Proposed Territory Plan Map



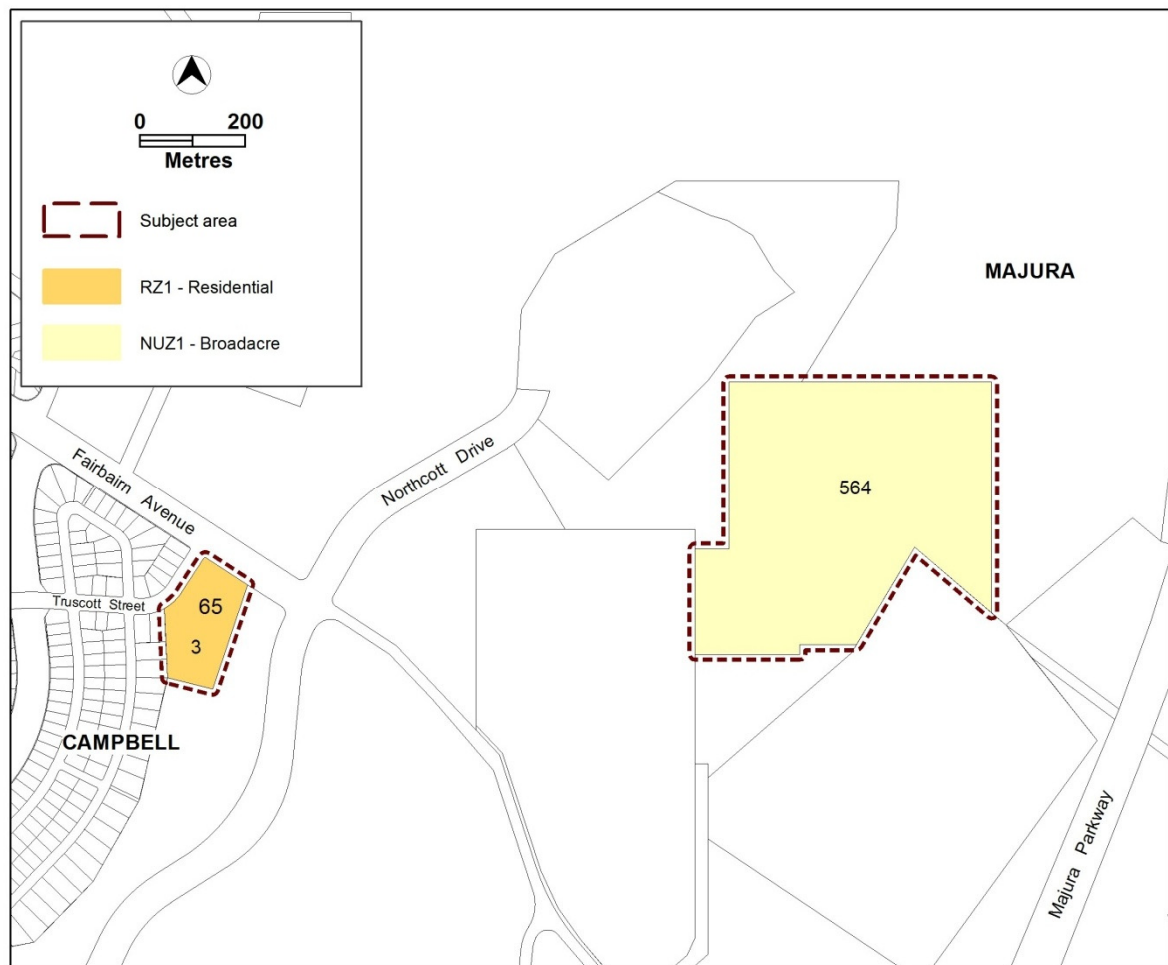
Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(d) a variation required to bring the Territory Plan into line with the national capital plan.	Compliant. Amendment 86: Revised National Capital Plan has included this land in Designated Area.

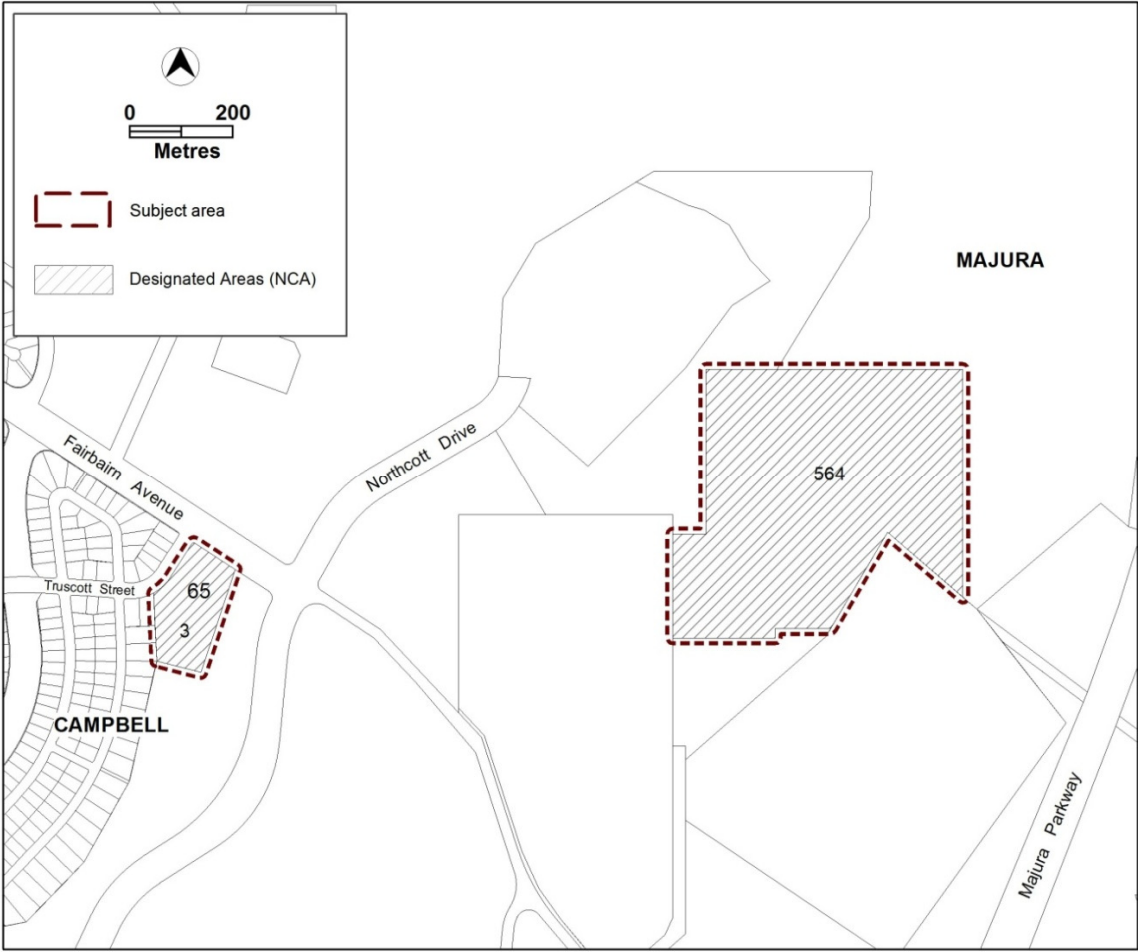
Academy Close Campbell and Australian Defence Force Academy paddock:

Academy Close (Campbell section 65 block 3) is held by Defence Housing Authority. It was land outside of the Designated Area and subject to Development Control Plan 12-01 before it was made Designated Area and added to the Australian Defence Force Academy, Royal Military College Duntroon and Campbell Park Precinct Master Plan by Amendment 86. Majura block 564 was added to Designated Area by Amendment 75 to the National Capital Plan and approved on 23 July 2012 however this change was not made at the time. This change was identified during the review of Amendment 86: Revised National Capital Plan. The Territory Plan is to be updated to reflect this change.

Existing Territory Plan Map



Proposed Territory Plan Map

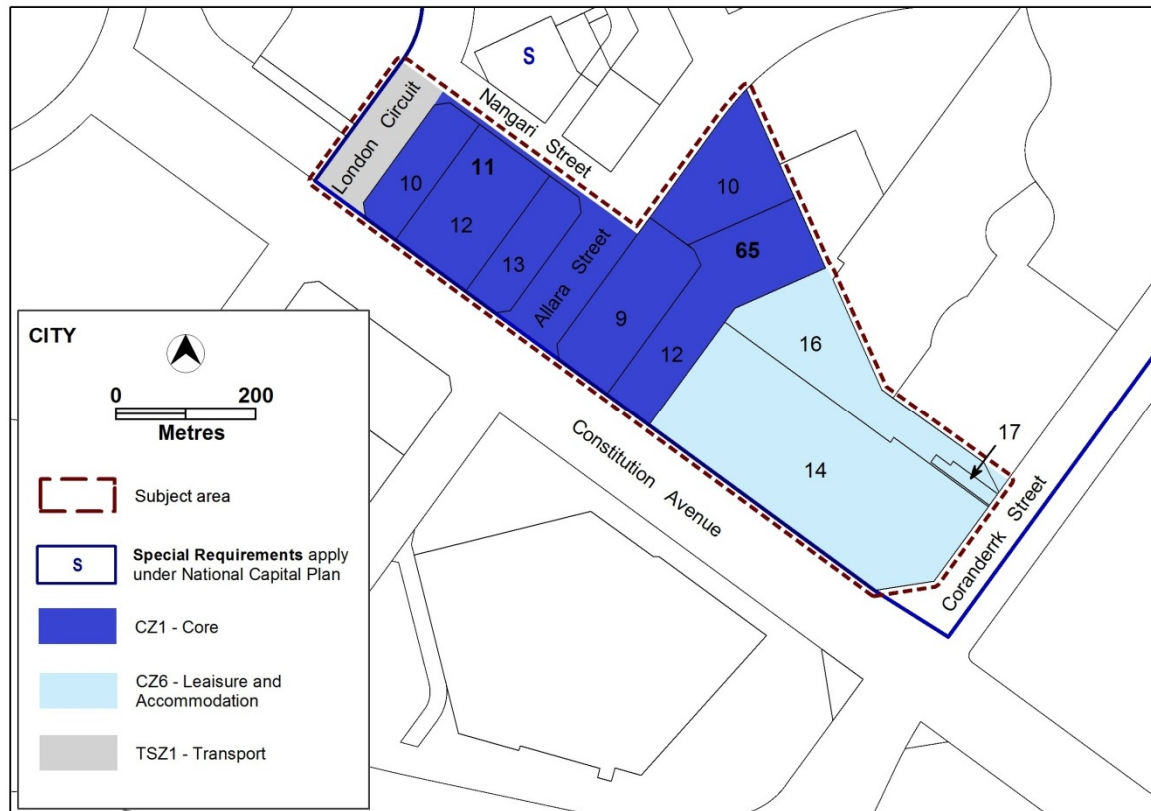


Compliance with the *Planning and Development Act 2007*

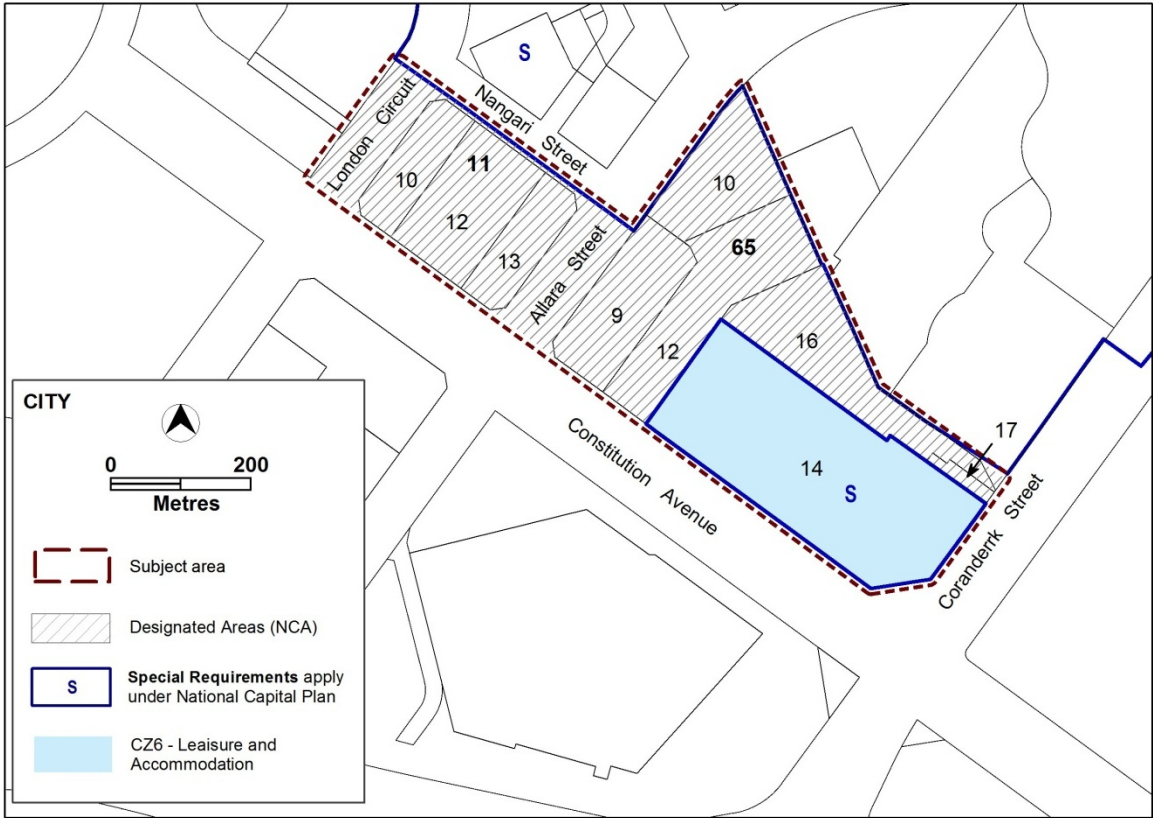
Section	Statement
s87(1)(d) a variation required to bring the Territory Plan into line with the national capital plan.	Compliant. Amendment 86: Revised National Capital Plan has included this land in Designated Area.

City office precinct north of Constitution Avenue between London Circuit and Coranderrk Street is within the Central National Area. Prior to Amendment 86, the land was subject to special requirements under the National Capital Plan. Except the National Convention Centre (NCC) upon City Section 65 block 14, this land was added to Designated Area by Amendment 86: Revised National Capital Plan. The Territory Plan will show the change. An S overlay on the NCC has been retained to ensure development proposals are referred to the National Capital Authority for relevant approvals under the National Capital Plan.

Existing Territory Plan Map



Proposed Territory Plan Map



Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(d) a variation required to bring the Territory Plan into line with the national capital plan.	Compliant. Amendment 86: Revised National Capital Plan has included the subject area in Designated Area. The proposed Territory Plan change is not inconsistent with the National Capital Plan.

2.1.2 Changes to Overlays in the Territory Plan

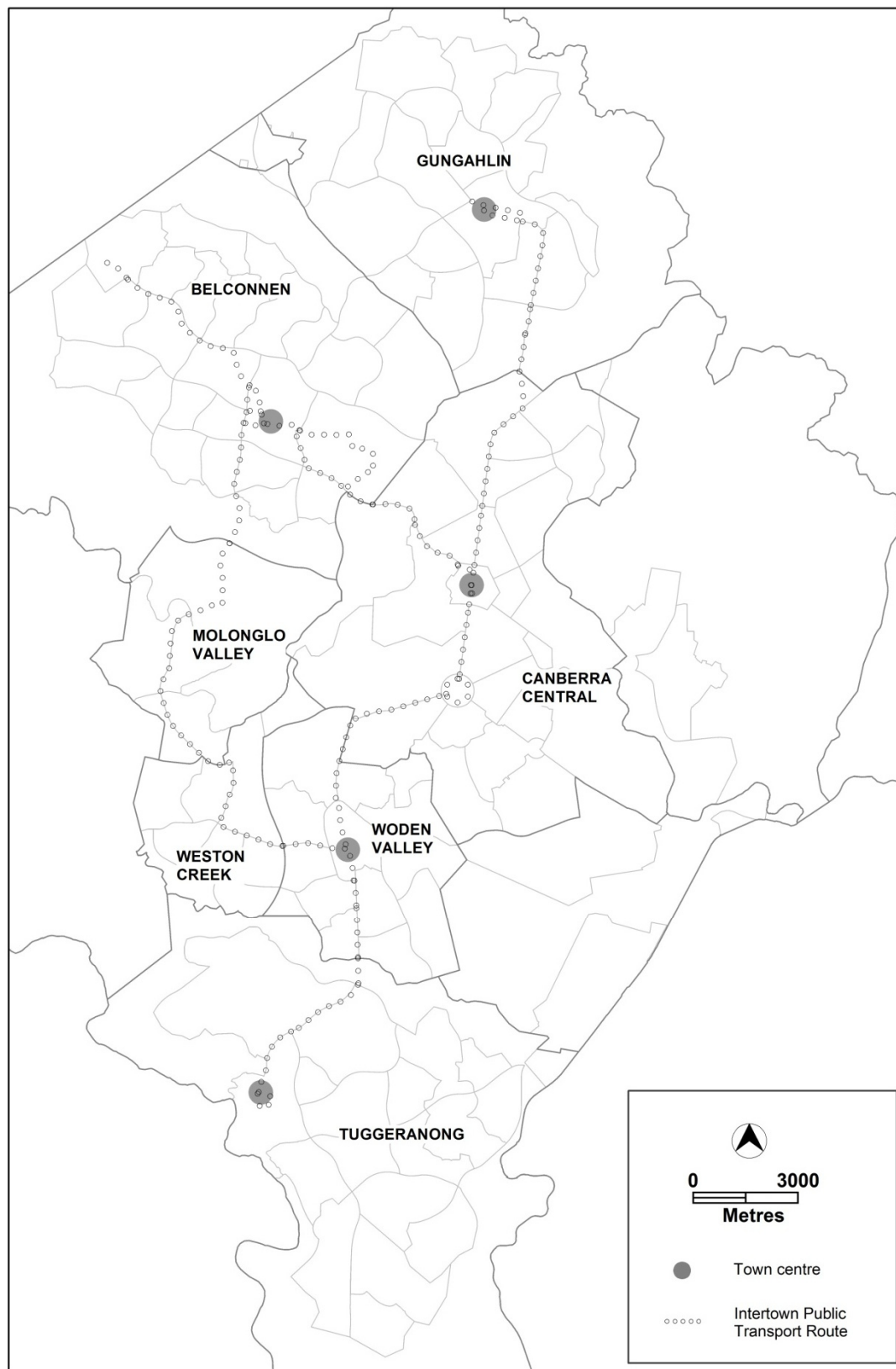
Amendment 86: Revised National Capital Plan changed elements that are shown as an overlay in the Territory Plan map including:

- revisions to the Inter-town Public Transport (IPT) route
- various changes to Special Requirements including grouping requirements applying to National Land outside Designated Areas in part 4(a) and requirements applying to Territory Land in part 4(b).

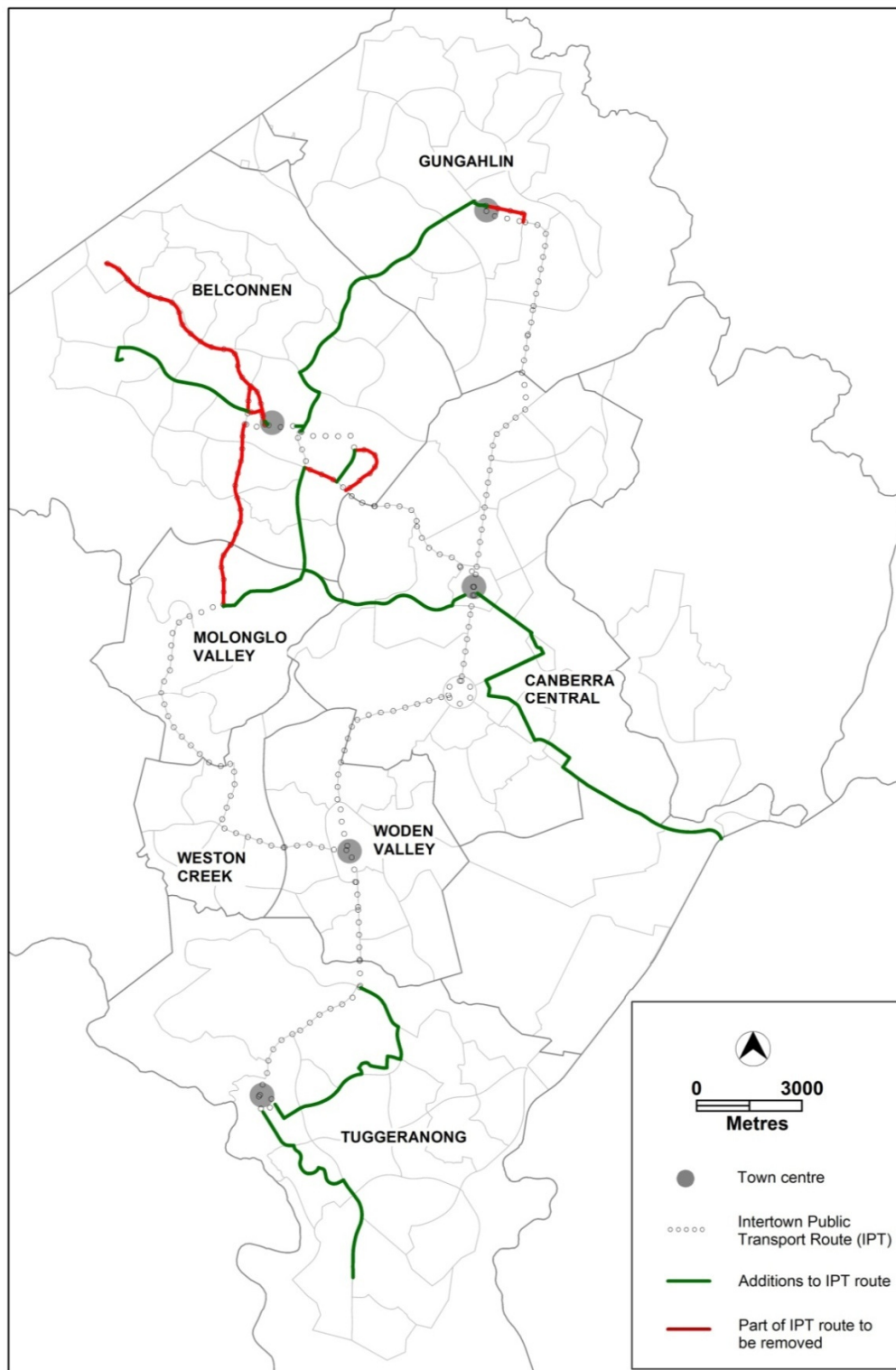
The general location of the **Inter-town Public Transport (IPT) route overlay** is set out in both the National Capital Plan and the Territory Plan. The IPT route is reserved for development of priority rapid public transport services in the Territory. In 2012 the ACT Government released Transport for Canberra to guide transport planning to 2031. Amendment 86: Revised National Capital Plan updated the IPT route overlay to show the key public transport corridors shown in Transport for Canberra. The Territory Plan is to be updated to show the following new or altered transport corridors between:

- Kippax to Belconnen via Southern Cross Drive not Ginninderra Drive
- Belconnen and Gungahlin
- Belconnen and Molonglo via Bindubi Street not Coulter Drive
- Belconnen to City Centre via Bruce not Belconnen Way
- City Centre and Molonglo
- Parliamentary Triangle
- Capital Hill to Queanbeyan
- Woden to Tuggeranong via Erindale Drive
- Tuggeranong to Lanyon

Existing Territory Plan Map



Proposed changes to Territory Plan Map

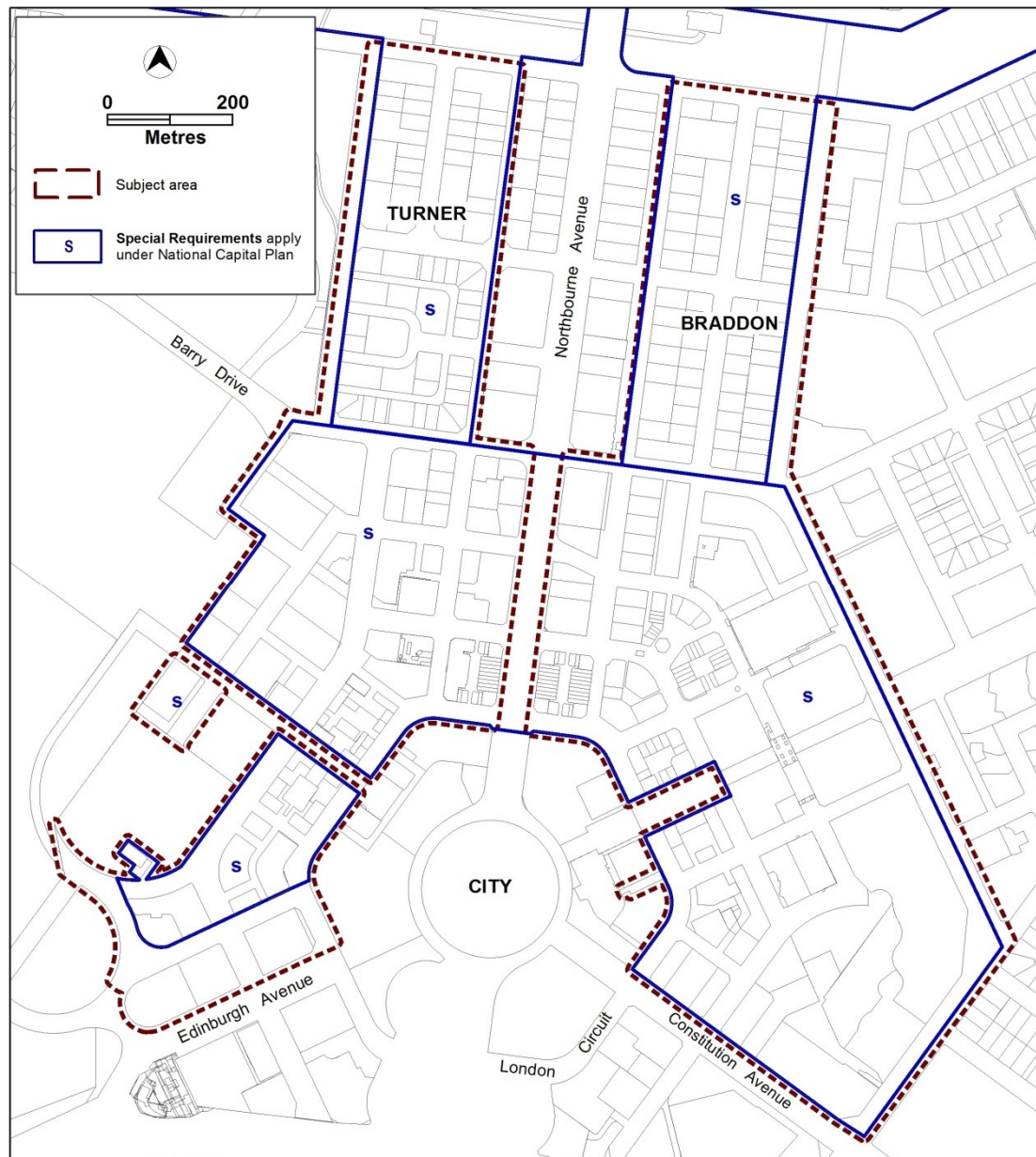


Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(d) a variation required to bring the Territory Plan into line with the national capital plan.	Compliant. The changes to the Territory Plan reflect the changes to the IPT Route overlay by Amendment 86: Revised National Capital Plan.

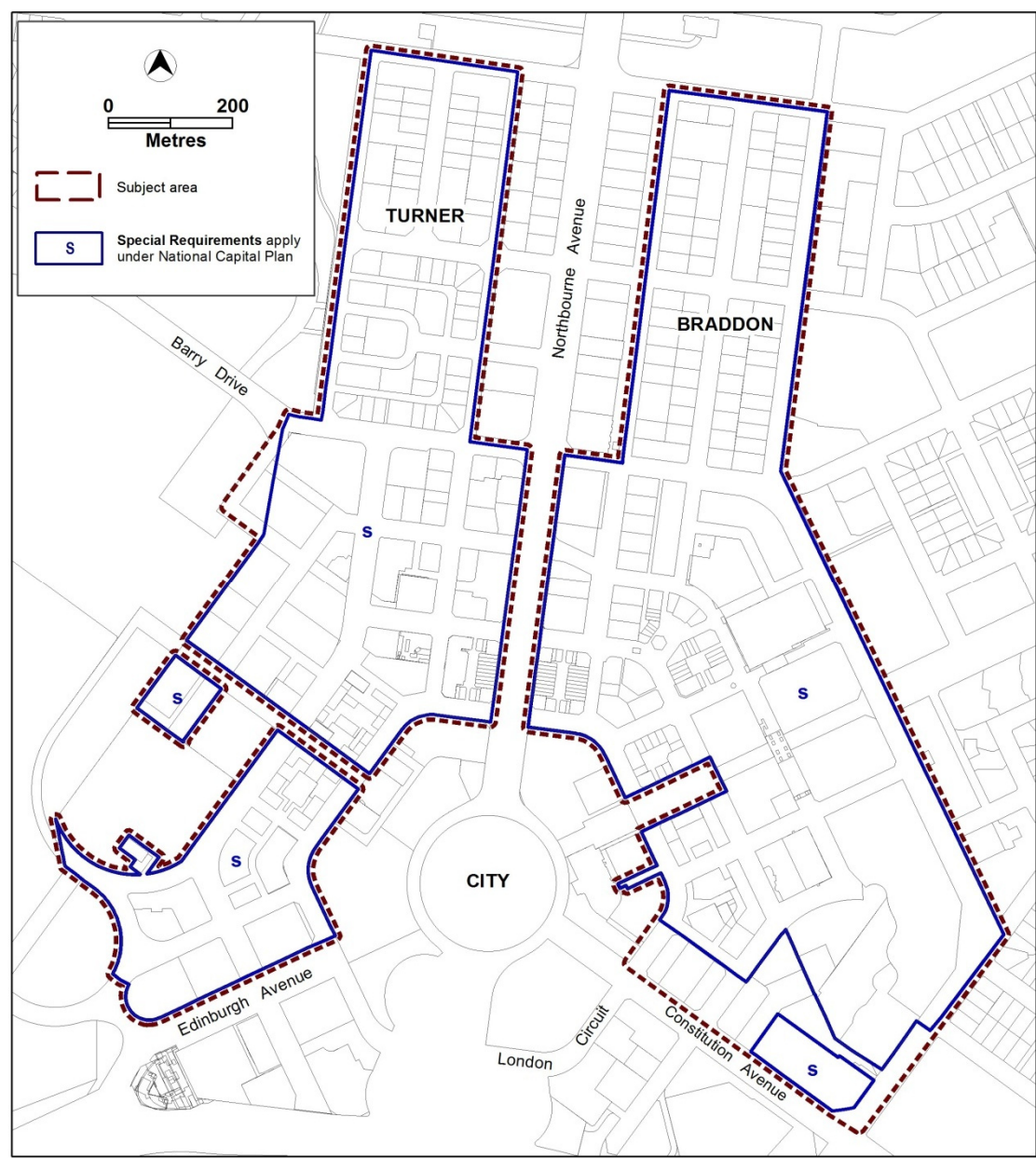
Territory land in the City Centre is subject to Special Requirements under the National Capital Plan (NCP). The affected area has been changed under Amendment 86: Revised National Capital Plan. City Centre Special Requirements has extended to sites west of City Hill including Metropolitan, Ian Potter House, Australian Academy of Science and several road reserves. Changes to the City office precinct north of Constitution Avenue between London Circuit and Coranderrk Street have been explained separately in this Technical Amendment. The Territory Plan is to be updated to reflect these changes.

Existing Territory Plan Map



Note: Only the S overlay is being shown for clarity. No change has been made to the zones in the Territory Plan, except changes made by this variation and noted in this document.

Proposed Territory Plan Map

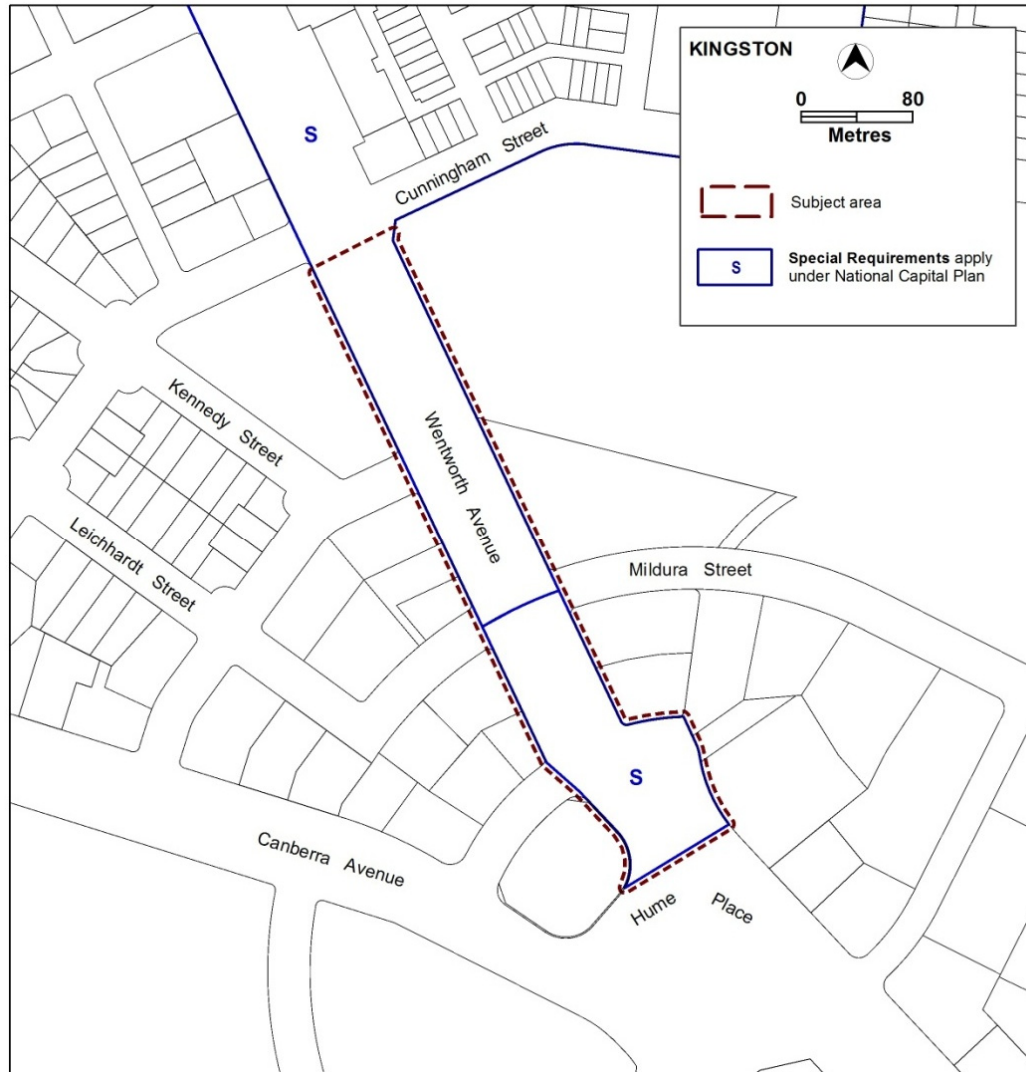


Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(d) a variation required to bring the Territory Plan into line with the national capital plan.	Compliant. The changes to the Territory Plan reflect the changes to the area of City Centre subject to Special Requirements by Amendment 86: Revised National Capital Plan.

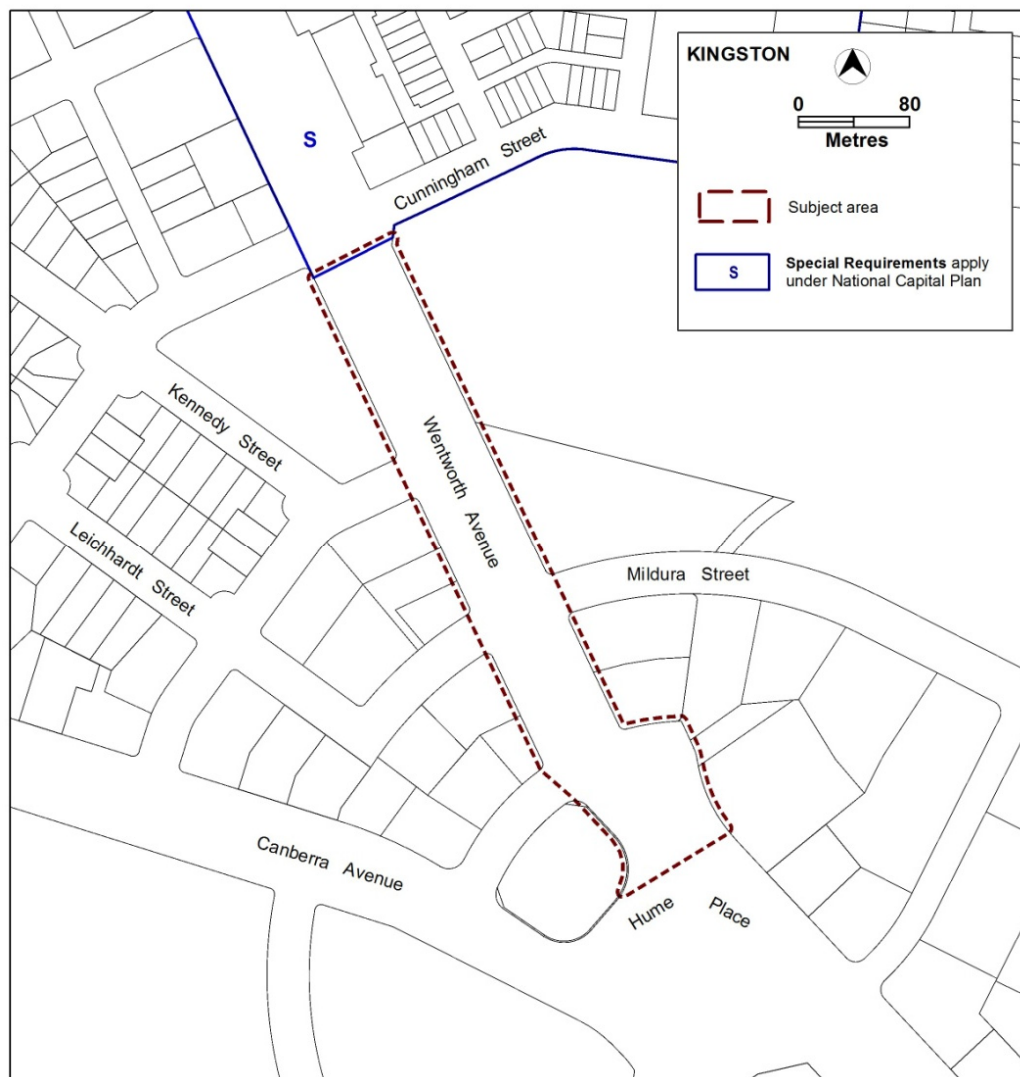
Wentworth Avenue road reserve in Kingston is Territory Land subject to the Kingston Foreshore Special Requirements. The foreshore area is bound by Bowen Park, Wentworth Avenue (including the Avenue), Cunningham Street, the Causeway through to Jerrabomberra Creek and a line approximately seven metres behind the wall of Lake Burley Griffin. The Territory Plan had erroneously shown the area subject to Special Requirements extending to Wentworth Avenue beyond Cunningham Street to Hume Circle. The Territory Plan is being corrected.

Existing Territory Plan Map



Note: Only the S overlay is being shown for clarity. No change has been made to the zones in the Territory Plan.

Proposed Territory Plan Map

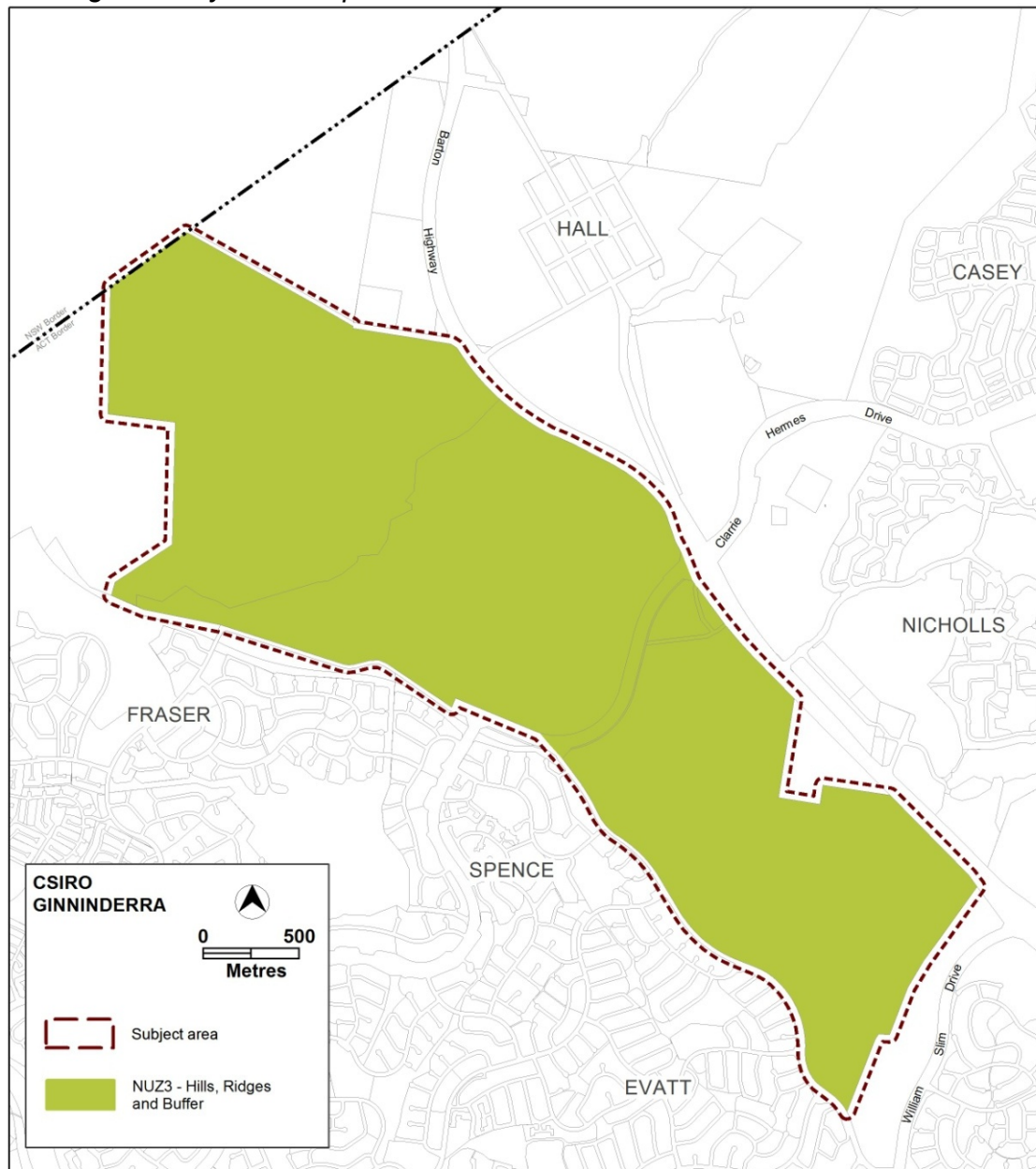


Compliance with the *Planning and Development Act 2007*

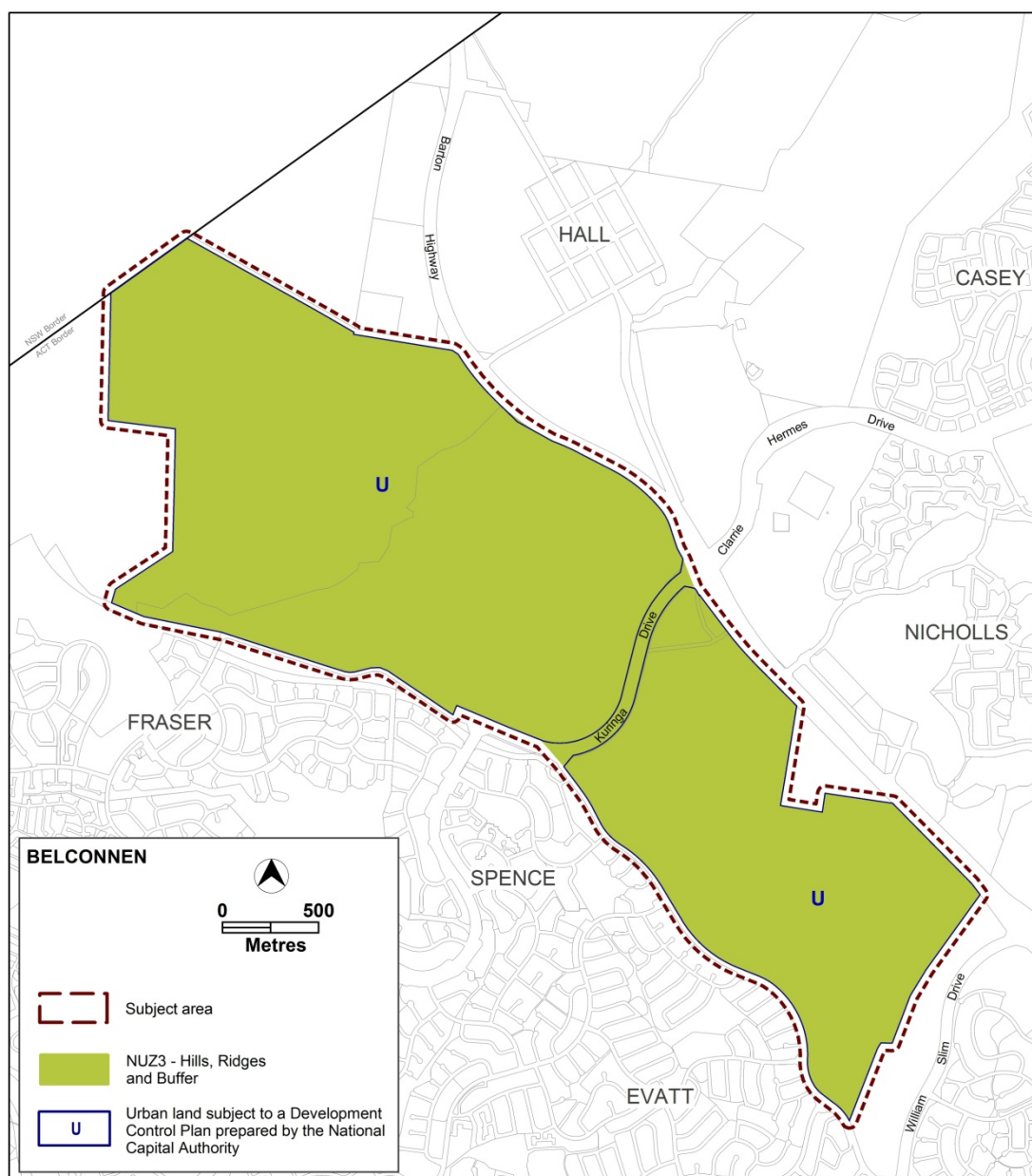
Section	Statement
<p>s87(1)(a) a variation (an error variation) that –</p> <ul style="list-style-type: none"> (i) would not adversely affect anyone's rights if approved; and (ii) has as its only object the correction of a formal error in the plan. 	<p>Compliant. The subject area is unleased, road reserve. There is no impact upon the development rights of anyone. The change corrects an error in the Territory Plan.</p>

CSIRO Ginninderra Experiment Station is National Land and may be subject to Special Requirements in the National Capital Plan and the preparation of a Development Control Plan by the NCA. CSIRO has proposed urban development of the site, yet detailed planning studies have not been finalised and the final form of development is not known. Amendment 86: Revised National Capital Plan changed the land use policy for the site from Hills, Ridges and Buffer to Urban Areas. NCA requested the site be shown with an 'U' overlay identifying it as urban land subject to a Development Control Plan prepared by the NCA.

Existing Territory Plan Map



Proposed Territory Plan Map



Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(d) a variation required to bring the Territory Plan into line with the national capital plan.	Compliant. The changes to the Territory Plan are made as a consequence of Amendment 86: Revised National Capital Plan, which changed the land use policy of the site from Hills Ridges and Buffer to Urban Area. NCA proposed the site be identified as urban land subject to a Development Control Plan prepared by the Authority.

Part 12 Overlays in the Territory Plan identifies particular land where various overlay provisions apply and includes and S overlay identifying land subject to Special Requirements of the National Capital Plan. The special requirements are established by the National Capital Authority and are shown in the Territory Plan for information purposes only.

It is proposed to add the following descriptor for an '**U**' overlay to Part 12 of the Territory Plan:

land indicated on the Map enclosed by a blue border within which the code '**U**' appears is urban land subject to a Development Control Plan prepared by the National Capital Authority.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(d) a variation required to bring the Territory Plan into line with the national capital plan.	Compliant. The changes to the Territory Plan are made as a consequence of Amendment 86: Revised National Capital Plan, which changed the land use policy of the site from Hills Ridges and Buffer to Urban Area. NCA proposed the site be identified as subject to a Development Control Plan.

It is proposed to add the following descriptor for an '**A**' overlay to Part 12 of the Territory Plan:

land indicated on the Map enclosed by a blue border within which the code '**A**' appears is national land subject to a master plan under applicable Commonwealth legislation.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(d) a variation required to bring the Territory Plan into line with the national capital plan.	Compliant. The change to the Territory Plan is not consistent with Amendment 86: Revised National Capital Plan which changed its land use designation and noted the site is subject to a master plan under applicable Australian Government law.

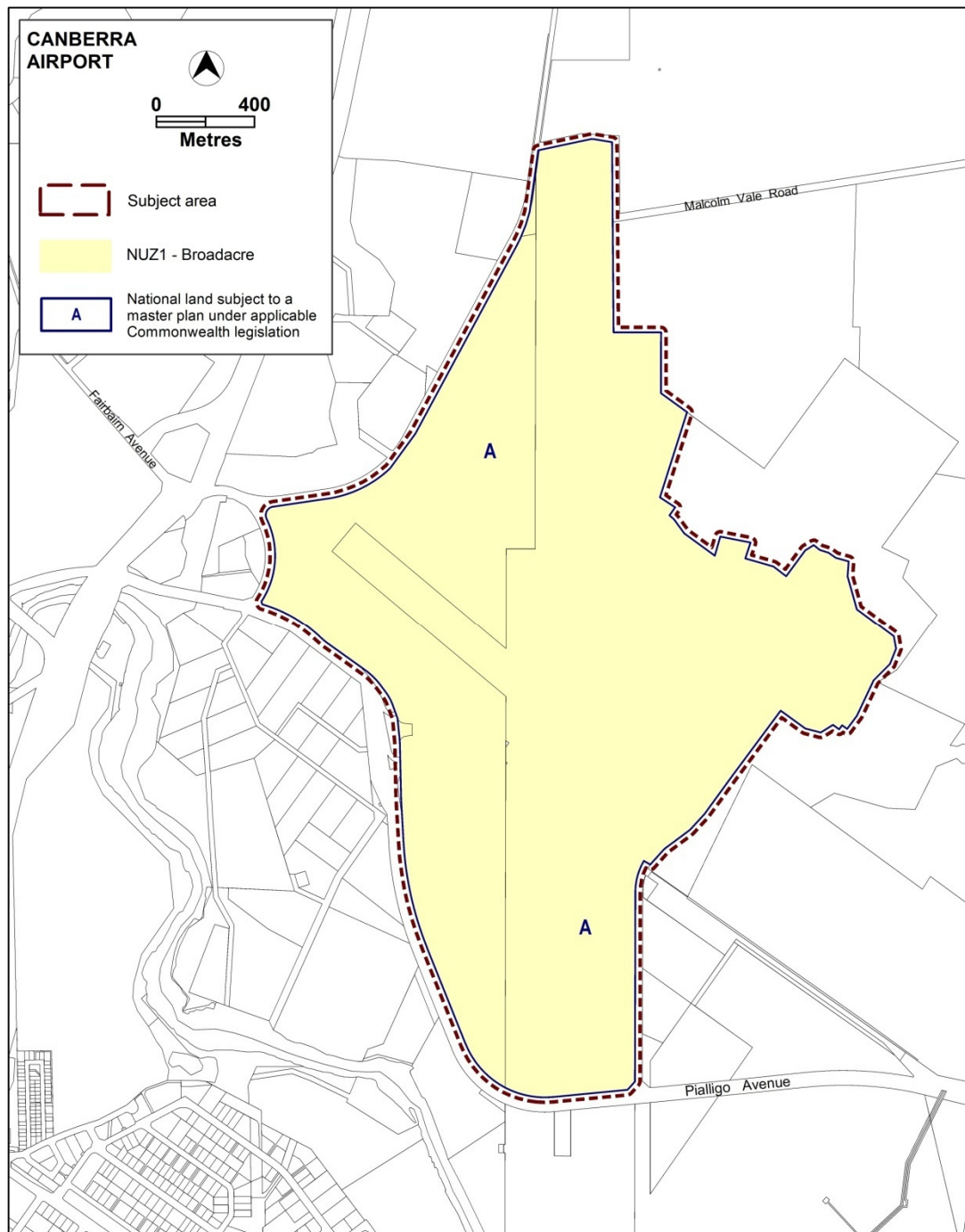
3. TECHNICAL AMENDMENT

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

3.1 Territory Plan map

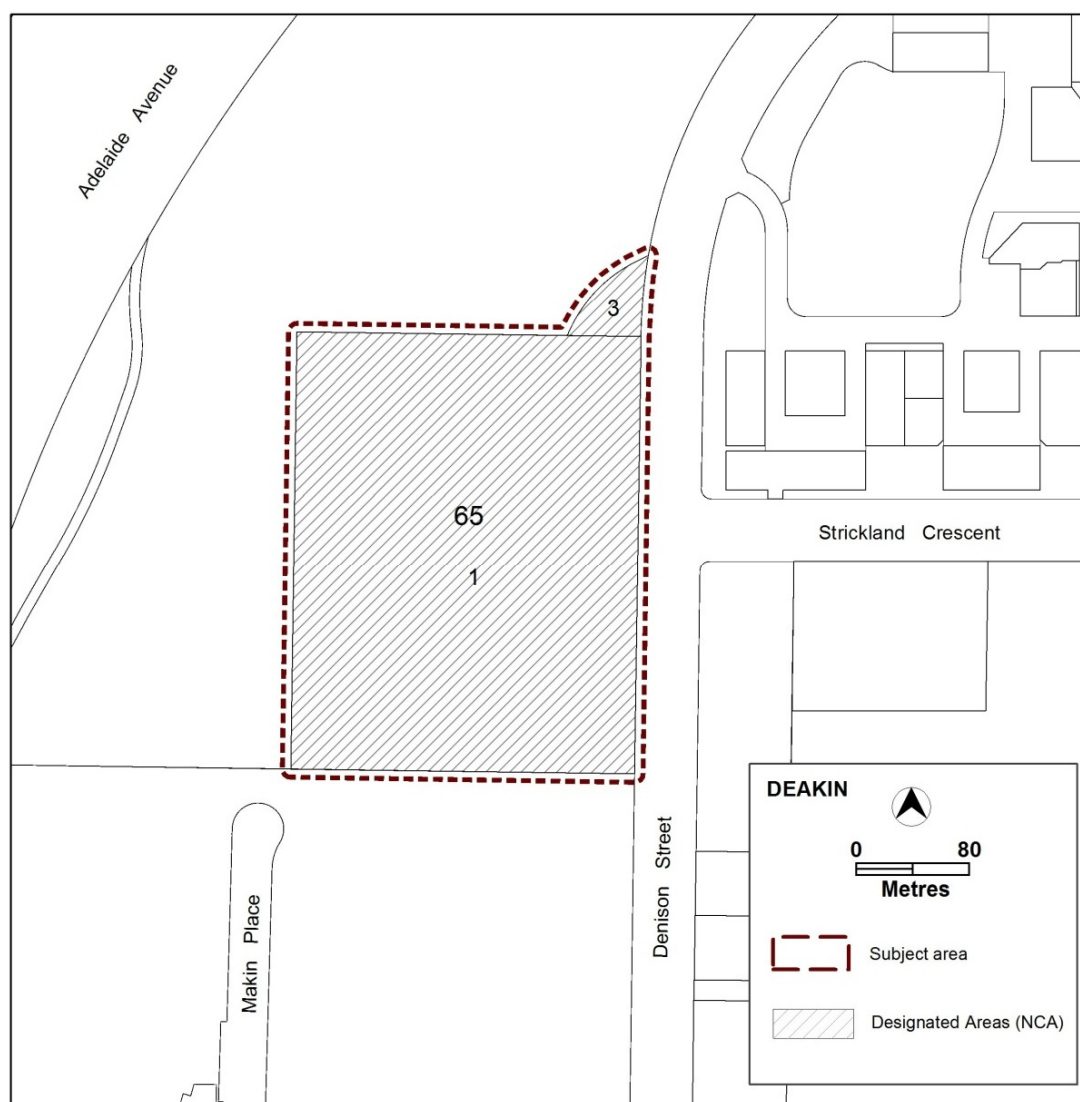
1 Canberra Airport

Substitute



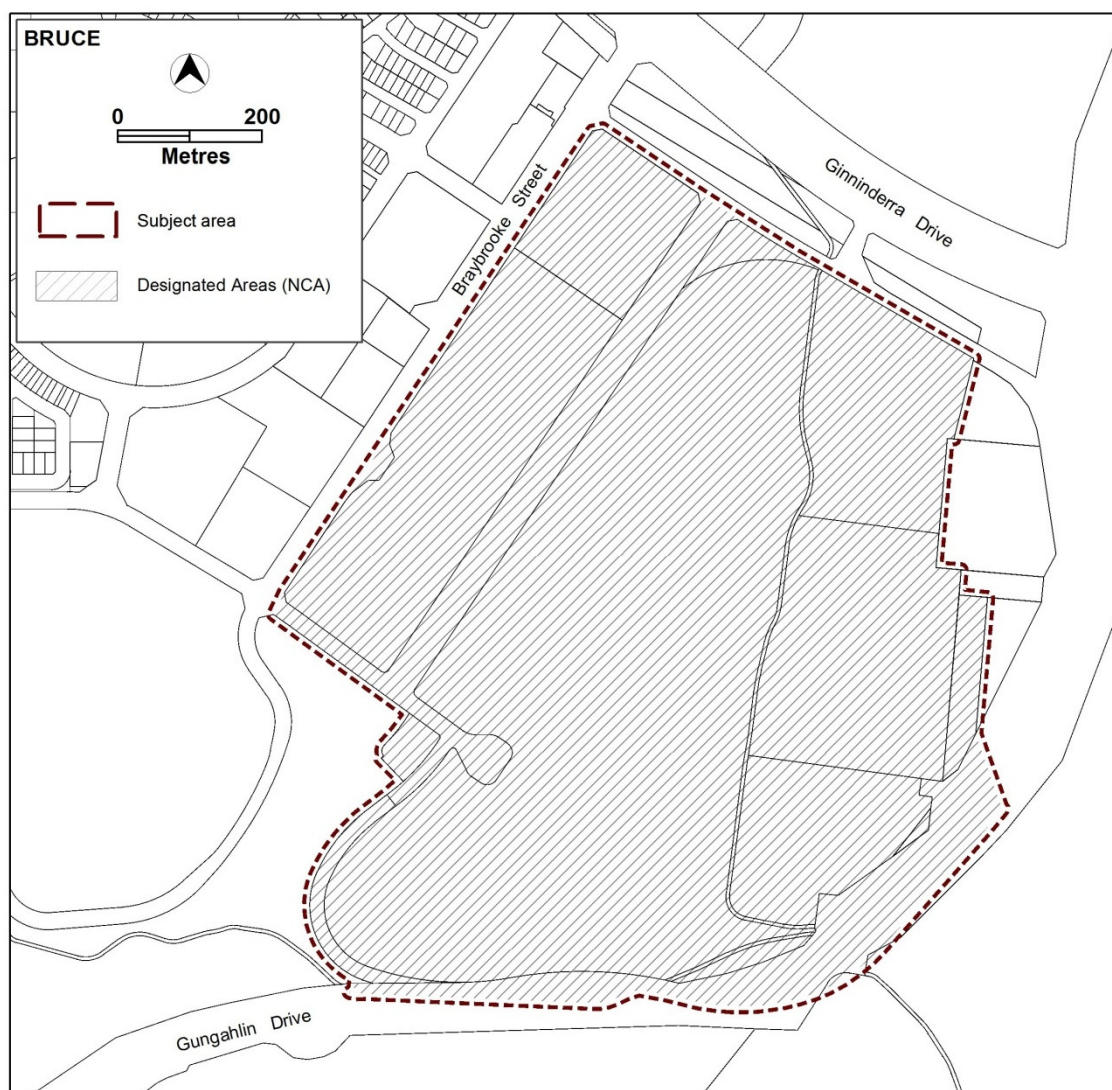
2 Royal Australian Mint – Deakin section 65 blocks 1 and 3

Substitute



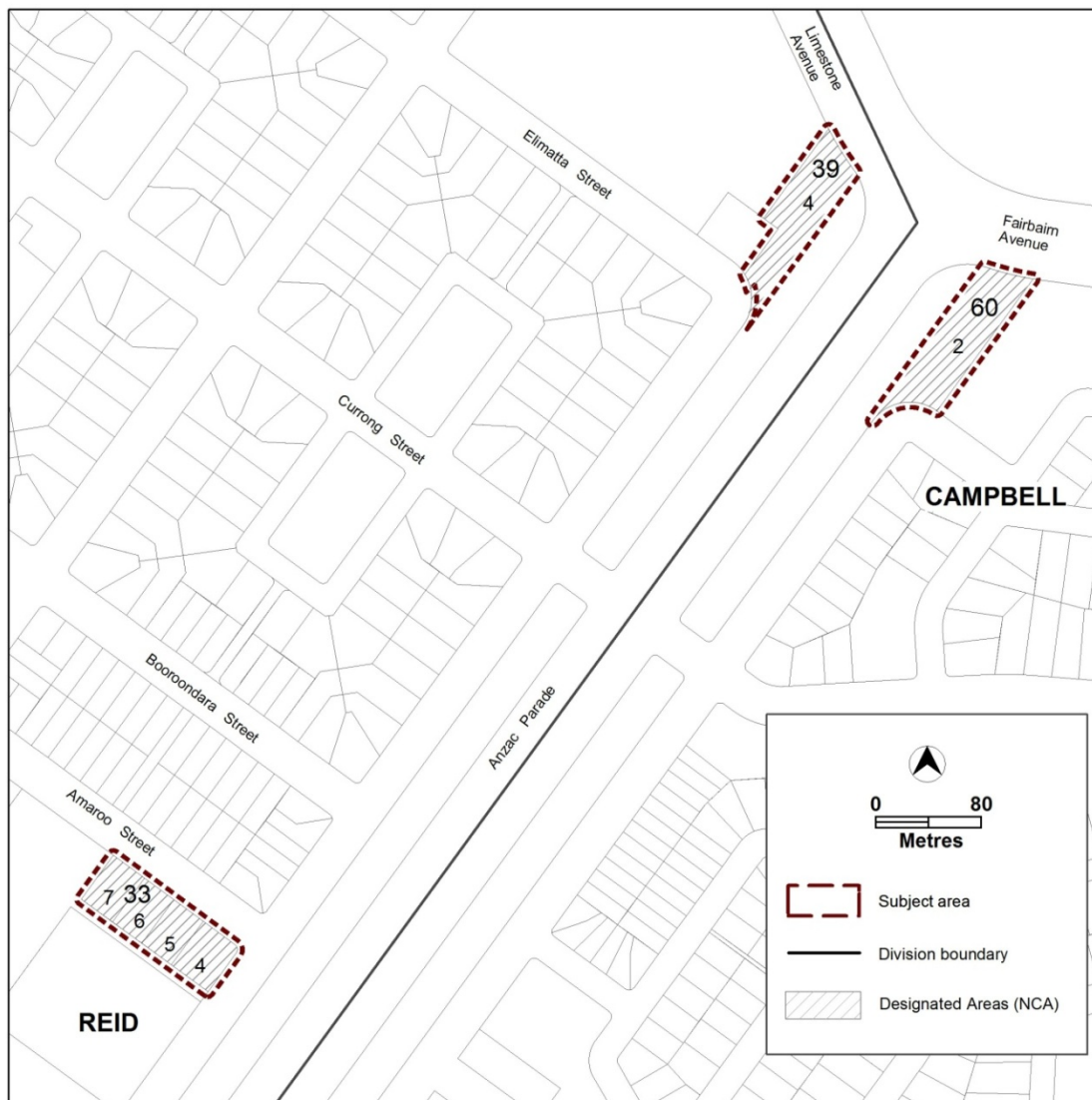
3 Australian Institute of Sport precinct, Bruce

Substitute



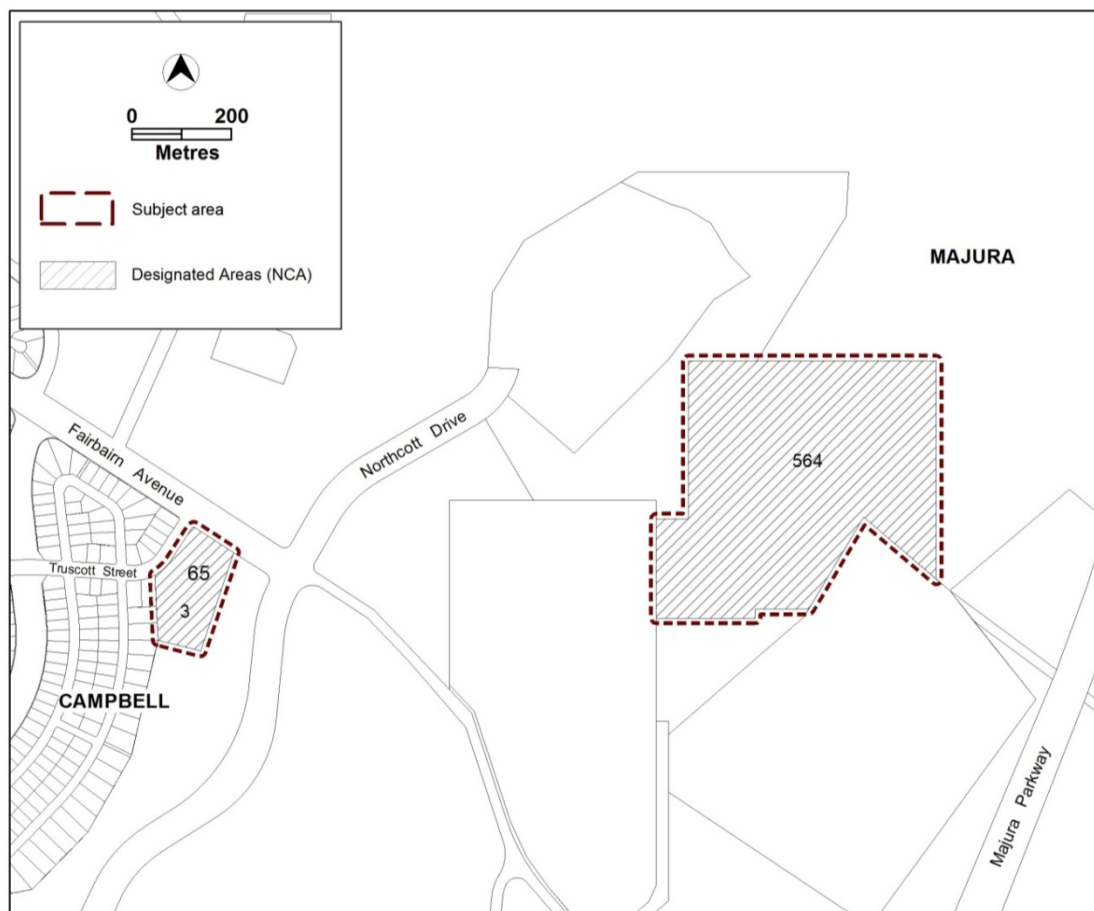
4 Single dwelling residential, Reid and Anzac Parade road reserve

Substitute



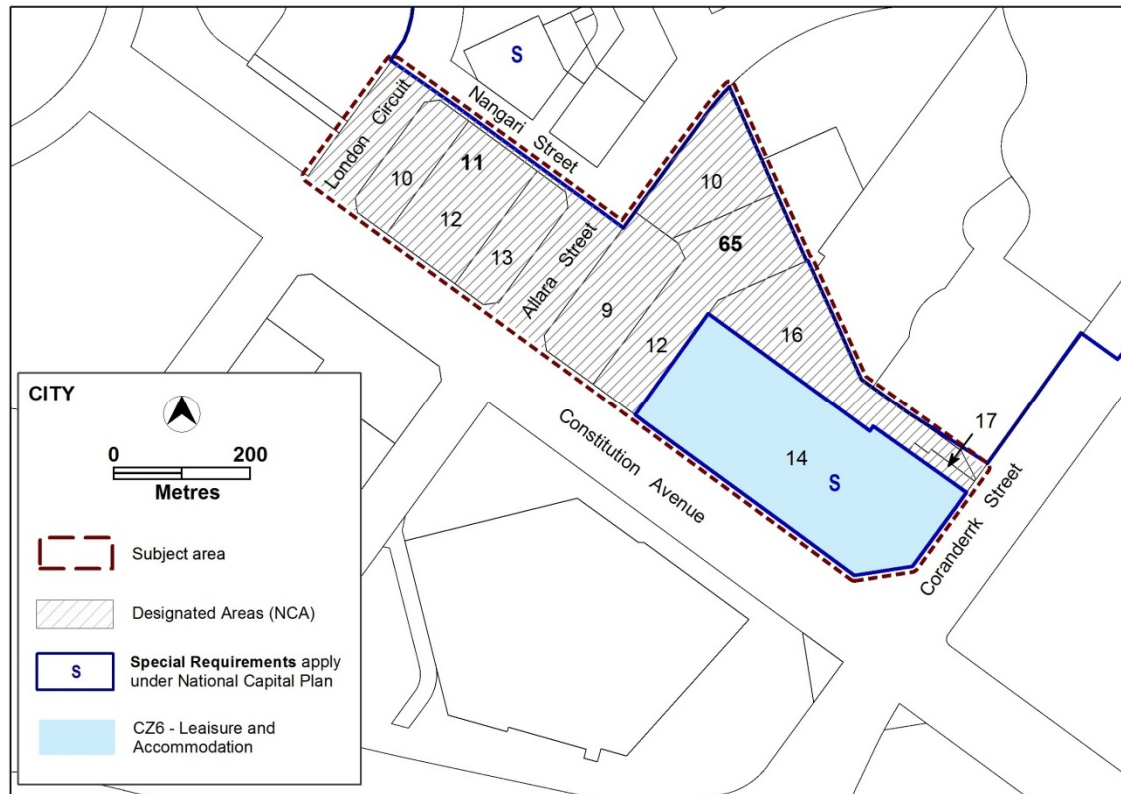
5 Academy Close Campbell and Australian Defence Force Academy paddock

Substitute



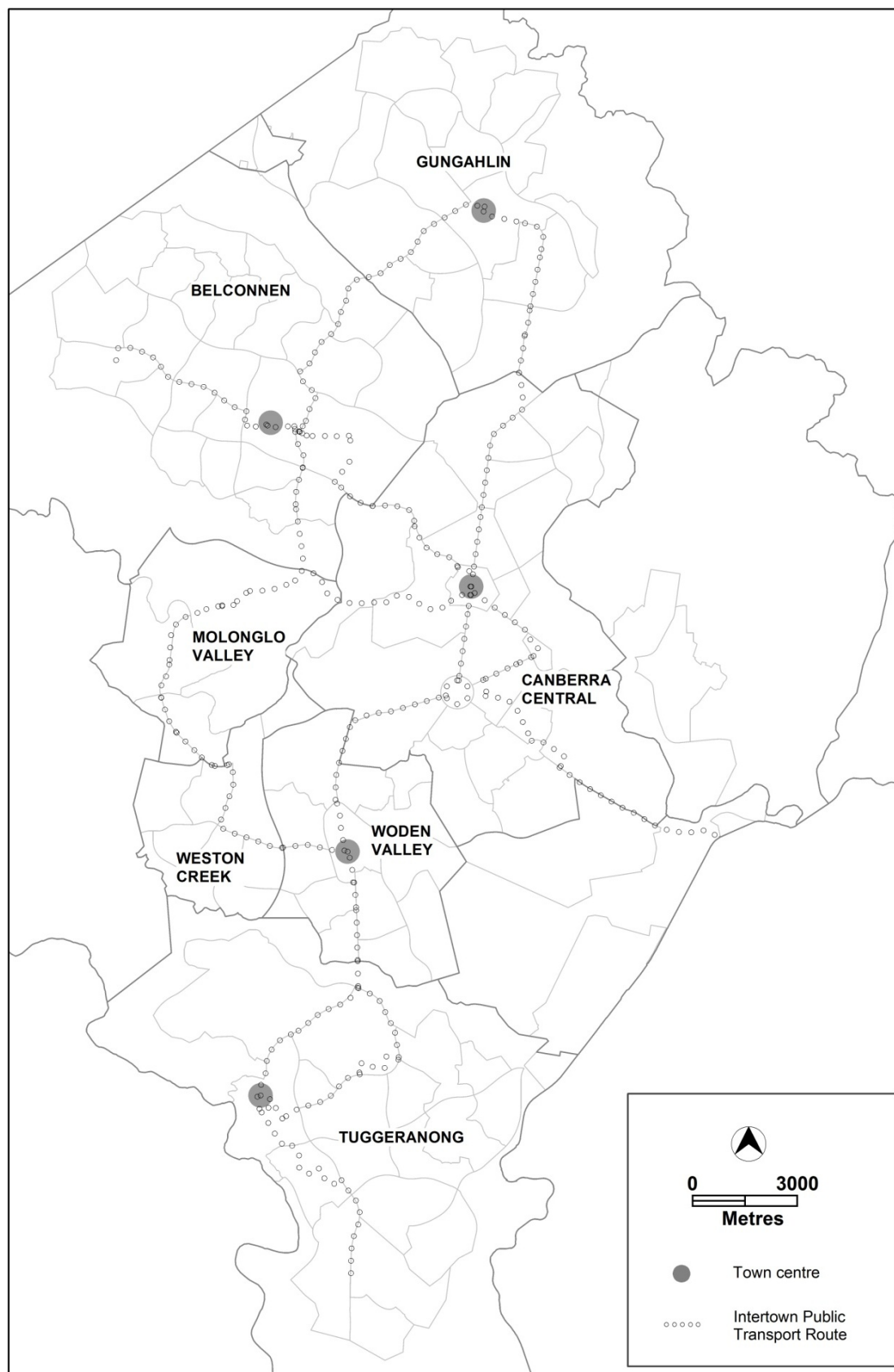
6 City office precinct

Substitute



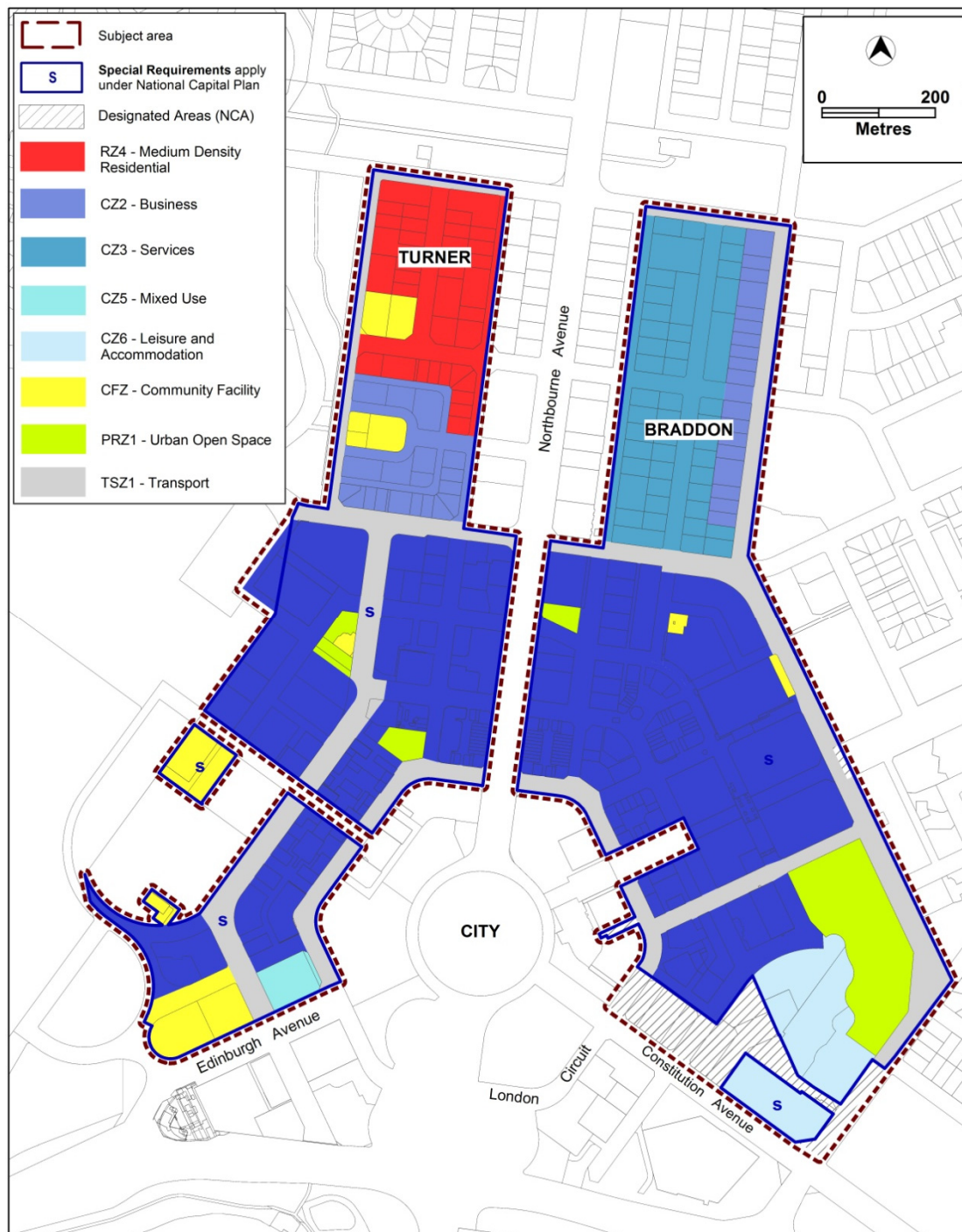
7 Inter-town Public Transport route overlay

Substitute



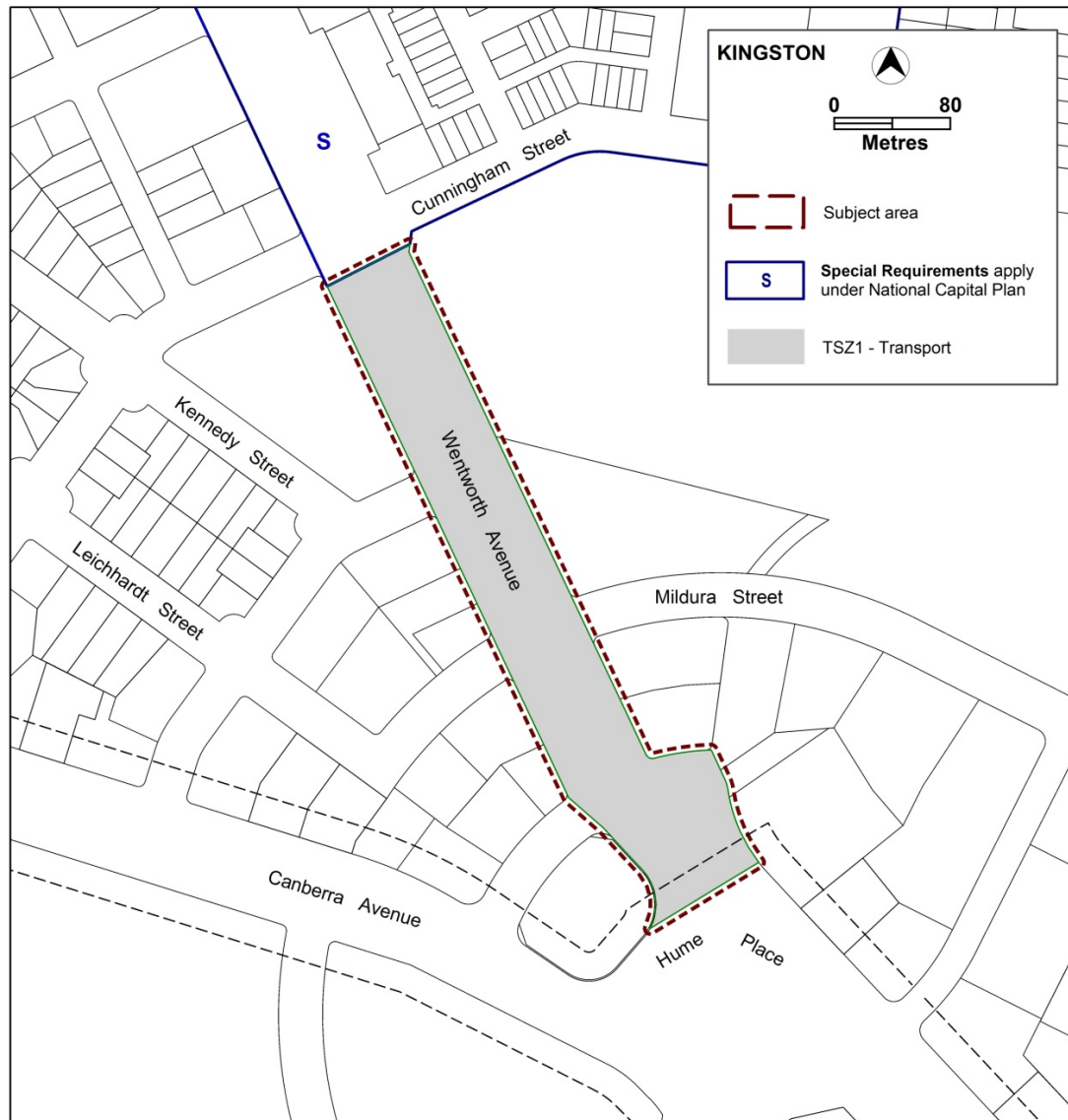
8 Special Requirements – City Centre

Substitute



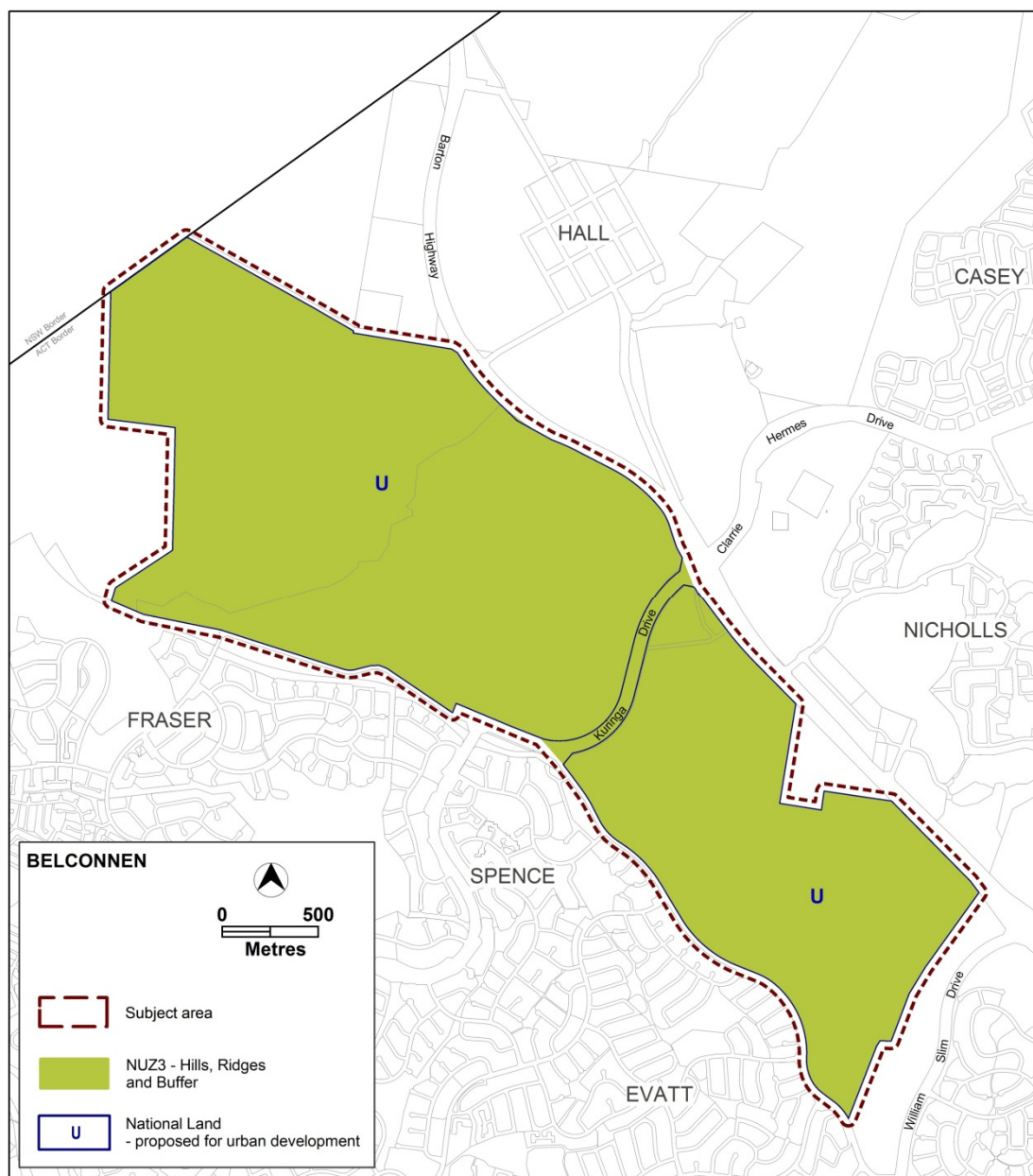
9 Special Requirements – Wentworth Avenue Kingston

Substitute



10 CSIRO Ginninderra Station

Substitute



3.2 Territory Plan written document

3.2.1 Part 12 Overlays

12.1 Special Requirements of the National Capital Plan

Insert above paragraph commencing 'Note:'

Land indicated on the Map enclosed by a blue border within which the code '**U**' appears is urban land subject to a Development Control Plan prepared by the National Capital Authority.

Land indicated on the Map enclosed by a blue border within which the code '**A**' appears is national land subject to a master plan under applicable Commonwealth legislation.

Interpretation service

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:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
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:

TRANSLATING AND INTERPRETING SERVICE
131 450
Canberra and District - 24 hours a day, seven days a week