

Australian Capital Territory

Planning and Development (Technical Amendment—Removal of public land reserve overlay) Plan Variation 2018

Notifiable instrument NI2018-722

Technical amendment no 2018-19

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Removal of public land reserve overlay) Plan Variation 2018*.

2 Commencement

This instrument commences on the day after its notification day.

3 Technical amendment

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

4 Meaning of *removal of public land reserve overlay plan variation*

For this instrument:

removal of public land reserve overlay plan variation means the technical amendment to the Territory Plan, variation 2018-19, in the schedule.

Note: No consultation was required in relation to the removal of public land reserve overlay plan variation under section 87 of the Act.

Kathy Cusack
Delegate of the planning and land authority
14 December 2018



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

Technical Amendment to the Territory Plan

2018-19

Removal of public land reserve overlay
from Block 519 Stromlo (Icon Water reservoir)

December 2018

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1. INTRODUCTION

1.1 Purpose

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

- Remove Public Land 'Pd – a special purpose reserve' overlay from Block 519 Stromlo.

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 section 1.2 above.

1.4 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.

TA2018-19 has been prepared in accordance with section 87(1)(b) of the Act.

2. EXPLANATORY STATEMENT

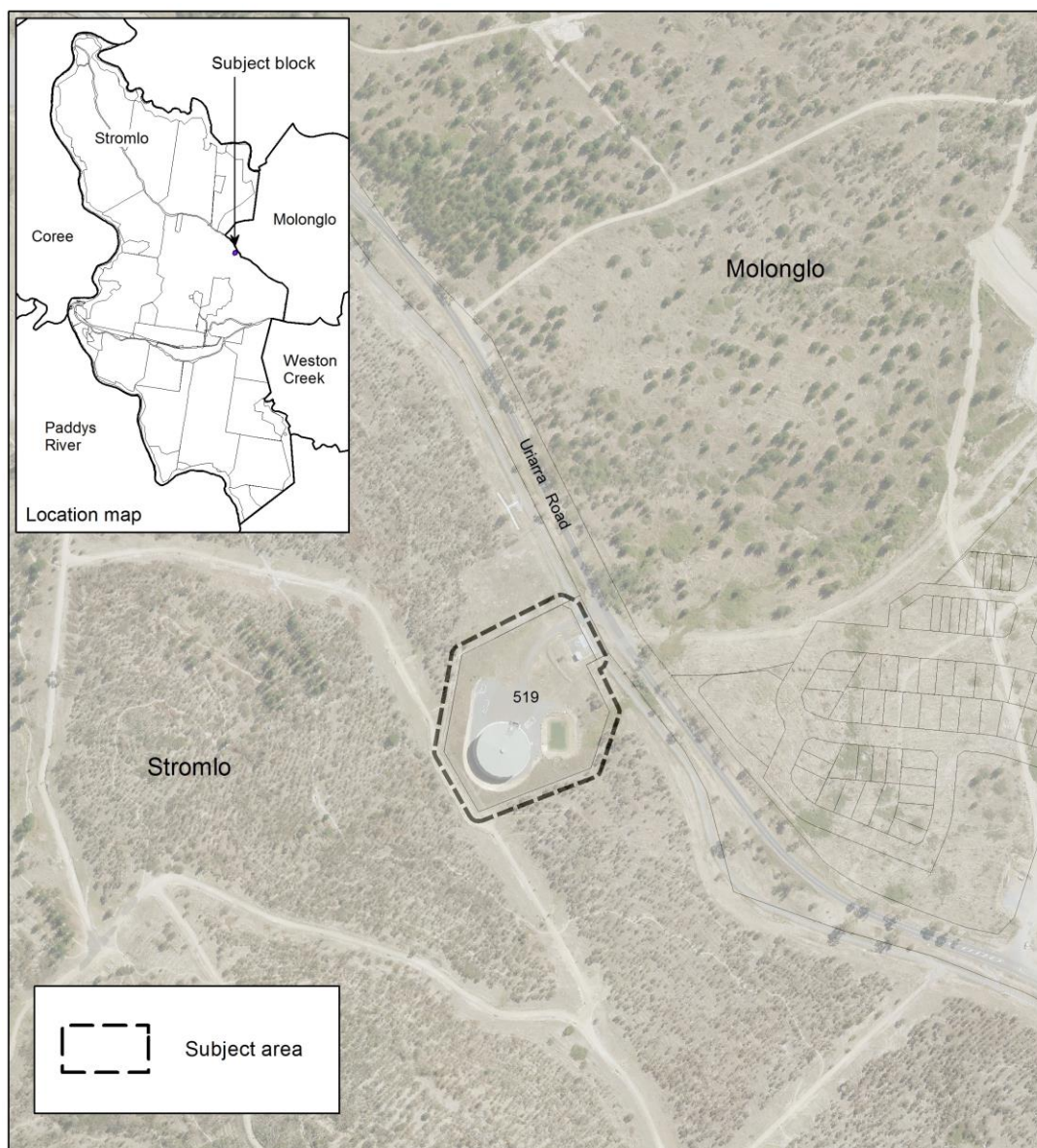
2.1 Background

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.

2.2 Variation to the Territory Plan Map

The Conservator of Flora and Fauna has requested changes to the public land reserve overlay for Block 519 Stromlo, which is located within the Stromlo Forest Park recreation area.

Location of subject block

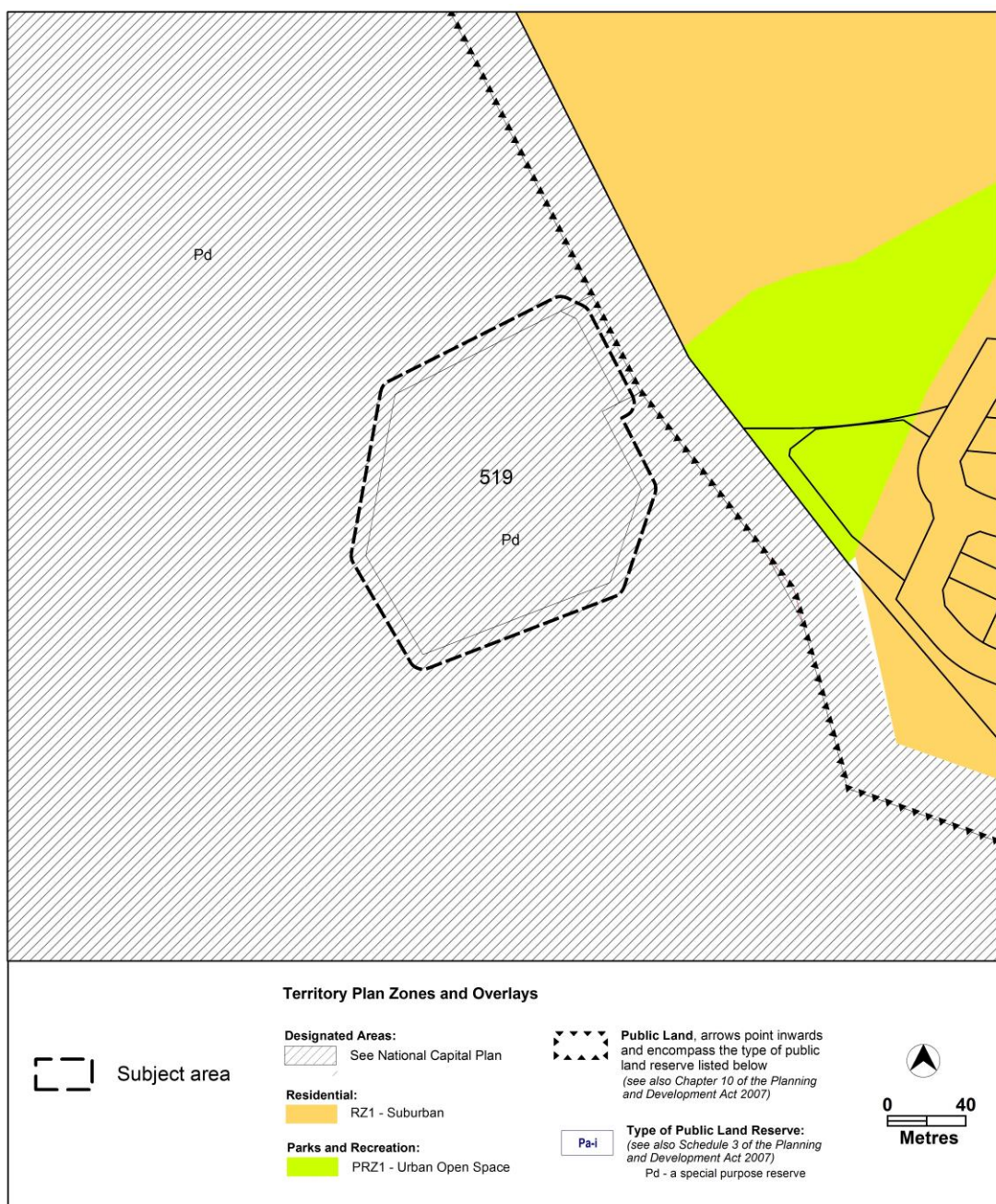


Stromlo Forest Park has a public land reserve overlay provision of 'Pd – a special purpose reserve'. The management objective for a special purpose reserve is "to provide for public and community use of the area for recreation and education".

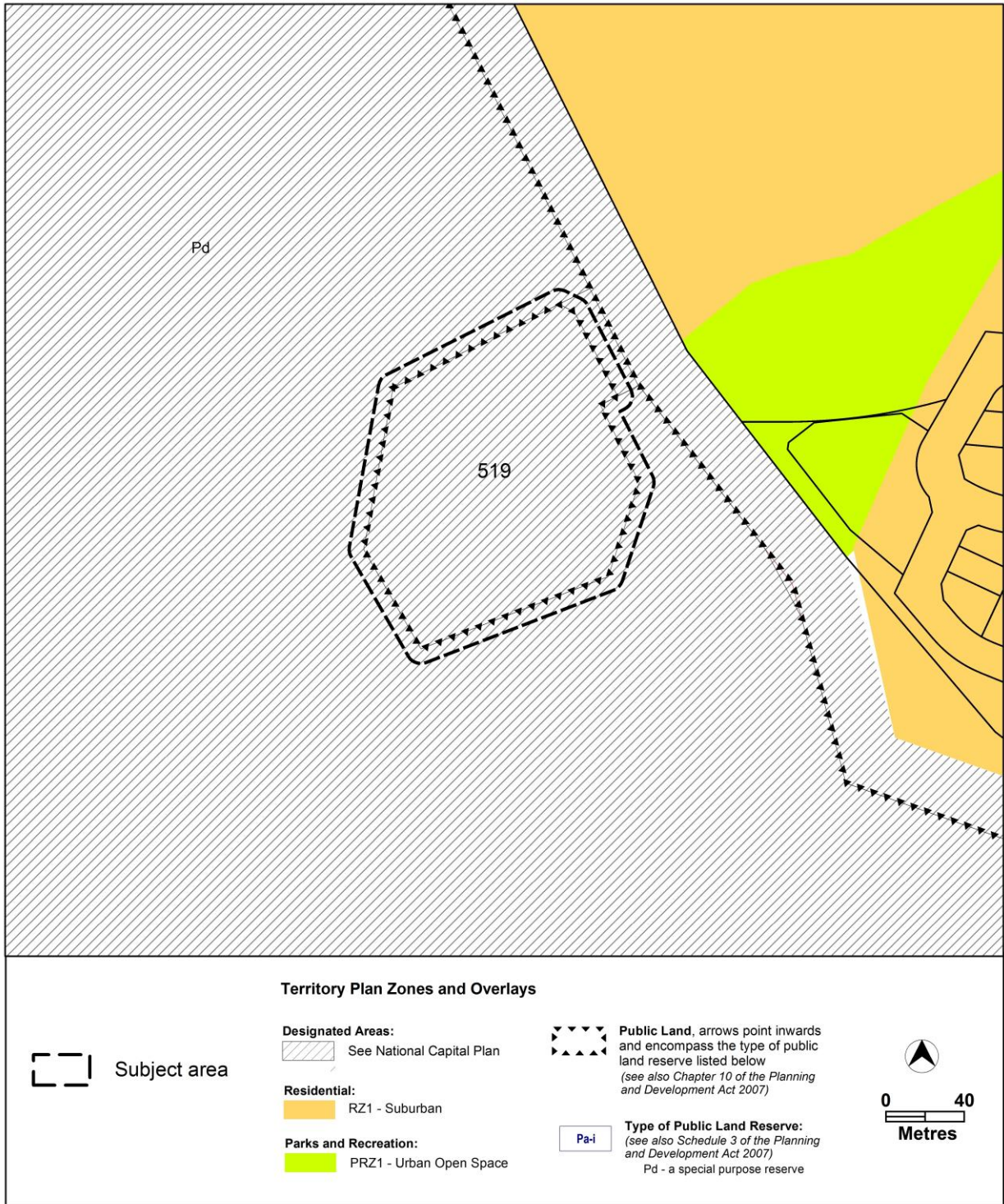
A water reservoir has been constructed on Block 519 Stromlo to service the new residential development in the Molonglo valley, however the public land reserve overlay provisions for Stromlo Forest Park have not been varied to reflect the changes in land use.

The Conservator must take into consideration the management objectives when agreeing to a lease or licence of an area of public land. Icon Water has requested a direct sale of Block 519 Stromlo which contains their asset. In order to facilitate this it is appropriate that the 'Pd' overlay be removed from this block.

Existing Territory Plan Map



Change to Territory Plan Map



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) 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>(a) the apparent intent of the original boundary line; and</p> <p>(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>(a) the authority is advised to do so by—</p> <p>(i) the conservator of flora and fauna; or</p> <p>(ii) the custodian of the land for the overlay; and</p> <p>(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 boundary of the public land reserve overlay 'Pd –a special purpose reserve'. Under section 90A of the Act, no consultation is required.</p> <p>s90A(1) - Compliant</p> <p>The land subject to this TA adjoins unleased territory land (Stromlo Forest Park is located on unleased territory lan).</p> <p>s90A(2) - Compliant</p> <p>The boundary of the 'Pd' public land reserve overlay is changed to remove the subject block from the special purpose reserve (Stromlo Forest Park). The changes to the public land reserve boundary line do not affect the ongoing function of the remainder of the special purpose reserve (Stromlo Forest Park) as Block 519 is being excised from the Park.</p> <p>The land is classified as a Designated Area under the National Capital Plan. Designated Areas are those areas of the ACT that have been identified as having the special characteristics of the National Capital. The change does not impact on the special characteristics of the area.</p> <p>s90A(3)(a) - Compliant</p> <p>The Conservator of Flora and Fauna advised the planning and land authority to vary the Territory Plan to change the boundary of the overlay over the subject block.</p> <p>s90A(3)(b) - Compliant</p> <p>Conditions in subsection (2) (a) and (b) are satisfied</p>

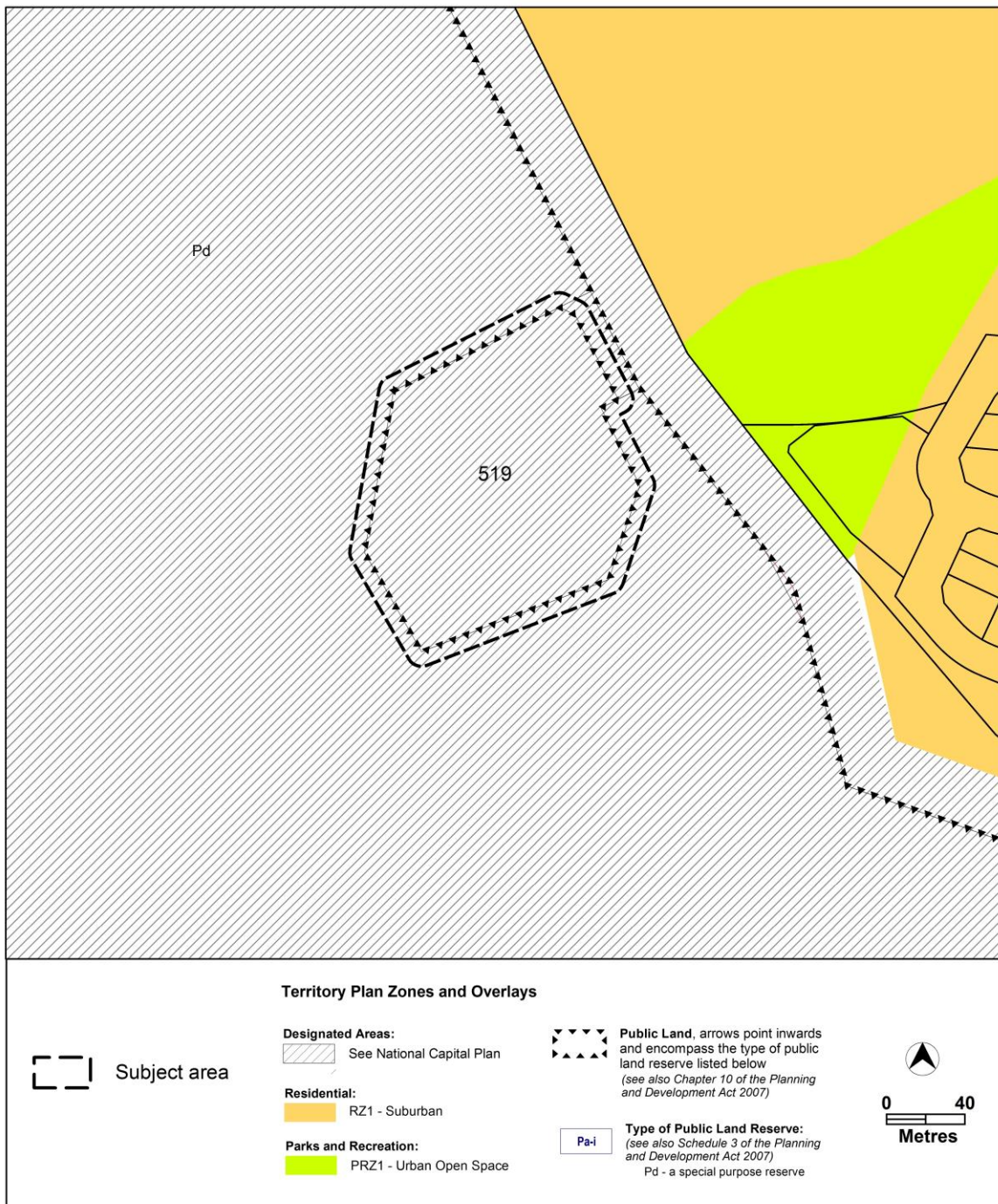
3. TECHNICAL AMENDMENT

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

3.1 Variation to the Territory Plan Map

1. Block 519 Stromlo

Substitute



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-għajjnuna 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:

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131 450

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