

Australian Capital Territory

Planning and Development (Technical Amendment—Taylor) Plan Variation 2021 (No 1)

Notifiable instrument NI2021—210

Technical Amendment No 2021-06

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—Taylor) Plan Variation 2021 (No 1)*.

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 Taylor plan variation is a technical amendment to the Territory Plan.

4 Dictionary

In this instrument:

Taylor plan variation means the technical amendment to the Territory Plan, variation 2021-06, in the schedule.

Note: No consultation was required in relation to the Taylor plan variation under section 87 of the Act.

Lesley Cameron
Delegate of the planning and land authority
1 April 2021



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2021-06

Formal corrections to
Taylor Precinct Map and Code

April 2021

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1. INTRODUCTION

1.1 Purpose

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

Taylor Precinct Map

- Minor amendments to the Taylor Precinct Map to remove areas from PD1 (prohibited development) that were mistakenly included in the area where subdivision/unit titling is prohibited. This change is consistent with the Estate Development Plan.

Taylor Precinct Map and Code Figures 12 and 16

- Amend figures 12 and 16 of the Taylor Precinct Map and Code to include 'S Surveillance Block' in the legend which was inadvertently omitted.

1.2 Public consultation

Under section 87(1)(a) 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 made in accordance with section 89 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.

TA2021-06 has been prepared in accordance with section 87 (1) (a) of the Act.

2. EXPLANATION

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 Taylor Precinct Map.

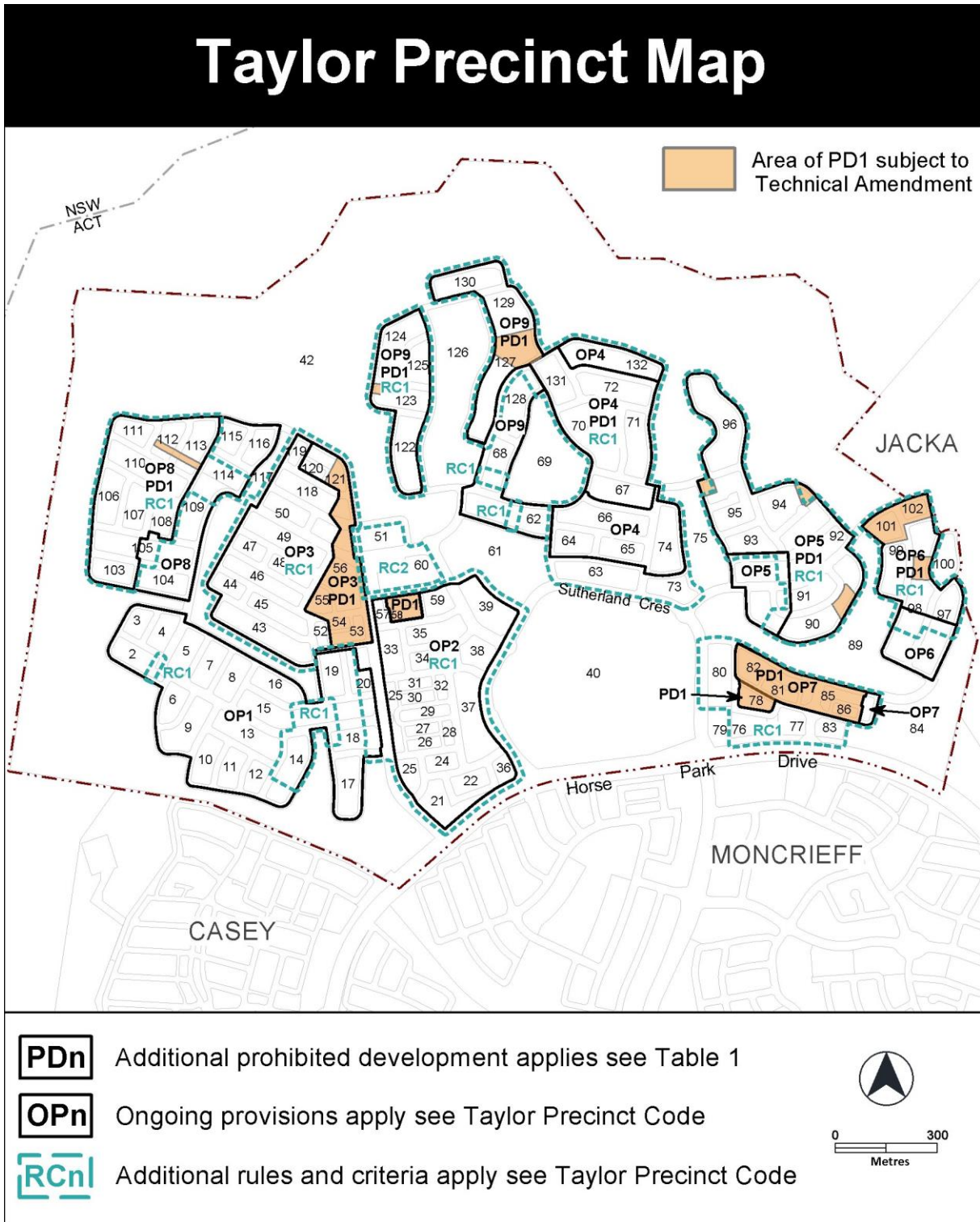
The Taylor Precinct Map and Code specifies additional prohibited development where subdivision is prohibited in the RZ3 Urban Residential zone. This is shown as PD1 on the Taylor Precinct Map.

The estate development plan Stages 2 and 3 for the division of Taylor identified blocks where the subdivision/unit titling of blocks in RZ3 is prohibited. These provisions were transferred into the Taylor precinct map and code when the future urban area overlay was uplifted. Inadvertently, some RZ3 zoned blocks that were not intended to contain this provision have been included in the PD1 areas on the Taylor Precinct Map.

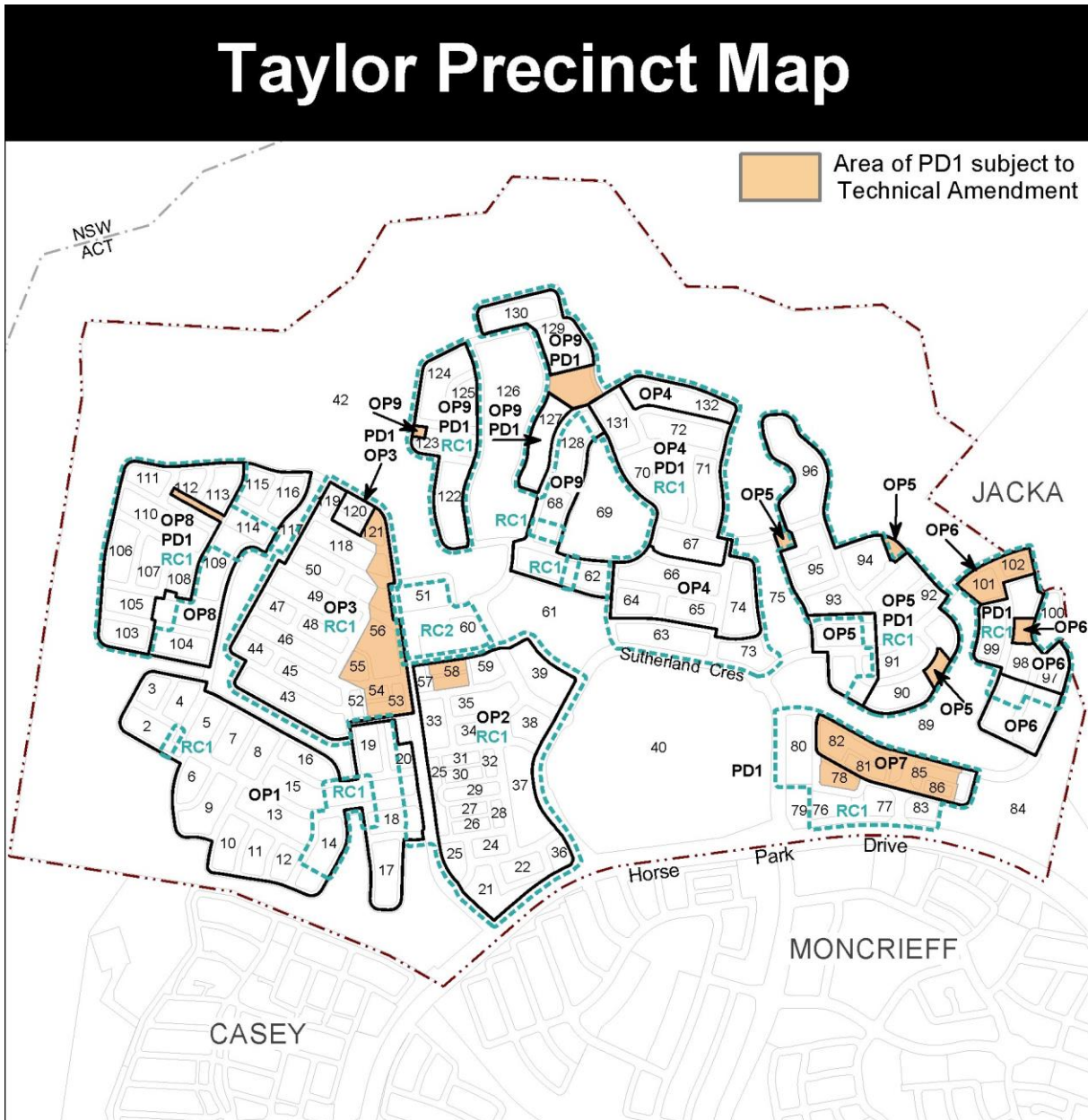
This technical amendment seeks to rectify this mistake by removing the areas of PD1 which have been incorrectly identified in the Taylor Precinct Map.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(a) (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;	Compliant. The change corrects a formal error by removing part of the PD1 area which was not intended to apply to these blocks as indicated in the Estate Development Plan. It removes the restrictions that PD1 places on blocks intended for possible future subdivision/unit titling.



Taylor Precinct Map



PDn

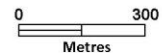
Additional prohibited development applies see Table 1

OPn

Ongoing provisions apply see Taylor Precinct Code

RCn

Additional rules and criteria apply see Taylor Precinct Code



2.3 Variation to Figure 12 and 16 of the Taylor Precinct Map and Code

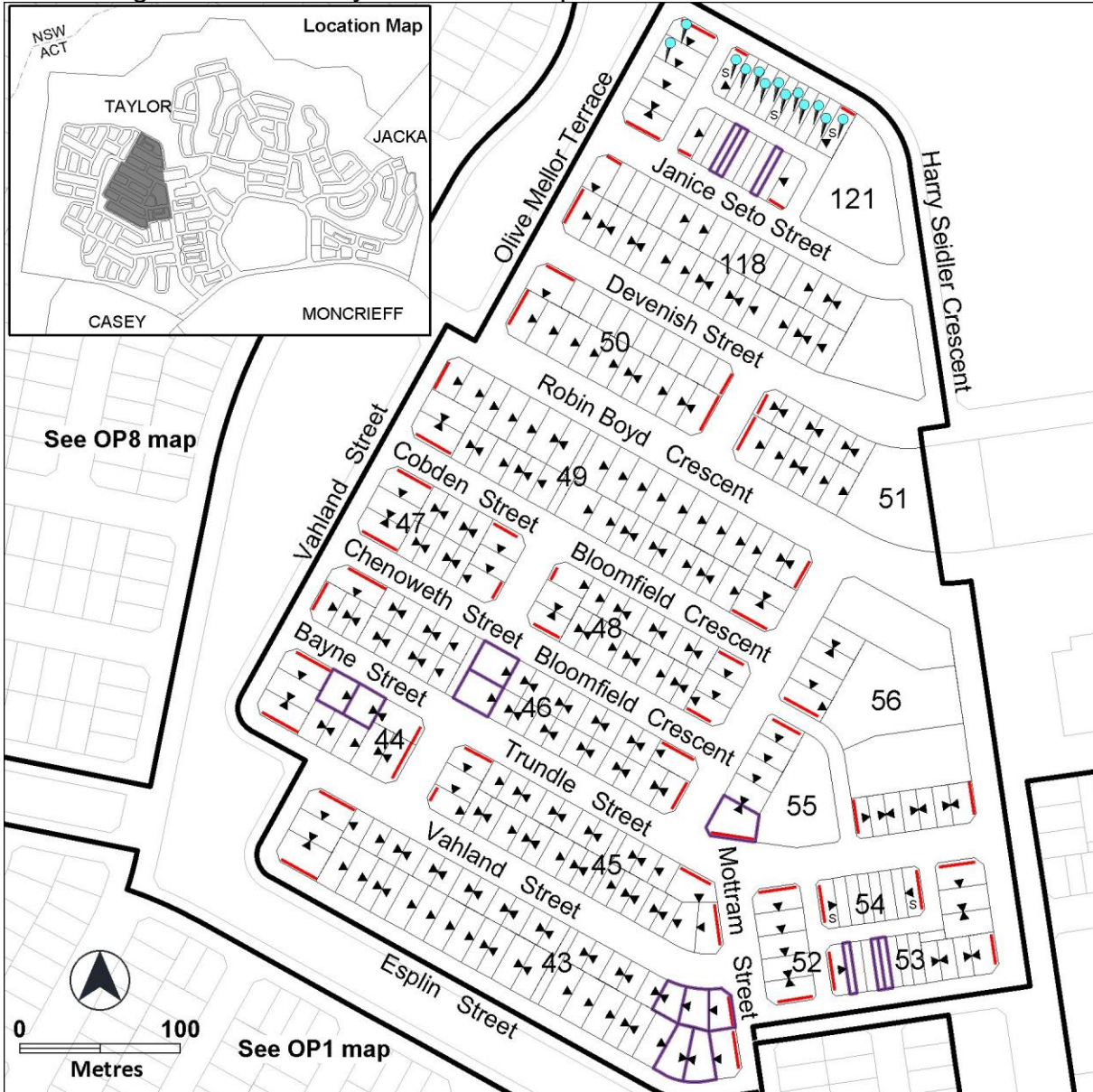
Figures 12 and 16 of the Taylor Precinct Map and Code show ongoing provisions which apply to blocks in the division of Taylor. When these provisions were transferred into the Taylor Precinct Map and Code the 'S Surveillance Block' was not included in the figure legends.

This technical amendment seeks to rectify this error by including 'S Surveillance Block' in the legend of figures 12 and 16 of the Taylor Precinct Map and Code.






Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(a) (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;	Compliant. The change corrects a formal error by adding 'S Surveillance Block' to figures 12 and 16 of the Taylor Precinct Map and Code. It corrects an omission from the legend which clarifies the provisions applicable on the figures.

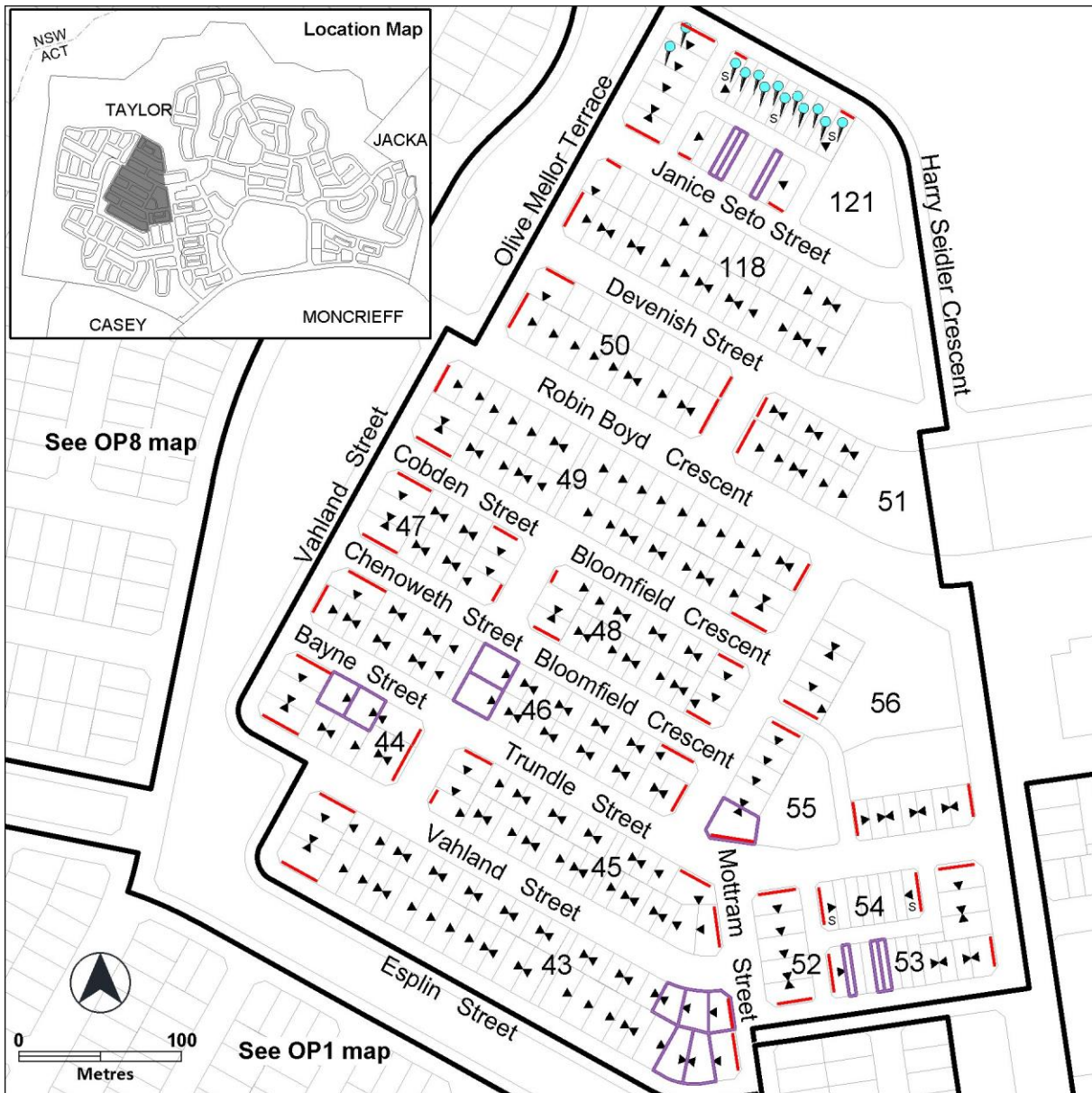
Current Figure 12 of the Taylor Precinct Map and Code




The following provisions relate to rules and criteria in the Single Dwelling Housing Development Code and Multi Unit Housing Development Code.






-  Limited development potential blocks
Note:
Options for development in accordance with the Single Dwelling Housing Code particularly development at the upper floor level may be more limited on these blocks compared to similar sized complying blocks
-  Blocks >500sqm <550sqm - subject to mid size block provisions
-  Secondary frontage
-  Side setback-boundary 2
-  Bushfire Attack Level (BAL)-12.5 kilowatts/m Australian Standard AS3959. Construction of buildings in bushfire prone areas.

Changes to Figure 12 of the Taylor Precinct Map and Code

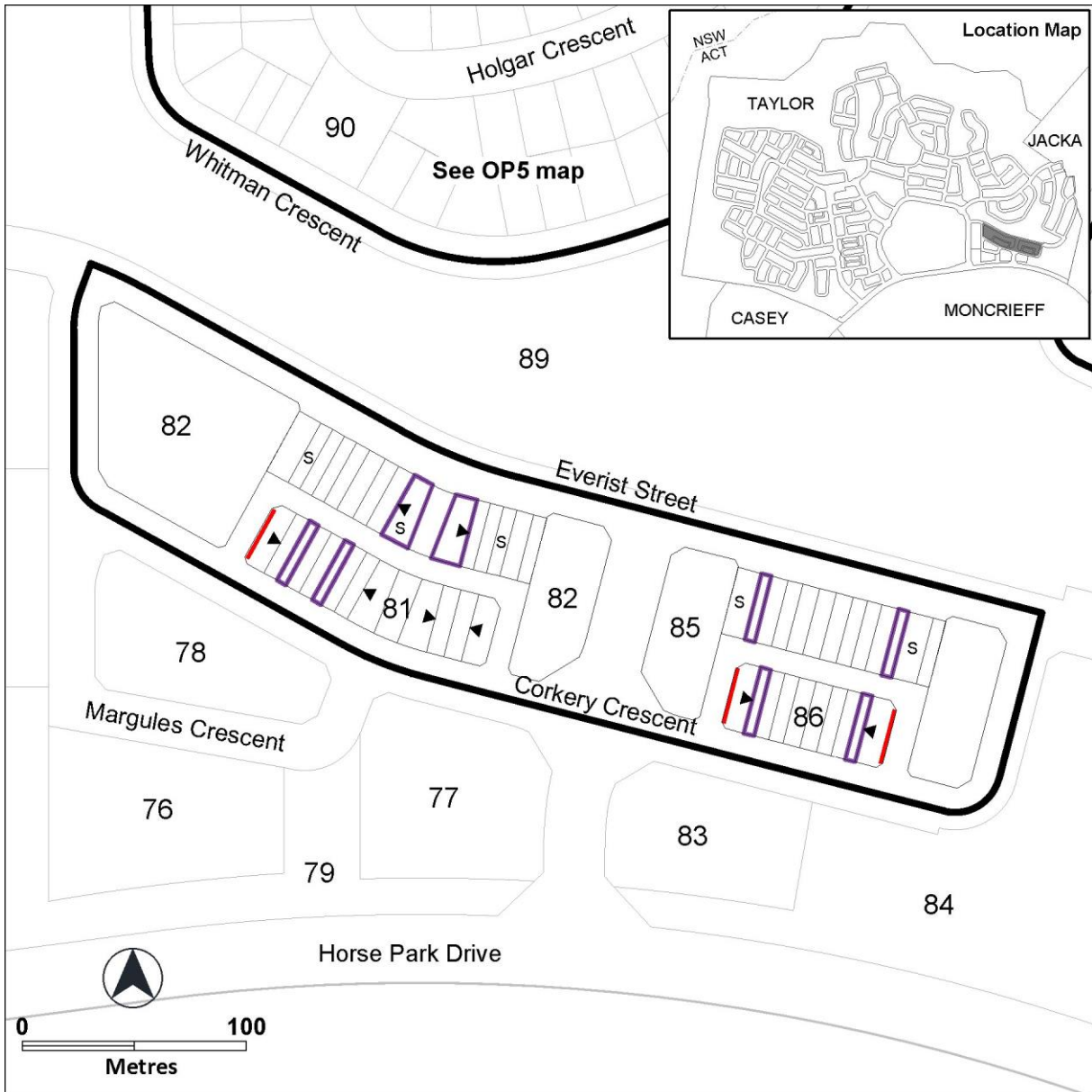


The following provisions relate to rules and criteria in the Single Dwelling Housing Development Code and Multi Unit Housing Development Code.

-  Limited development potential blocks

Note:
Options for development in accordance with the Single Dwelling Housing Code particularly development at the upper floor level may be more limited on these blocks compared to similar sized complying blocks
-  Blocks >500sqm <550sqm - subject to mid size block provisions
-  Secondary frontage
-  Side setback-boundary 2
-  Bushfire Attack Level (BAL)-12.5 kilowatts/m Australian Standard AS3959. Construction of buildings in bushfire prone areas.
-  Surveillance block

Current Figure 16 of the Taylor Precinct Map and Code



The following provisions relate to rules and criteria in the Single Dwelling Housing Development Code and Multi Unit Housing Development Code.



Limited development potential blocks
 Note:
 Options for development in accordance with the Single Dwelling Housing Code particularly development at the upper floor level may be more limited on these blocks compared to similar sized complying blocks



Side setback-boundary 2



Secondary frontage

Changes to Figure 16 of the Taylor Precinct Map and Code



The following provisions relate to rules and criteria in the Single Dwelling Housing Development Code and Multi Unit Housing Development Code.



Limited development potential blocks
 Note:
 Options for development in accordance with the Single Dwelling Housing Code particularly development at the upper floor level may be more limited on these blocks compared to similar sized complying blocks



Side setback-boundary 2



Surveillance block



Secondary frontage

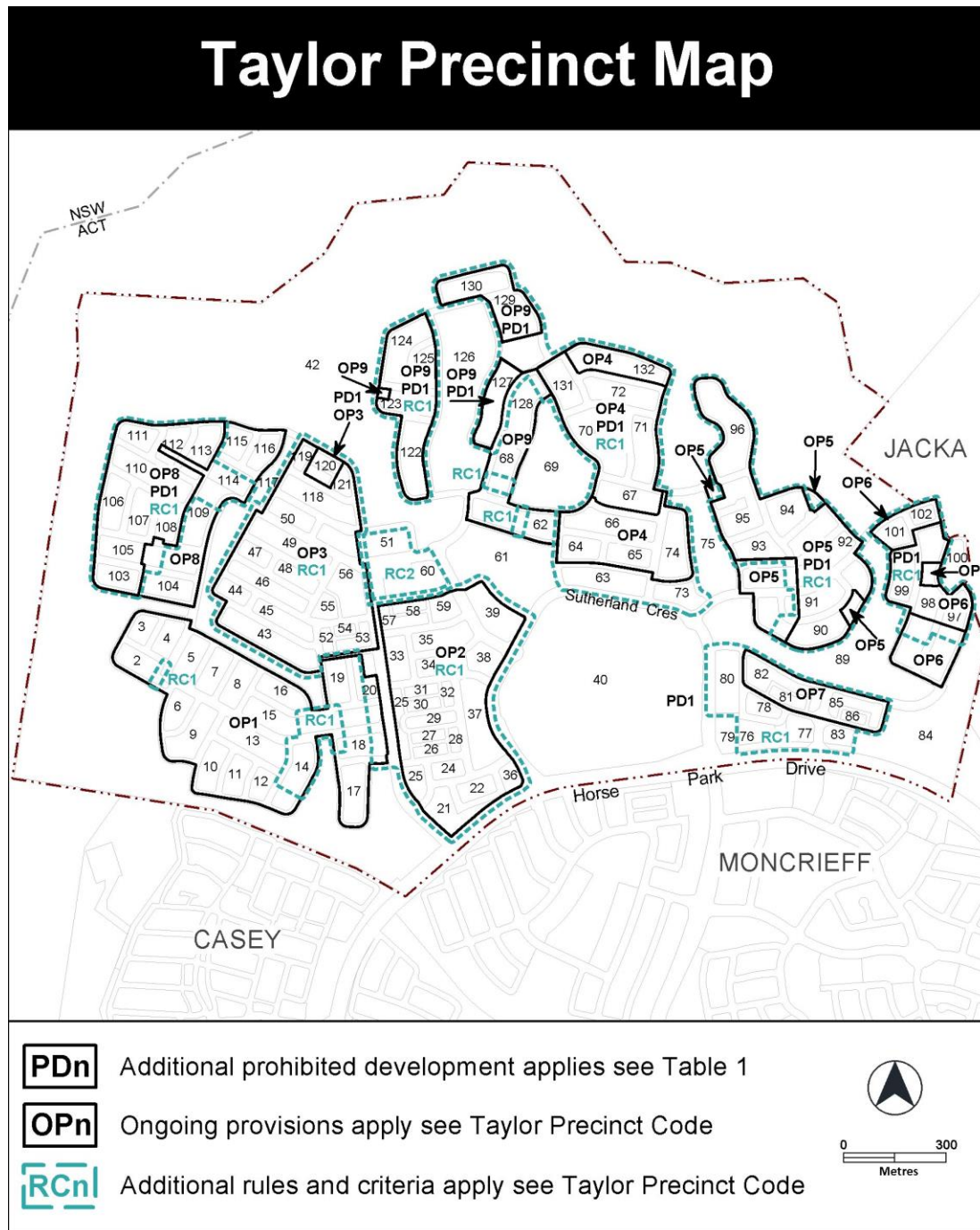
3. TECHNICAL AMENDMENT

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

3.1 Variation to the Taylor Precinct Map and Code

1. Taylor Precinct Map

Substitute



2. Other ongoing provisions, OP3 – Taylor residential area, Figure 12 Taylor residential area ongoing provisions

Substitute



Figure 12 Taylor residential area ongoing provisions

3. Other ongoing provisions, OP7 – Taylor residential area, Figure 16 Taylor residential area ongoing provisions

Substitute



Figure 16 Taylor residential area ongoing provisions

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CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, çempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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