

Australian Capital Territory

Planning and Development (Technical Amendment—Removal of public land reserve overlay) Plan Variation 2021

Notifiable instrument NI2021-736

Technical amendment no 2021-15

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 2021*.

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 Dictionary

In this instrument:

removal of public land reserve overlay plan variation means the technical amendment to the Territory Plan, variation 2021-15, 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.

Carolyn O'Neill
Delegate of the planning and land authority
9 December 2021



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

Technical Amendment to the Territory Plan

2021-15

Removal of public land reserve overlay

December 2021

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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 Cotter Road, Stromlo and Swallowtail Road, Wright.

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.

TA2021-15 has been prepared in accordance with section 87 (1) (b) of the Act.

2. EXPLANATORY STATEMENT

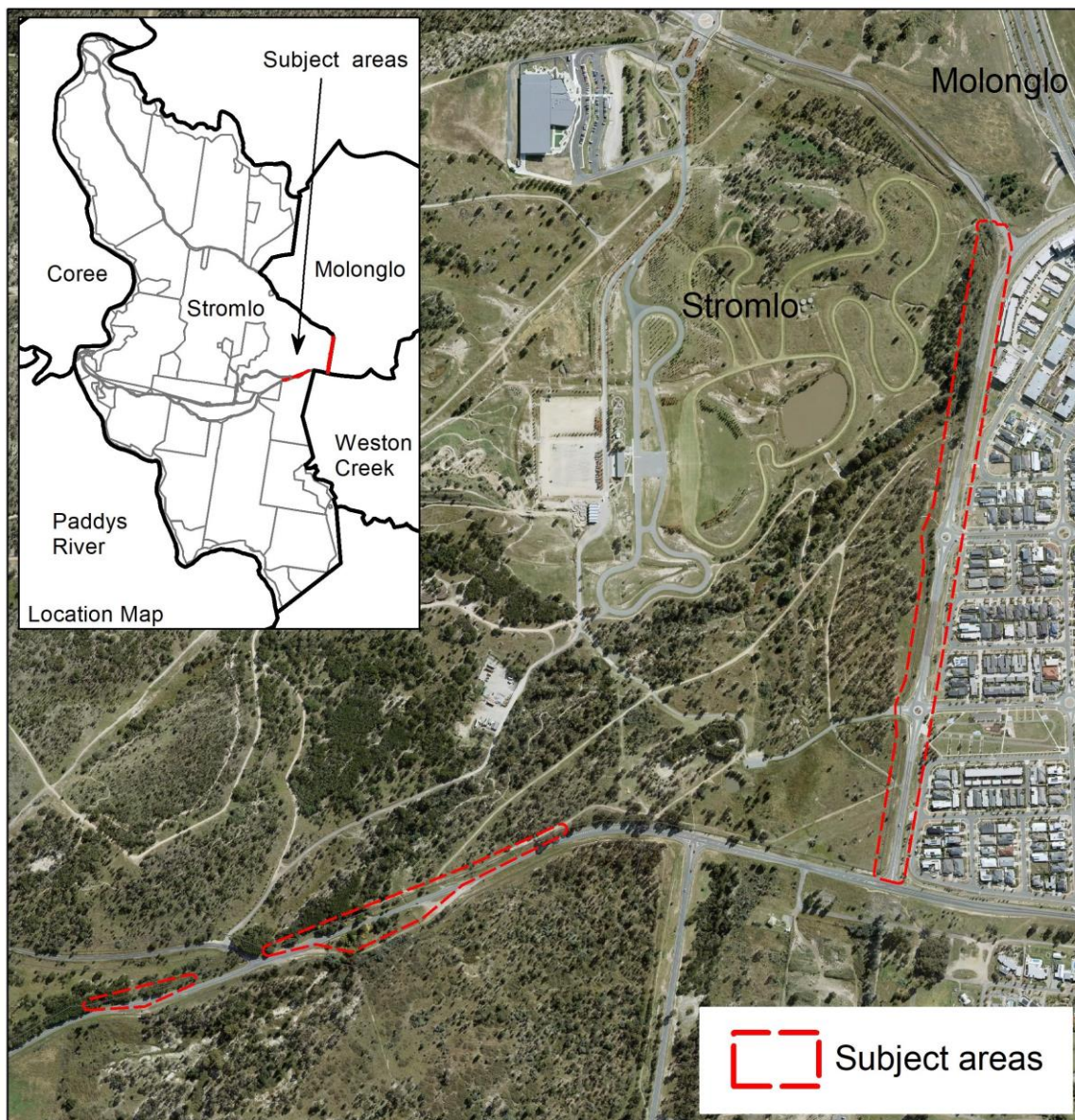
2.1 Background

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 part Cotter Road Stromlo and Swallowtails Road, which is located adjacent to the Stromlo Forest Park recreation area.

Location of subject block

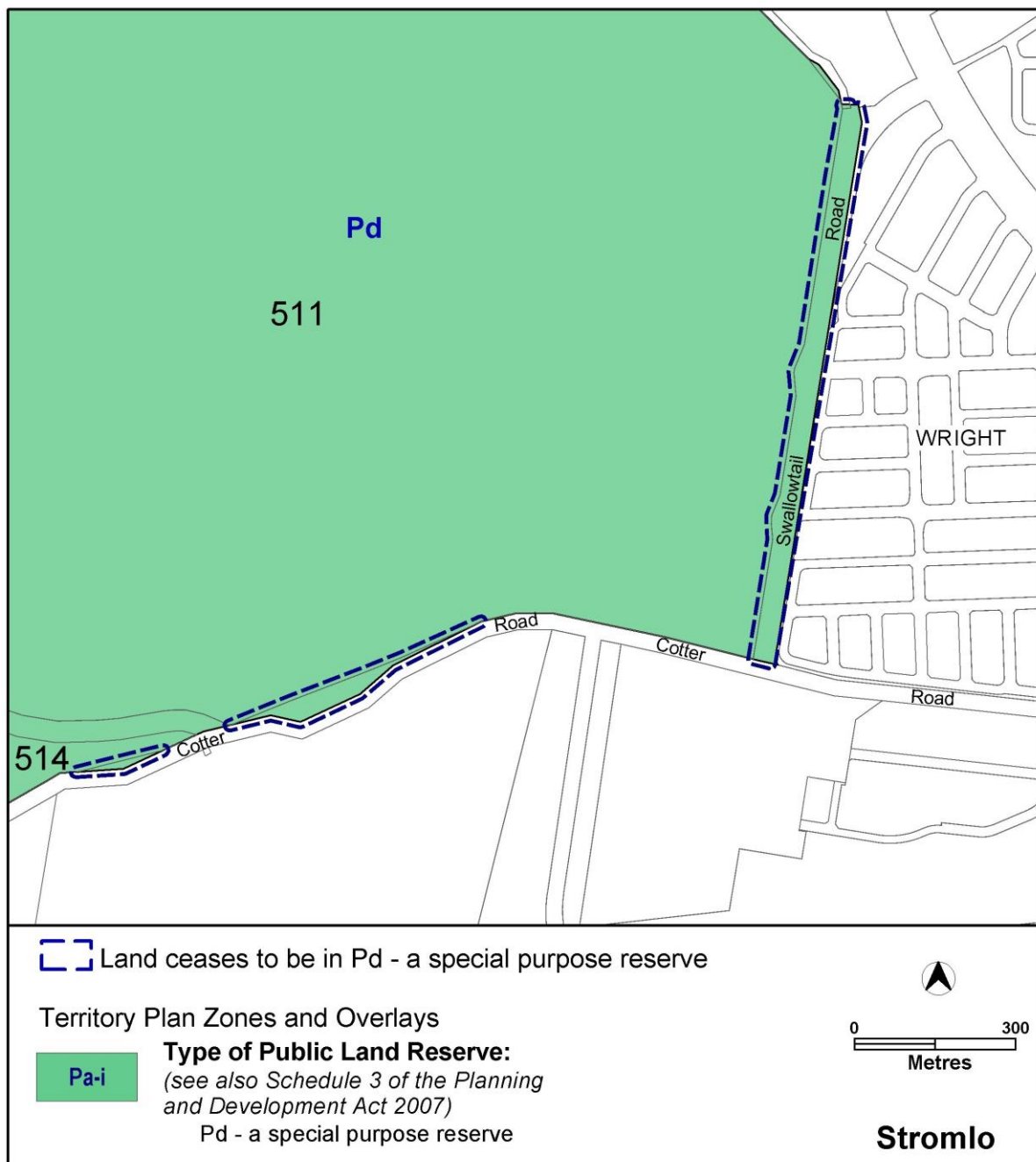


Stromlo Forest Park has a public land reserve overlay provision of 'Pd – a special purpose reserve'. The management objective for a special purpose reserve is "to provide for public and community use of the area for recreation and education".

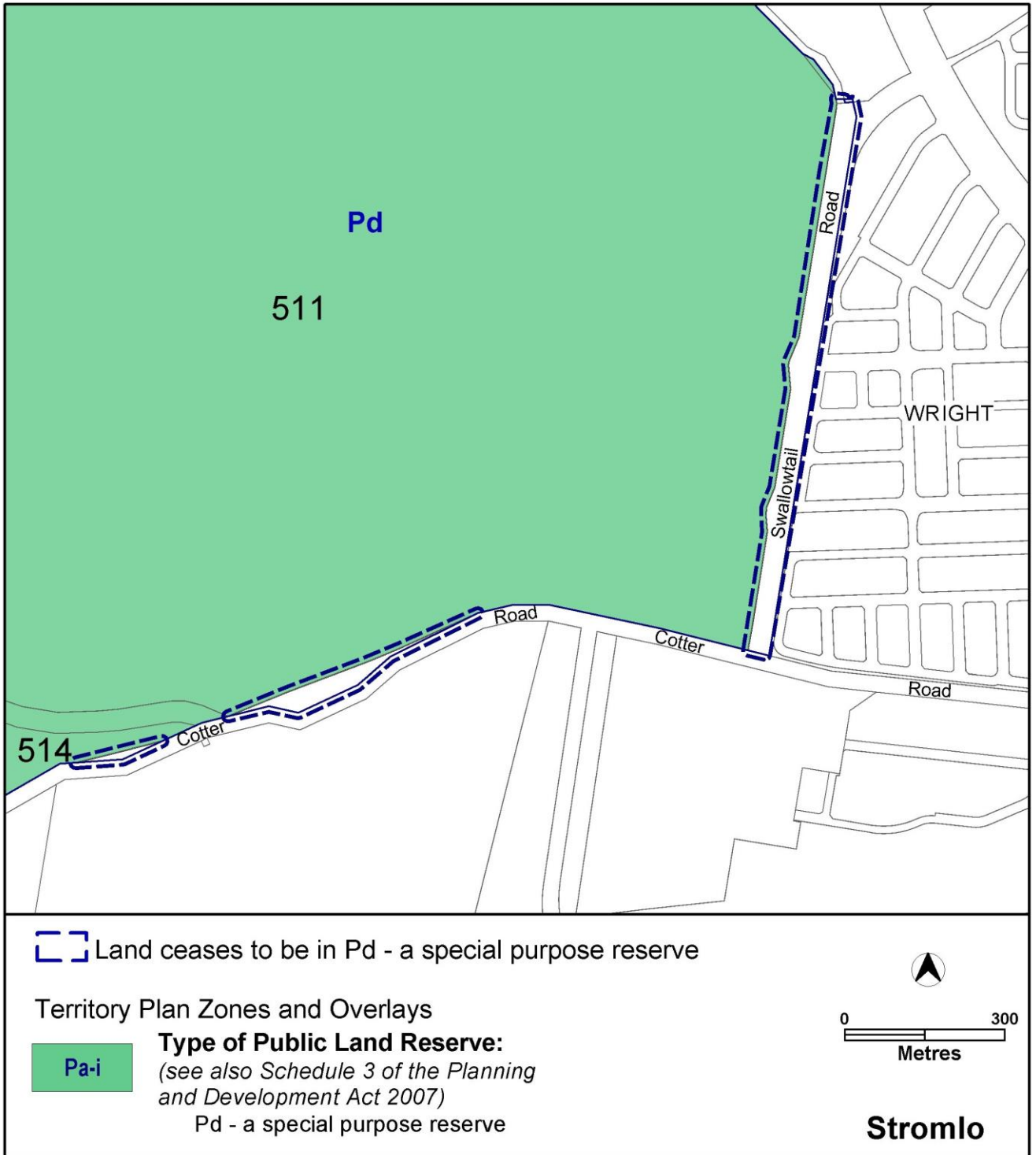
Road and block realignments have occurred to realign Cotter Road and Swallowtail Road has been constructed to service the new residential development in the Molonglo Valley, however the public land reserve overlay provisions for Stromlo Forest Park have not been varied to reflect the changes in land use.

The Conservator has requested the removal of the 'Pd' overlay from these roads to align the Stromlo Forest Park with the existing Stromlo Blocks 551 and 514. It is appropriate that the 'Pd' overlay be removed from these areas.

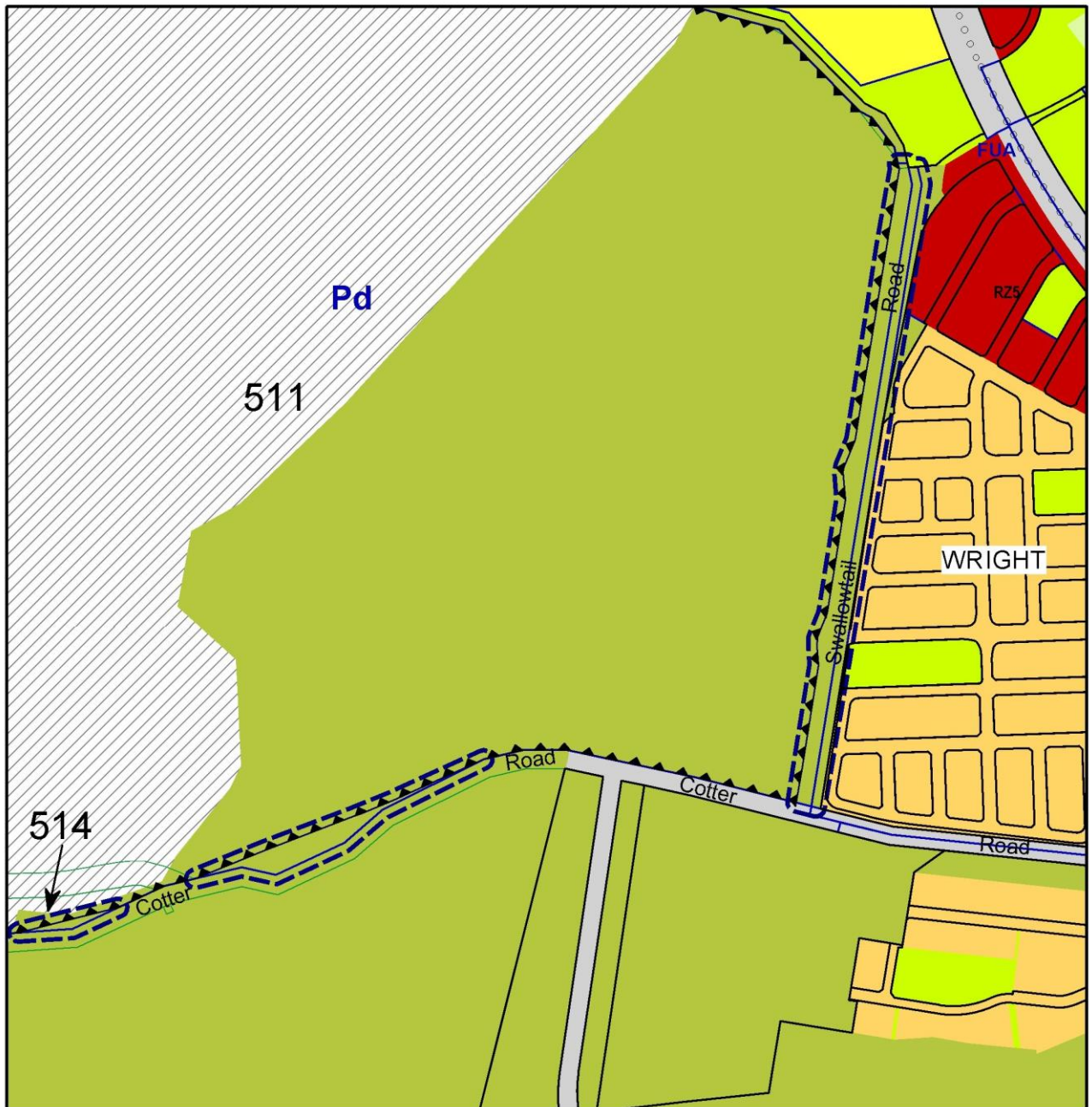
Existing area of Pd – a special purpose reserve



Change to Pd – a special purpose reserve



Proposed Territory Plan Map




 Land ceases to be in Pd - a special purpose reserve


Territory Plan Zones and Overlays

Designated Areas:


 See National Capital Plan

Residential:

 RZ1 - Suburban

 RZ5 - High Density Residential

Community Facility:

 CFZ - Community Facility

Parks and Recreation:

 PRZ1 - Urban Open Space

Transport and Services:

 TSZ1 - Transport

Non-Urban:

 NUZ3 - Hills, Ridges and Buffer

 FUA

Future Urban Area

 Intertown Public Transport Route



Public Land, arrows point inwards and encompass the type of public land reserve listed below (see also Chapter 10 of the Planning and Development Act 2007)

 Pa-i

Type of Public Land Reserve: (see also Schedule 3 of the Planning and Development Act 2007)
Pd - a special purpose reserve



Stromlo

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— (i) the conservator of flora and fauna; or (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 is unleased territory land (roads are unleased and the adjoining Stromlo Forest Park is located on unleased territory land).</p> <p>s90A(2) - Compliant</p> <p>The boundary of the ‘Pd’ public land reserve overlay is changed to remove the subject areas 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 roads are being excised from the park.</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 areas.</p> <p>s90A(3)(b) - Compliant</p> <p>Conditions in subsection (2) (a) and (b) are satisfied</p>

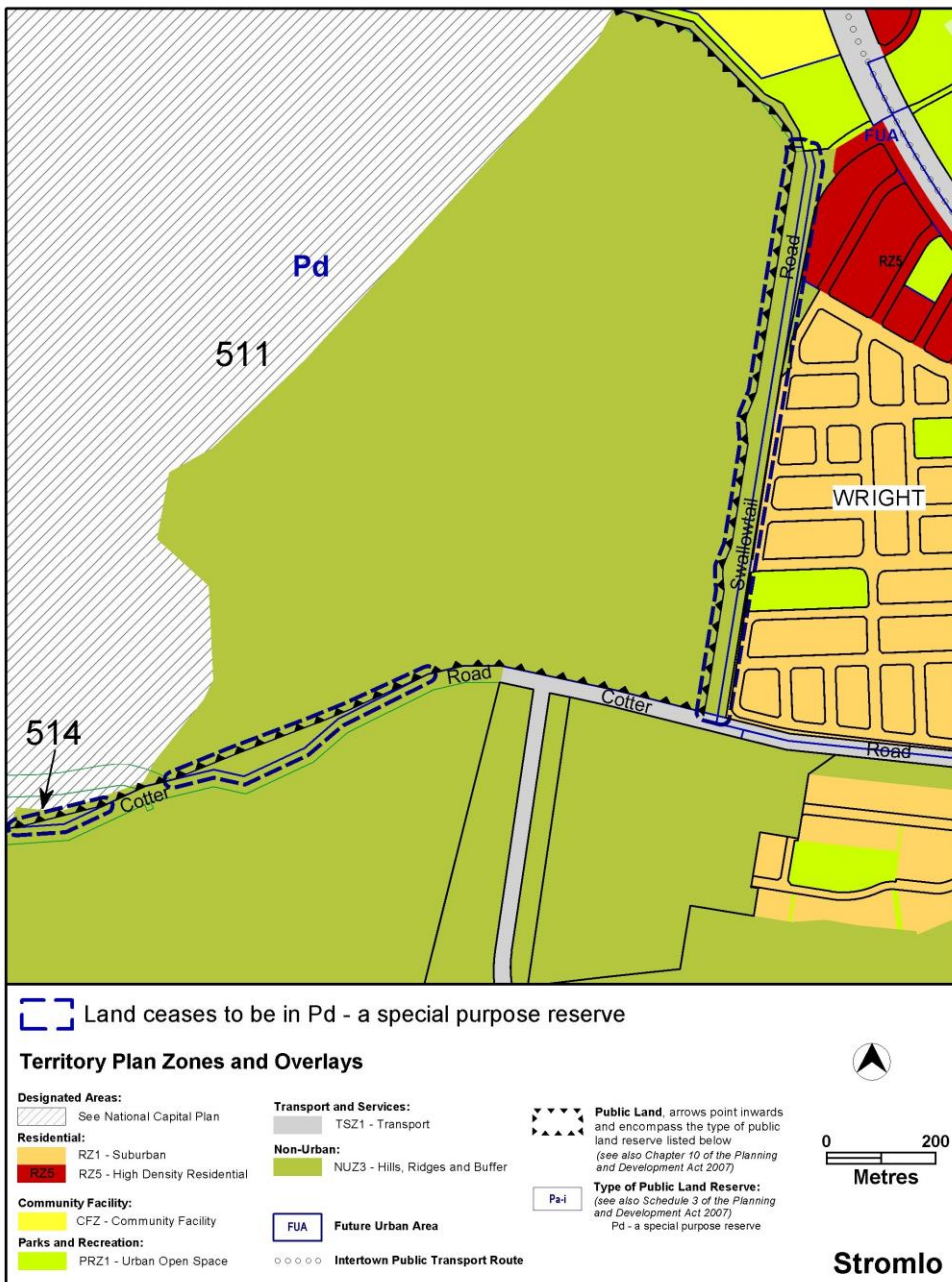
3. TECHNICAL AMENDMENT

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. Territory Plan Map

The Territory Plan map is varied as indicated below.



Interpretation service

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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:
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SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
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