

Australian Capital Territory

# Planning and Development (Technical Amendment—Code Amendments) Plan Variation 2023

Notifiable instrument NI2023–37

Technical amendment No 2022-11

made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Code Amendments) Plan Variation 2023*.

## 2 Commencement

This instrument commences on 27 January 2023.

## 3 Technical amendment

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

## 4 Dictionary

In this instrument:

*Code amendments plan variation* means the Technical amendment to the Territory Plan 2022-11, as set out in the schedule.

Dianne Stewart  
Delegate of the planning and land authority  
20 January 2023



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Schedule (see section 4)

*Planning and Development Act 2007*

# Technical Amendment to the Territory Plan

## 2022-11

Changes to the  
Whitlam Precinct Map and Code

January 2023

Commencement version  
under section 89 of the *Planning and Development Act 2007*

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# 1. INTRODUCTION

## 1.1 Purpose

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

### *Whitlam Precinct Map and Code*

- Amend Figure 2 to allow vehicle access at the north-western corner of section 30 block 6 fronting Hazel Hawke Avenue

## 1.2 Public consultation

Under section 87(2)(b) of the *Planning and Development Act 2007* (the Act) this type of technical amendment is subject to limited public consultation.

TA2022-11 was released for public consultation from 5 December 2023 to 13 January 2023.

No submissions were received.

## 1.3 National Capital Authority

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (the Plan) and to keep the NCP under constant review and to propose amendments to it when necessary.

The Plan, which was published in the Commonwealth Gazette on 21 January 1990, is required to ensure Canberra and the Territory are planned and developed in accordance with their national significance. The *Australian Capital Territory (Planning and Land Management) Act 1988* also requires the Territory Plan not be inconsistent with the Plan. The areas covered by this technical amendment are within urban areas identified in the Plan.

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

## 1.4 Process

This technical amendment has been prepared in accordance with section 87 of the *Planning and Development Act 2007* (the Act).

Comments received from the public and the National Capital Authority will be taken into account before the planning and land authority “makes” the technical amendment under section 89 of the Act. The planning and land authority must then notify the public of its decision.

## 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.

TA2022-11 has been prepared in accordance with section 87(2)(a) 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 Changes to the Whitlam Precinct Map and Code

Figure 2 is being amended to permit vehicle access to the north-western corner of section 30 block 6 fronting Hazel Hawke Avenue. This is in response to a detailed design review for the site which has revealed constraints in trying to accommodate northern solar access and private open space requirements if vehicle access is to the north-eastern street boundary.

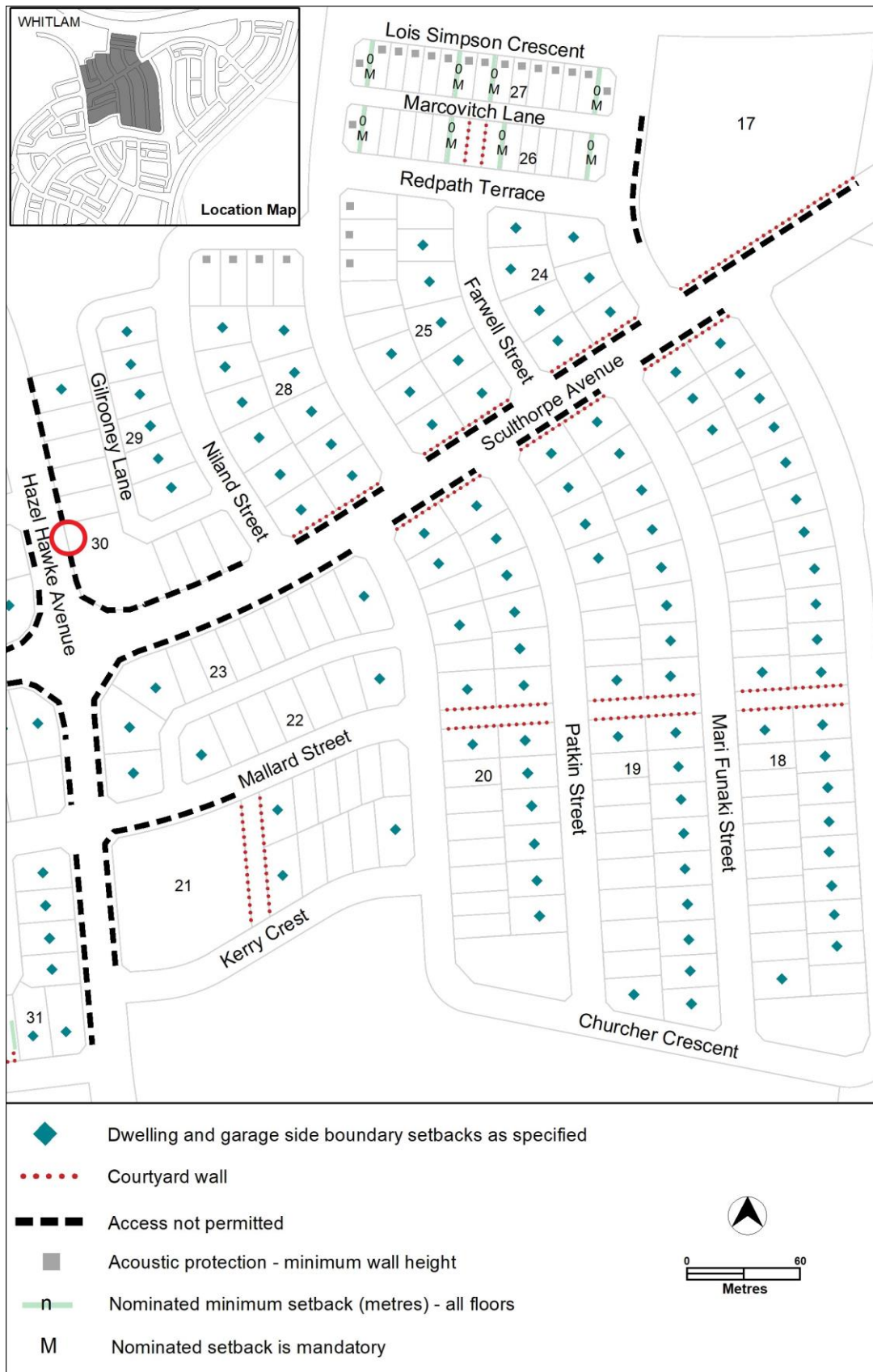


Location map – Whitlam section 30 block 6

Existing Figure 2



Proposed Figure 2





Section	Statement
<p><b>s87(2)(a)</b>  (a) a variation (a <b>code variation</b>) 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</p>	<p>Compliant.  The changes are consistent with the policy intent of restricting access to section 30 block 6 except for the north-western corner fronting Hazel Hake Avenue where it has been deemed by Transport Canberra and City Services (TCCS) to be appropriate.</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 Whitlam Precinct Map and Code

**1. Additional rules and criteria, RC1 – Whitlam Residential, Figure 2  
Whitlam residential area 2**

*substitute*



**Figure 2 Whitlam residential area 2**

## 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-għajnunja 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	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:

### TRANSLATING AND INTERPRETING SERVICE

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