



Australian Capital Territory

Planning and Development (Territory Plan Variations) Amendment Act 2013

A2013-23

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Australian Capital Territory

Planning and Development (Territory Plan Variations) Amendment Act 2013

A2013-23

An Act to amend the *Planning and Development Act 2007* and the *Planning and Development Regulation 2008*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Planning and Development (Territory Plan Variations) Amendment Act 2013*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Planning and Development Act 2007* and the *Planning and Development Regulation 2008*.

Part 2 Planning and Development Act 2007

4 Public consultation—notification Section 63 (1) (a)

omit

15 working days

substitute

30 working days

5 What are *technical amendments* of territory plan? Section 87 (c)

substitute

- (c) a variation in relation to a future urban area under section 95 (Technical amendments—future urban areas);

Note A variation to rezone land that is not in a future urban area is not a technical amendment.

- (ca) a variation in relation to an estate development plan under section 96 (Effect of approval of estate development plan);

6 Is consultation needed for technical amendments? Section 88 (1) (b)

substitute

- (b) a variation in relation to a future urban area under section 95 (Technical amendments—future urban areas);
- (ba) 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) (h);

**7 Limited consultation
Section 90 (4)**

omit

15 working days

substitute

20 working days

8 Part 5.5 heading

substitute

**Part 5.5 Plan variations—structure and
concept plans, rezoning and
estate development plans**

**9 What is a *concept plan*?
Section 93 (b)**

substitute

- (b) is a precinct code in the [territory plan](#) (see section 55 (3)) that guides the preparation and assessment of development in future urban areas to which the concept plan relates.

**10 What is an *estate development plan*?
Section 94 (1) and note**

substitute

- (1) An *estate development plan*, for an estate, sets out the proposed development of the estate, and the creation of blocks in the estate, in a way that is consistent with—
- (a) if the estate is in a future urban area—the concept plan for the area where the estate is; and

(b) any other code that applies to the estate.

Note A development application for the development of an estate must be accompanied by an estate development plan (see s 139 (2) (n)).

11 Section 94 (2)

omit

contain

substitute

identify

12 Section 94 (2) (b)

substitute

- (b) if the estate is in a future urban area—the zones proposed for the estate and any existing zones that are to continue to apply; and
- (c) if the estate is not in a future urban area—the existing zones in the estate.

13 Section 94 (3) (d)

omit

14 New section 94 (3) (h)

before the example, insert

- (h) a provision that—
- (i) is an existing rule or criteria in a code that is proposed to apply to particular blocks (an *ongoing provision*); and
- (ii) is consistent with the [territory plan](#).

15 Section 94 (3), new examples

insert

Examples for par (h)

- 1 a building requirement in relation to potential bushfire attack
- 2 building envelopes

16 Section 95 heading

substitute

95 Technical amendments—future urban areas

17 Section 95 (1)

omit

unless the rezoning

substitute

, and establish or vary a precinct code in relation to the land, unless the variation

18 Section 96

substitute

96 Effect of approval of estate development plan

- (1) This section applies to an area dealt with by an estate development plan if the plan is approved under a development application.

Note A development application is approved under s 162 (Deciding development applications).

- (2) The planning and land authority must, within a reasonable time after the approval of the estate development plan, vary the [territory plan](#) under section 89 (Making technical amendments) to—
- (a) if the land is in a future urban area—identify the zones that will apply to the land, consistent with the estate development plan; and
 - (b) incorporate any ongoing provision that—
 - (i) was included in the estate development plan under section 94 (3) (h); and
 - (ii) the planning and land authority determined should be incorporated in the [territory plan](#); and
 - (c) incorporate any ongoing provision that—
 - (i) was not included in the estate development plan under section 94 (3) (h); and
 - (ii) is consistent with the [territory plan](#); and
 - (iii) the planning and land authority determined should be incorporated in the [territory plan](#).
- (3) A variation of the [territory plan](#) under subsection (2) has the effect that, if the land dealt with by the estate development plan is in a future urban area, the land ceases to be in a future urban area.
- (4) In this section:
ongoing provision—see section 94 (3) (h).

19 Form of development applications

Section 139 (2) (n), new note

before note 1, insert

Note 1A For par (n), matters that must or may be included in an estate development plan are set out in s 94.

Part 3 Planning and Development Regulation 2008

20 Public notification period—Act, s 157, def *public notification period*, par (a) Section 28 (a) and (b)

substitute

- (a) for a development application notified in accordance with the [Act](#), section 152 (1) (a)—
 - (i) if the development application is for an estate development plan that has an ongoing provision included in the plan under the [Act](#), section 94 (3) (h)—20 working days; and
 - (ii) in any other case—10 working days;
- (b) for a development application notified in accordance with the [Act](#), section 152 (1) (b)—
 - (i) if the development application is for an estate development plan that has an ongoing provision included in the plan under the [Act](#), section 94 (3) (h)—20 working days; and
 - (ii) in any other case—15 working days.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 9 May 2013.

2 Notification

Notified under the [Legislation Act](#) on 13 June 2013.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Planning and Development (Territory Plan Variations) Amendment Bill 2013, which was passed by the Legislative Assembly on 6 June 2013.

Clerk of the Legislative Assembly

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