

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment and Sustainable Development)

Planning and Development (Territory Plan Variations) Amendment Bill 2013

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Planning and Development (Territory Plan Variations) Amendment Bill 2013

A Bill for

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:

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

5 **2 Commencement**

6 This Act commences on the day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the *Planning and Development Act 2007* and the
11 *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

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

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

4 **11 Section 94 (2)**

5 *omit*

6 contain

7 *substitute*

8 identify

9 **12 Section 94 (2) (b)**

10 *substitute*

11 (b) if the estate is in a future urban area—the zones proposed for
12 the estate and any existing zones that are to continue to apply;
13 and

14 (c) if the estate is not in a future urban area—the existing zones in
15 the estate.

16 **13 Section 94 (3) (d)**

17 *omit*

18 **14 New section 94 (3) (h)**

19 *before the example, insert*

20 (h) a provision that—

21 (i) is an existing rule or criteria in a code that is proposed to
22 apply to particular blocks (an *ongoing provision*); and

23 (ii) is consistent with the [territory plan](#).

1	15	Section 94 (3), new examples
2		<i>insert</i>
3		Examples for par (h)
4		1 a building requirement in relation to potential bushfire attack
5		2 building envelopes
6	16	Section 95 heading
7		<i>substitute</i>
8	95	Technical amendments—future urban areas
9	17	Section 95 (1)
10		<i>omit</i>
11		unless the rezoning
12		<i>substitute</i>
13		, and establish or vary a precinct code in relation to the land, unless
14		the variation
15	18	Section 96
16		<i>substitute</i>
17	96	Effect of approval of estate development plan
18	(1)	This section applies to an area dealt with by an estate development
19		plan if the plan is approved under a development application.
20	<i>Note</i>	A development application is approved under s 162 (Deciding
21		development applications).

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

23 **19 Form of development applications**

24 **Section 139 (2) (n), new note**

25 *before note 1, insert*

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

1 **Part 3** **Planning and Development**
2 **Regulation 2008**

3 **20** **Public notification period—Act, s 157, def *public***
4 ***notification period*, par (a)**
5 **Section 28 (a) and (b)**

6 *substitute*

7 (a) for a development application notified in accordance with the
8 Act, section 152 (1) (a)—

9 (i) if the development application is for an estate
10 development plan that has an ongoing provision included
11 in the plan under the Act, section 94 (3) (h)—20 working
12 days; and

13 (ii) in any other case—10 working days;

14 (b) for a development application notified in accordance with the
15 Act, section 152 (1) (b)—

16 (i) if the development application is for an estate
17 development plan that has an ongoing provision included
18 in the plan under the Act, section 94 (3) (h)—20 working
19 days; and

20 (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 2013.

3 Republications of amended laws

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

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