



TERRITORY PLAN VARIATIONS

The Territory Plan is a document which guides the planning and development of the ACT. The Territory Plan is regularly reviewed with changes and updates being undertaken through one of two mechanisms; Variations and Technical Amendments, as outlined in the *Planning and Development Act 2007* (the Act).

More information on Technical Amendments is available in the Territory Plan Technical Amendment factsheet.

Why is the Territory Plan varied?

Territory Plan Variations are changes to the policy content of the Territory Plan to better reflect the changing needs of the ACT community and to maintaining a contemporary planning system and achieving the goals and objectives of contemporary strategic planning policy (i.e. ACT Planning Strategy 2012, Master Plans, Statement of Planning Intent, Territory Plan's Strategic Directions etc).

What are 'full' Variations to the Territory Plan?

Territory Plan Variations are made under Part 5.3 of the Act and are used to make significant policy changes to the Territory Plan which are consistent with strategic planning policy. Variations can amend the Territory Plan in the following ways: rezoning a specific site, introducing or amending planning provisions or allowing or prohibiting certain types of development.

Variations can be requested by anyone, including a block owner, a Government agency or the Planning Minister. All variations are subject to a mandatory public notification of at least 30 working days and are ultimately reviewed by the ACT Legislative Assembly.

What is the Process?

Changes to the Territory Plan can be initiated following a change to government policy, the completion of detailed planning work for an area (eg Master Plans) or to facilitate suitable development to occur on a site. If a variation is requested by the lessee of a block, a planning report is provided to outline the planning justification for the proposal.

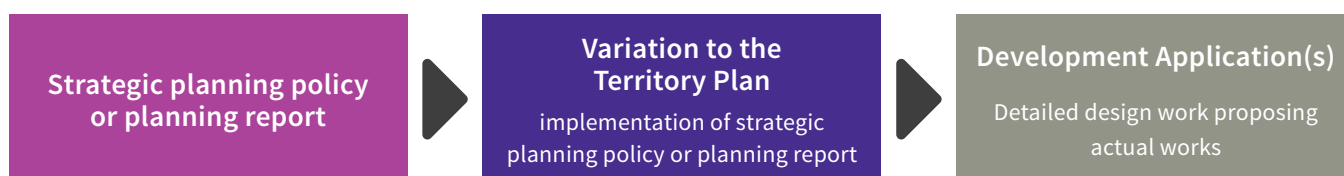
The process for the ACT Government creating and implementing a Draft Variation to the Territory plan is described in the Figure 1.

Figure 1: Process for a typical variation to the Territory Plan



* The Act requires consultation with five mandatory agencies when considering a Draft Variation: the National Capital Authority; the Conservator of Flora and Fauna, the Environment Protection Agency; the Heritage Council; and the land custodian (if any) of all potentially affected unleased land or leased public land.

Figure 2: Showing the position of variations in the development process.



A Territory Plan variation does not propose or approve any specific development. If a development requires development approval, a development application must be submitted to the planning and land authority for consideration. This development application can be lodged once the variation has commenced or be considered through a concurrent process. A concurrent process is beneficial where a variation is prepared for a particular development as it enables the development application plans to be provided to the community while the draft variation is being considered. This allows the public to comment on both aspects of the proposal concurrently.

What public consultation is required to be undertaken by the planning and land authority for a variation?

The planning and land authority is required to present all variations to the public for a minimum of six weeks generally through the ACT Government website. This time frame is extended for a concurrent draft variation and development application process.

On certain occasions, specified by the Planning and Development Act 2007, the planning and land authority is required to send out notifications to lessees notifying them of the variation where a zone is being changed from one category to another (i.e. Residential to Commercial). This does not apply when a zone is changed to PRZ1 Urban Open Space, NUZ3 Hills Ridges and Buffer, NUZ4 River Corridor or NUZ5 mountains and bushland.

Notification is generally in the form of a letter and will be posted to lessees in sections adjoining the site that is being rezoned.

How long do Variations take to complete?

Variations are prepared by the ACT Government and can be a complex process. There are a number of statutory and non-statutory timeframes which affect how long Variations take. Variations can take between 12–18 months from preparation until commencement (i.e. becomes a part of the Territory Plan). They ultimately require the approval of the Planning Minister and agreement by the Legislative Assembly.

Interim Effect

When a Draft Variation to the Territory Plan is prepared it has no effect on the provisions of the Territory Plan unless it specifically has interim effect.

When a Variation is approved, it does not become part of the Territory Plan until it commences. Once this occurs the new provisions are introduced and can be applied to new and undetermined development applications, including concurrent development applications.

When a Variation is being prepared the Act allows interim effect to be applied to all or part of the Variation. If a Variation has interim effect it means that the proposed provisions of the Variation apply in addition to the Territory Plan. Both the Variation and the Territory Plan continue to apply for as long as the Variation has interim effect, or until it commences or is refused.

If a Variation has interim effect its rules apply to all undetermined development applications. Where a proposed provision of a Variation which has interim effect and a provision of the Territory Plan are inconsistent, the provision from the Variation will take precedence.

If a variation and development application are lodged concurrently, the development cannot start until the variation commences. However if the variation has interim effect, the development application can be approved if it is consistent with the variation.

Can I rezone my block?

One off or site specific Variations to the Territory Plan are not generally supported unless it can be demonstrated that there is an overriding public benefit or good and that it is consistent with the planning objectives of the ACT Government. Rezoning of residential areas generally occurs as a part of a wider review of planning policies (i.e. Variation 200) rather than on a block by block basis. This ensures broader strategic planning practices and outcomes are implemented and realised.

Where it can be demonstrated that a rezoning has wide public benefit (i.e. consistent with strategic planning policy) a full variation to the Territory Plan is required.

How do I know about Draft Variations that may affect me?

We encourage you to check our website periodically to ensure that you remain up to date with changes to the Territory Plan.

You can also download the DA Finder App which is now equipped with the ability to be notified and to comment on draft variations.

What are the differences between Technical Amendments (TA's) and Draft Variations (DV's)

VARIATIONS	TECHNICAL AMENDMENTS
Prepared and progressed under Part 5.3 of the Act	Prepared and progressed under Part 5.4 of the Act
No limitation on proposed changes to the Territory Plan	Limited to clerical, routine or operational changes
Mandatory public consultation of no less than 30 working days	Some Technical Amendments require public consultation of no less than 20 working days, others require no public consultation
Public submissions received must be considered and a report on consultation must be prepared	Public submissions received must be considered
Prepared by ACT Government	Prepared by ACT Government
Determined by the Planning Minister	Determined by ACT Government
Require the agreement of at least half the Legislative Assembly and has a disallowance period	Not referred to the Legislative Assembly
Takes approximately 12–18 months to complete	Takes approximately 1–3 months to complete