



## Amending the Territory Plan

(Draft Planning Bill)

At times, the Territory Plan may need to be amended to respond to changes in Government policy, achieve different planning outcomes, or to allow a lessee to do something which would otherwise not be permitted under the Territory Plan.

### Continual review

Under the Planning Bill, the Territory Planning Authority is required to keep the Territory Plan under continual review and prepare and consider amendments to the Plan.

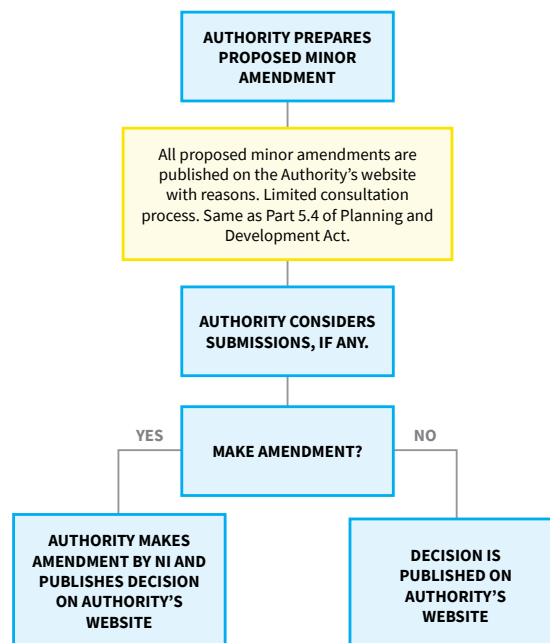


In addition to creating the Territory Plan, Chapter 5 of the Planning Bill provides statutory processes to amend the Territory Plan. Broadly, there are two types of amendments: minor and major amendments.

### Minor amendments

Minor amendments to the Territory Plan are the same as technical amendments under the Planning and Development Act 2007. They are prepared and approved by the Territory Planning Authority following public notice and any required consultation.

### MINOR AMENDMENT PROPOSAL



#### KEY

- CONSULTATION
- AUTHORITY



## Major amendments

Major amendments to the Territory Plan are those approved by the Minister. They require public and National Capital Authority consultation, may be referred to a Legislative Assembly committee for consideration, and are subject to Legislative Assembly review and disallowance (for a five-day period).

A major plan amendment may arise three ways:

1. The Territory Planning Authority may initiate its own amendment
2. The Minister may direct the Territory Planning Authority to prepare an amendment
3. A proponent may apply for the Territory Plan to be amended

## Proponent-initiated amendments

The purpose of including this new process is to increase transparency. Under the 2007 Act, there is no statutory process for a proponent to request an amendment; it occurs as a request to the planning authority and there is no certainty of process and timing.

A proponent seeking to amend the Territory Plan will have to apply to the Territory Planning Authority to consider whether to accept the proposed amendment for consideration based on criteria set out in the Bill.

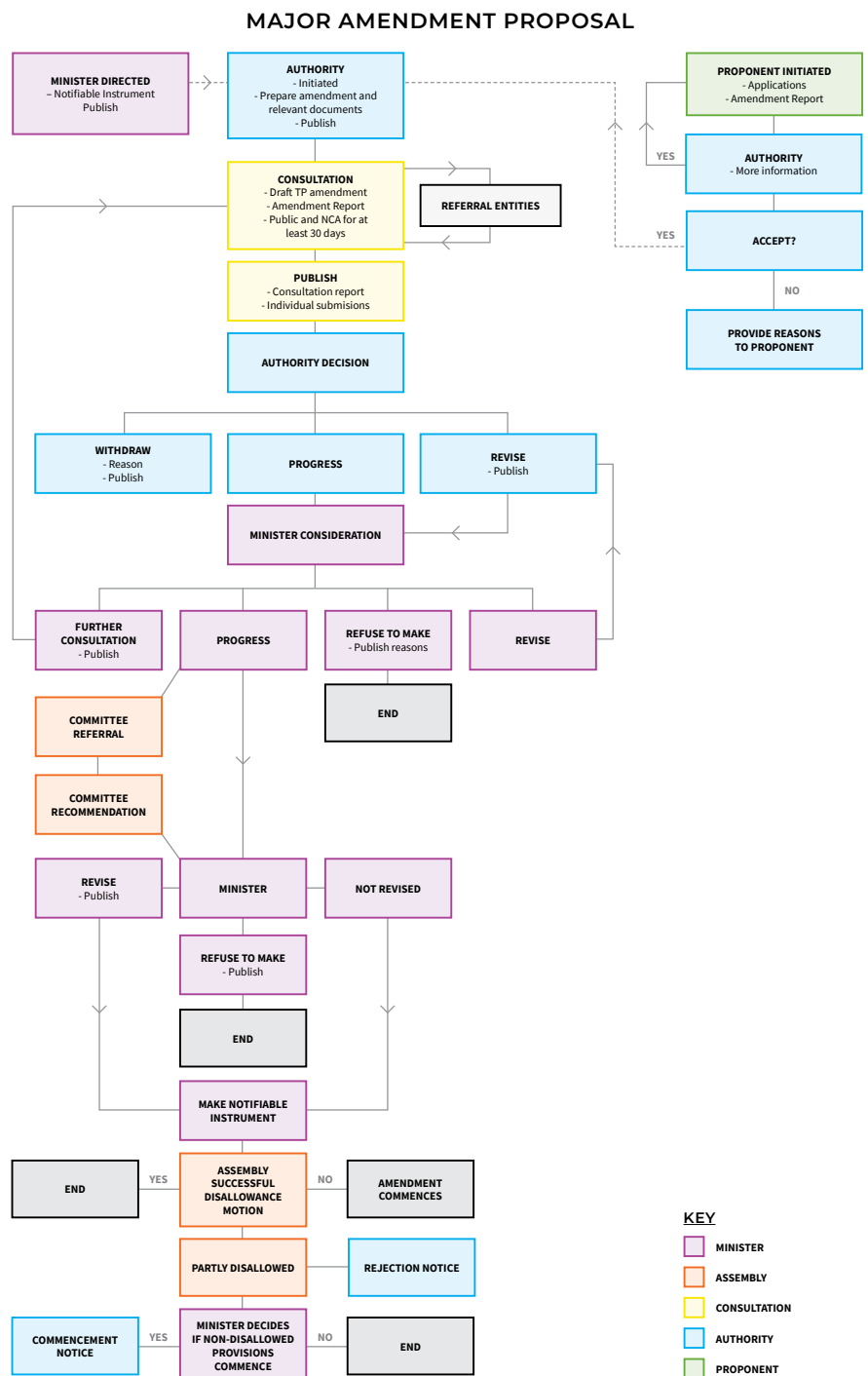
If accepted, the application and supporting information will be published on the Territory Planning Authority's website. Subsequent documentation (e.g. the draft plan amendment, public comments)

would also be published in accordance with the standard process for Territory Plan amendments.

Once accepted, the Authority will prepare a proposed amendment, undertake public and National Capital Authority consultation, and provide the proposed amendment to the

Minister for consideration. Please note that accepting an application does not require the Authority to implement the proposed amendment or implement it in the form proposed.

The following diagram shows the process for major amendments to the Territory Plan.





## Formal Government policy amendments

An efficient and transparent pathway is proposed for Territory Plan amendments where the substance of the amendment has already had public consultation and been adopted as formal Government policy.

Following the approval of the Government strategy or policy, the Minister may make an amendment to the Territory Plan. Additional public consultation is not required if the proposed amendment was clearly

articulated within the Government policy document and sufficient public consultation was held on that policy document.

Our review found that the requirements of the 2007 Act sometimes resulted in duplication of consultation processes for Territory Plan variations. This often led to lengthy delays in implementing Government policy into planning requirements against which developments are assessed.

Under the new process, there would be no referral of the amendment to the Legislative Assembly committee for inquiry, reflecting that the amendment gives effect to formal and adopted Government policy. The Legislative Assembly would, however, retain its power to review and disallow a Territory Plan amendment prepared under this process.

### MAJOR AMENDMENT PROPOSAL – GOVERNMENT POLICY

