TECHNICAL AMENDMENTS TO THE TERRITORY PLAN

The Territory Plan is a live document that is regularly reviewed. Changes and updates are done through one of two mechanisms: full variations and technical amendments, as stipulated in the Planning and Development Act 2007 (the Act). More information on full variations is available in the Territory Plan Variations factsheet.

What are Technical Amendments to the Territory Plan?

Technical amendments are clerical, routine or operational changes or amendments to the Territory Plan allowed under Part 5.4 of the Act.

Generally technical amendments are used to correct, clarify or better articulate existing policies of the Territory Plan. They do not change the policy purpose, intent or substance of the Territory Plan provisions. However, technical amendments involving future urban areas can introduce new policy to and rezone land with the future urban area overlay (but only if consistent with the relevant structure plan).

If a proposed amendment does not meet the provisions of the Act for a technical amendment, then a full variation to the Territory Plan is required instead.

What types of technical amendments are there?

Section 87 of the Act states the different types of technical amendment that are permitted. The following are lists of technical amendments under Section 87 of the Act where no public notification is required and where limited consultation is required.

No Consultation Required

a. An error variation – the correction of a formal error in the plan that does not affect anyone’s rights under the Territory Plan

b. a change to the boundary of a zone or overlay under section 90A of the Act (i.e. land adjoining unleased territory land or for which the Territory is the registered proprietor)

c. a change in relation to an estate development plan (EDP) under section 96 of the Act, other than one that adds provisions to the Territory Plan that were not included in the EDP when notified

d. 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e. a variation to omit something that is obsolete or redundant in the Territory Plan

Limited Consultation Required

a. a code variation – changes to a code that are consistent with policy purpose and policy framework of the code.

b. a zone boundary change under section 90B of the Act – development encroaching adjoining Territory Land

c. a change in relation to future urban areas under section 90C of the Act that is consistent with the relevant structure plan and may include:

i. rezoning of land in a future urban area and/or establish or vary a precinct code in relation to the land

ii. a change to the boundary of a future urban area. A boundary of a future urban area cannot be proposed to be changed if it adjoins an existing leased block.
d. a change in relation to an estates development plan under section 96 (i.e. a technical amendment which incorporates new provisions to the Territory Plan that were not publicly notified as part of the estate development plan)
e. clarify the language in the Territory Plan if it does not change the substance of the plan.
f. relocate a provision within the Territory Plan if the substance of the provision is not changed.

Do Technical Amendments have public consultation?

Some Technical Amendments have a minimum 20 working days public consultation period (‘limited consultation’) as specified by the Act, while others do not require public consultation. A Technical Amendment under s90B (zone boundary change to allow development to encroach over Territory Land) must be notified concurrently with the associated development application for a minimum of 35 working days.

How long do Technical Amendments take to complete?

Technical Amendments do not have statutory time limits. They are prepared and determined by the ACT Government and generally take approximately three months to complete. This time is dependent on the complexity of the Technical Amendment and whether any issues are raised during consultation.

How are technical amendments initiated and what is the process?

Most technical amendments are initiated by the ACT government as part of its ongoing monitoring of the Territory Plan. However, amendments can be suggested by anyone. For example, technical amendments in relation to future urban areas are often proposed by a private sector proponent as the developer of the land.

All technical amendments are administered and implemented by the ACT Government. Prior to the determination of a technical amendment it is assessed against the provisions of the Act to establish whether or not the proposal meets the criteria (i.e. deciding whether the change is clerical, routine or operational). Once it is determined that a technical amendment is required the relevant public consultation is undertaken in accordance with the Act. Public submissions are received and considered in finalising the technical amendment.

This process can be seen in Figure 1.

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### Figure 1: Process for a Technical Amendment to the Territory Plan.

1. **Request for TA to the Territory Plan**
2. **Determination made if the changes constitutes a TA**
3. **TA is prepared**
4. **Public consultation undertaken and submissions considered**
   - Note: may not be required under the Planning and Development Act 2007.
5. **TA determined by the planning and land authority**

### How do I know about Technical Amendments that may affect me?

We encourage you to check our website periodically to ensure you remain up to date with changes to the Territory Plan. The DA Finder app is available and includes information on Draft Variations and Technical Amendments that are open for public comment.

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

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