



Australian Capital Territory

Planning (Consequential Amendments) Act 2023

A2023-36

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Australian Capital Territory

Planning (Consequential Amendments) Act 2023

A2023-36

An Act to amend legislation because of the enactment of the *Planning Act 2023*,
and for other purposes

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

1 Name of Act

This Act is the *Planning (Consequential Amendments) Act 2023*.

2 Commencement

- (1) This Act (other than schedule 1, part 1.51) commences on the commencement of the *Planning Act 2023*, section 523.

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

- (2) Schedule 1, part 1.51 commences on the commencement of the *Professional Engineers Act 2023*, section 74.

3 Legislation amended—sch 1

This Act amends the legislation mentioned in schedule 1.

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 ACT Civil and Administrative Tribunal Act 2008

[1.1] Section 22P (1)

omit

- *Planning and Development Act 2007*

substitute

- *Planning Act 2023*

[1.2] Section 25 (3), note

substitute

Note Any procedure under an authorising law for dealing with an application prevails over the procedures set out in the rules for dealing with the application (see s 27). For example, the *Planning Act 2023*, s 507 (4) provides, in relation to applications for review by third parties, that the period for making an application for review of a decision under that Act cannot be extended. That provision prevails over any rule to extend the time for making an application under that Act.

[1.3] Section 29 (6), example

substitute

Example—s (6)

Under the *Planning Act 2023*, s 506 only an entity mentioned in relation to a decision in that Act may apply for review of a decision.

[1.4] Further amendments, mentions of *Planning and Development Act 2007*

omit

Planning and Development Act 2007

substitute

Planning Act 2023

in

- section 32
- section 48
- sections 77 to 79
- section 86

**Part 1.2 Administrative Decisions
(Judicial Review) Act 1989**

[1.5] Sections 4A and 8

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.6] Schedule 1, item 15

substitute

1	Planning Act 2023	<ul style="list-style-type: none">a decision under chapter 6 (Significant development), chapter 7 (Development assessment and approvals) or chapter 10 (Leases and licences) in relation to a development proposal that is related to light rail, other than a development proposal involving a protected matter
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Part 1.3 Building Act 2004

[1.7] Section 14 (1), note 2

omit

Planning and Development Act 2007, s 138C

substitute

[Planning Act 2023, s 150](#)

[1.8] Section 25AA, definition of *site work notice*, paragraph (a) (i)

omit

Planning and Development Act 2007, section 133

substitute

[Planning Act 2023, section 145](#)

[1.9] Section 26 (2) (h)

omit

Planning and Development Regulation 2008, schedule 1, section 1.19

substitute

Planning (Exempt Development) Regulation 2023, schedule 1, section 1.18

[1.10] Section 26 (2) (h), example

omit

s 1.19 under the *Planning and Development Act 2007*, s 425

substitute

the *Planning (Exempt Development) Regulation 2023*, sch 1, s 1.18

[1.11] Section 26 (2), note 1

omit

[1.12] Section 28 (1A) (b)

substitute

(b) if the territory planning authority has not made an exemption declaration under the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.131 (1) (d); and

[1.13] Section 28 (1A) (d) (i)

omit

Planning and Development Act 2007, section 133

substitute

Planning Act 2023, section 145

[1.14] Section 28 (2) (a), note

omit

requires development approval under the *Planning and Development Act 2007*

substitute

is exempt from requiring development approval under the [Planning Act 2023](#)

[1.15] Section 29 (1) (g)

omit

Planning and Development Act 2007

substitute

[Planning Act 2023](#)

[1.16] Section 29 (1) (g) (i), note

omit

Planning and Development Act 2007, div 7.3.1A

substitute

[Planning Act 2023](#), s 150

[1.17] Section 29 (1) (g) (ii), note

omit

Planning and Development Act 2007, s 133

substitute

[Planning Act 2023](#), s 145

[1.18] Section 29 (1) (g) (iv)

omit

Planning and Development Regulation 2008, schedule 1,
section 1.100A (1) (b) or section 1.100AB (1) (b)

substitute

Planning (Exempt Development) Regulation 2023, schedule 1,
section 1.131 (1) (d)

[1.19] Section 29 (1), note 1

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.20] Section 30 (1), example

omit

Planning and Development Act 2007, s 247

substitute

Planning Act 2023, s 276

[1.21] Section 30 (1), example

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.22] Section 50A (1), note

omit

Planning and Development Act 2007, s 340

substitute

[Planning Act 2023](#), s 413

[1.23] Section 50A (3), note

omit

Planning and Development Act 2007, s 138D

substitute

[Planning Act 2023](#), s 152 (2) (b) (i)

[1.24] Section 52, definition of *custodian*

substitute

custodian—see the [Planning Act 2023](#), dictionary.

[1.25] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

[1.26] Dictionary, definition of *development* etc

substitute

development, in relation to land—see the [Planning Act 2023](#), section 14 (1).

development approval—see the [Planning Act 2023](#), dictionary.

exemption assessment D notice—see the [Planning Act 2023](#), section 152 (2) (b).

[1.27] Dictionary, definition of *land*, paragraph (c)

substitute

- (c) land, a building or other structure on land, the use of which is authorised by a licence under the [Planning Act 2023](#), part 10.13 (Licences for unleased land).

[1.28] Dictionary, definitions of *land sublease* and *lease*

substitute

land sublease—see the [Planning Act 2023](#), dictionary.

lease—see the [Planning Act 2023](#), section 257.

[1.29] Dictionary, definition of *owner*, paragraph (e)

substitute

- (e) if the land is subject to a licence under the [Planning Act 2023](#), part 10.13 (Licences for unleased land)—the licensee; or

[1.30] Further amendments, mentions of *planning and land authority*

omit

planning and land authority

substitute

territory planning authority

in

- section 17A
- section 50A
- section 58
- section 62
- sections 96 to 98
- sections 101 and 102
- sections 105 to 113
- section 115
- sections 117 and 118
- sections 121 to 125

**Part 1.4 Building (General)
Regulation 2008**

[1.31] Section 7B (2)

omit

Planning and Development Regulation 2008, schedule 1, section 1.19

substitute

Planning (Exempt Development) Regulation 2023, schedule 1,
section 1.18

[1.32] Section 7B (2), example

omit

s 1.19 under the *Planning and Development Act 2007*, s 425

substitute

the *Planning (Exempt Development) Regulation 2023*, sch 1, s 1.18

[1.33] Section 9A (b)

substitute

(b) a reference to any provision of the *Planning (Exempt Development) Regulation 2023* or *Planning (General) Regulation 2023* relied on by the certifier to assess the site work as exempt development;

[1.34] Section 22 (3)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.35] Section 30B (a)

omit

Planning and Development Regulation 2008, schedule 1, section 1.45

substitute

Planning (Exempt Development) Regulation 2023, schedule 1, section 1.42

[1.36] Section 30B (b)

omit

Planning and Development Regulation 2008, schedule 1, section 1.100, 1.100AA, 1.100A or 1.100AB

substitute

Planning (Exempt Development) Regulation 2023, schedule 1, section 1.130 or 1.131

[1.37] Section 30B (c)

omit

Planning and Development Regulation 2008, schedule 1, section 1.100B

substitute

Planning (Exempt Development) Regulation 2023, schedule 1, section 1.132

[1.38] Section 35 (a)

omit

chief planning executive

substitute

chief planner

[1.39] Section 35B

omit

under the *Planning and Development Act 2007*, section 279AC

[1.40] New section 35B (2)

insert

(2) In this section:

deferral arrangement, for a lease variation charge—see the [Planning Act 2023](#), section 343 (1) (c).

lease variation charge, for a variation of a nominal rent lease—see the [Planning Act 2023](#), dictionary.

[1.41] Section 44 (2), definition of *non-urban land*, paragraph (a) (iii)

omit

areas

[1.42] Section 49 (1) (d) (i) and (ii)

substitute

- (i) a relevant provision in any relevant district policy; and
- (ii) if it is not displaced by a relevant provision in a relevant district policy—a relevant residential zones—single dwelling housing development control.

[1.43] Section 49 (6)

omit

[1.44] Section 49 (8)

substitute

(8) In this section:

district policy—see the [Planning Act 2023](#), dictionary.

dwelling—see the [Planning \(Exempt Development\) Regulation 2023](#), section 6 (1).

residential zones—single dwelling housing development control— see the *Planning (Exempt Development) Regulation 2023*, section 14 (1) (a).

[1.45] Schedule 2, section 2.1, definitions of easement etc

substitute

easement—see the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.11 (4).

proposed easement—see the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.11 (4).

utility infrastructure access or protection space—see the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.11 (4).

[1.46] Dictionary, note 2

insert

- chief planner

Part 1.5 Casino Control Act 2006

[1.47] Section 62 (2)

substitute

- (2) Subsection (1) has effect despite the following provisions of the *Planning Act 2023*:
- (a) section 52 (Effect of territory plan);
 - (b) section 64 (Public consultation—notice of interim effect etc);
 - (c) section 69 (Public availability notice—notice of interim effect etc).

[1.48] Sections 136B (2) (b) (ii) and 136C (1) (b)

omit

planning and land authority

substitute

territory planning authority

[1.49] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

Part 1.6 Casino (Electronic Gaming) Act 2017

[1.50] Section 21 (3) (a)

omit

planning and land authority

substitute

territory planning authority

[1.51] Section 21 (3) (a) (i)

omit

proposal

substitute

application

[1.52] Section 22 (3)

omit

planning and land authority

substitute

territory planning authority

[1.53] Section 22 (3) (a)

omit

proposal

substitute

application

[1.54] Section 23 heading

substitute

23 Status of restricted authorisations if development approval ends under Planning Act 2023, s 211 or because no approval given

[1.55] Sections 23 (1) (b) (i) and 24 (1) (b) (i)

omit

Planning and Development Act 2007, section 184 (End of development approvals other than lease variations)

substitute

Planning Act 2023, section 211 (End of development approvals generally)

[1.56] Section 39 (2) (b)

omit

Planning and Development Act 2007, s 184

substitute

Planning Act 2023, s 211

[1.57] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

Part 1.7 City Renewal Authority and Suburban Land Agency Act 2017

[1.58] Section 9 (1), note 1

omit

Planning and Development Act 2007, s 50

substitute

Planning Act 2023, s 52

[1.59] Section 36 (b) (iii) and (iv)

substitute

- (iii) the planning strategy; and
- (iv) any relevant district strategy; and
- (v) the statement of planning priorities; and

- (vi) any other strategic planning strategy developed by government to guide land planning for the Territory; and

[1.60] Section 36 (c) (ii)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.61] New section 36 (2)

insert

- (2) In this section:

district strategy—see the *Planning Act 2023*, section 38 (1).

planning strategy—see the *Planning Act 2023*, section 36 (1).

statement of planning priorities—see the *Planning Act 2023*, section 42 (1).

[1.62] Section 39 (1), note 1

omit

Planning and Development Act 2007, s 50

substitute

Planning Act 2023, s 52

[1.63] Section 64 (4), definition of *information holder*, paragraph (e)

substitute

- (e) the chief planner; or

[1.64] Dictionary, note 2

insert

- chief planner

[1.65] Dictionary, definition of *statement of planning intent*

omit

Part 1.8 Civil Law (Property) Act 2006

[1.66] Section 259A (4), definition of *excluded change*, paragraph (a)

omit

planning and land authority

substitute

territory planning authority

[1.67] Section 260 (1) (m) (i)

omit

Planning and Development Act 2007

substitute

[*Planning Act 2023*](#)

[1.68] Dictionary, note 2

insert

- territory planning authority

Part 1.9 **Civil Law (Property) Regulation 2020**

[1.69] Section 2 (b) (ii) and (c)

substitute

- (ii) include an undertaking to notify the buyer if a development application is made for the building;
- (c) if a development application for a building in the units plan has been made but not decided—identify the application;

[1.70] New section 2 (2)

insert

- (2) In this section:

development application—see the [Planning Act 2023](#), section 166 (1).

development approval—see the [Planning Act 2023](#), dictionary.

Part 1.10 **Civil Law (Sale of Residential Property) Act 2003**

[1.71] Section 7, definition of *sublease*

substitute

sublease—see the [Planning Act 2023](#), section 256.

[1.72] Section 7, definition of *unapproved structure*, paragraph (b) (i)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.73] Section 19A (2), definition of *certificate of compliance*

substitute

certificate of compliance—see the *Planning Act 2023*, dictionary.

[1.74] Section 20, definition of *premises*, paragraph (h)

substitute

- (h) premises in relation to which approval has been given under the *Planning Act 2023*, chapter 7 for a development involving the demolition of the premises;
- (ha) premises in relation to which demolition is exempt from requiring development approval under the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.132;

[1.75] Section 20, definition of *premises*, new paragraph (ja)

insert

- (ja) premises in relation to which a demolition order has been issued under the *Building Act 2004*, section 63A;

[1.76] Section 20, definition of *premises*, paragraph (i)

omit

Planning and Development Act 2007, part 11.3

substitute

[Planning Act 2023](#), part 12.3

[1.77] Dictionary, definition of *sublease*

substitute

sublease, for part 2 (Sale of residential property)—see the [Planning Act 2023](#), section 256.

Part 1.11 Civil Law (Sale of Residential Property) Regulation 2004

[1.78] Section 7 (6) (g)

omit

Planning and Development Act 2007, chapter 7 (Development approvals)

substitute

[Planning Act 2023](#), chapter 7

[1.79] Sections 8 and 9

omit

planning and land authority

substitute

territory planning authority

[1.80] Section 9

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.81] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

Part 1.12 Climate Change and Greenhouse Gas Reduction Act 2010

[1.82] Section 13A (2)

omit

chief planning executive

substitute

chief planner

[1.83] Dictionary, note 2

omit

- chief planning executive

substitute

- chief planner

Part 1.13 Commissioner for Sustainability and the Environment Act 1993

[1.84] Section 12 (2) (e)

omit

Planning and Development Act 2007, chapter 8 (Environmental impact statements and inquiries)

substitute

Planning Act 2023, division 6.3.9 (EIS inquiry panels)

Part 1.14 Common Boundaries Act 1981

[1.85] Sections 23 to 26 and 28

omit

planning and land authority

substitute

territory planning authority

[1.86] Dictionary, note 2

insert

- territory planning authority

[1.87] Dictionary, definition of *land sublease*

substitute

land sublease—see the *Planning Act 2023*, dictionary.

Part 1.15 Community Title Act 2001

[1.88] Section 10 (4)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.89] Section 21 (2)

omit

Planning and Development Act 2007, chapter 7

substitute

Planning Act 2023, chapter 7

[1.90] Section 28 (2), definition of *interested person*, paragraph (f)

substitute

(f) the territory planning authority.

[1.91] Section 89 (6) (c)

substitute

(c) the territory planning authority.

[1.92] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

[1.93] Dictionary, definitions of *declared land sublease* and *land sublease*

substitute

declared land sublease—see the [Planning Act 2023](#), section 365 (1).

land sublease—see the [Planning Act 2023](#), dictionary.

[1.94] Further amendments, mentions of *planning and land authority*

omit

planning and land authority

substitute

territory planning authority

in

- sections 8 to 16
- sections 21 to 24
- sections 64 and 65
- section 81
- section 94
- section 97

Part 1.16 Construction Occupations (Licensing) Act 2004

[1.95] Section 16

omit

- *Planning and Development Act 2007*

substitute

- [Planning Act 2023](#)

[1.96] Section 33A

omit

planning and land authority

substitute

territory planning authority

[1.97] Section 33A (a) (ii)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.98] Section 36 (3)

omit

planning and land authority

substitute

territory planning authority

[1.99] Section 36 (3) (a) (ii)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.100] Section 123 (1) (d)

omit

planning and land authority

substitute

territory planning authority

[1.101] Dictionary, note 2

insert

- territory planning authority

[1.102] Dictionary, definition of *works assessment work*, paragraph (a)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

Part 1.17 Construction Occupations (Licensing) Regulation 2004

[1.103] Schedule 1, part 1.9, items 1 and 2

substitute

2	Class A works assessor—planning and development	undertaking an exemption assessment under the <i>Planning Act 2023</i>
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2	Class B works assessor—planning and development	undertaking an exemption assessment under the <i>Planning Act 2023</i> , in relation to the following: (a) site work under the <i>Building Act 2004</i> for a class 1 building or class 10 building or other structure; (b) development in relation to a class 1 building or class 10 building or other structure, mentioned in the <i>Planning (Exempt Development) Regulation 2023</i> , schedule 1, other than the following: (i) division 1.4.7; (ii) section 1.134; (iii) section 1.136; (iv) section 1.139; (v) section 1.141 to section 1.145
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[1.104] Schedule 2, parts 2.2 and 2.7A

omit

planning and land authority

substitute

territory planning authority

[1.105] Dictionary, note 2

insert

- territory planning authority

Part 1.18 Districts Act 2002

[1.106] Section 17

omit

planning and land authority

substitute

territory planning authority

[1.107] Dictionary, note 2

insert

- territory planning authority

Part 1.19 Domestic Animals Act 2000

[1.108] Section 143 (4), definition of *residential lease*

substitute

residential lease—see the [Planning Act 2023](#), section 256.

Part 1.20 Duties Act 1999

[1.109] Section 52 (1) (c)

omit

Planning and Development Act 2007, section 300 (Refund on lease surrender or termination)

substitute

[Planning Act 2023](#), section 364 (Refund on lease surrender or termination)

[1.110] Section 52 (3) and (6)

omit

Planning and Development Act 2007, section 300

substitute

Planning Act 2023, section 364

[1.111] Section 90C (4), definition of *accredited valuer*

substitute

accredited valuer—see the *Planning Act 2023*, dictionary.

[1.112] Dictionary, definition of *declared land sublease*

substitute

declared land sublease—see the *Planning Act 2023*, section 365 (1).

Part 1.21 Electoral Act 1992

[1.113] Section 39 (3) (b)

substitute

(b) the territory planning authority; and

[1.114] Section 222B, definition of *decided*

substitute

decided—a relevant planning application is *decided* if—

(a) for an application to amend the territory plan—

(i) for a minor plan amendment—the plan amendment is notified under the *Planning Act 2023*, section 85; and

- (ii) for a proponent-initiated amendment—the [territory planning authority](#) has prepared a draft major plan amendment under the [Planning Act 2023](#), section 59 (2); and
 - (iii) in any other case—the territory planning authority has prepared a draft major plan amendment under the [Planning Act 2023](#), section 60; and
- (b) for any other case—it is decided in accordance with the [Planning Act 2023](#).

[1.115] Section 222B, definition of *make*

omit

make the application

substitute

make, the application

[1.116] New section 222B (2)

insert

- (2) In this section:

draft major plan amendment—see the [Planning Act 2023](#), section 55.

minor plan amendment—see the [Planning Act 2023](#), section 84.

proponent-initiated amendment—see the [Planning Act 2023](#), section 57 (1).

[1.117] Section 222C (2)

substitute

- (2) In this section:

development, in relation to land—see the *Planning Act 2023*, section 14 (1).

[1.118] Section 222E (1)

substitute

- (1) In this division:

relevant planning application means any of the following:

- (a) a request, in any form, to a Minister or the territory planning authority to make a major plan amendment or minor plan amendment of the territory plan under the *Planning Act 2023*;
- (b) a development application under the *Planning Act 2023*;
- (c) a request under the *Planning Act 2023*, division 7.5.1 (Pre-application matters);
- (d) an application for an environmental significance opinion under the *Planning Act 2023*, division 6.3.10 (Environmental significance opinions);
- (e) any other application, request or other action under the *Planning Act 2023* prescribed by regulation.

[1.119] Section 222E (3)

substitute

- (3) For subsection (1), a reference to an application, request or other action under the *Planning Act 2023* includes a reference to the corresponding application, request or other action under the *Planning and Development Act 2007* (repealed).

- (4) For subsection (2), if the applicant is a property developer, a reference to the applicant includes a close associate of the property developer.
- (5) Subsection (3) and this subsection expire 8 years after the day the *Planning Act 2023*, section 3 commences.
- (6) In this section:

development application—see the *Planning Act 2023*, section 166 (1).

environmental significance opinion—see the *Planning Act 2023*, section 102 (2).

major plan amendment—see the *Planning Act 2023*, section 55.

minor plan amendment—see section 222B (2).

[1.120] Section 299 (4), definition of *lessee*

substitute

lessee—see the *Planning Act 2023*, section 256.

[1.121] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

Part 1.22 Emergencies Act 2004

[1.122] Section 4, note 1

substitute

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*land management agreement*—see the [Planning Act 2023](#), section 350 (2) (a).' means that the term 'land management agreement' is defined in that section and the definition applies to this Act.

[1.123] Section 71 (1)

omit

planning and land authority

substitute

territory planning authority

[1.124] Sections 72 and 77A

omit

Planning and Development Act 2007, section 318 (What is a *public land management plan* for an area of public land?)

substitute

[Planning Act 2023](#), section 388 (1)

[1.125] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

[1.126] Dictionary, definition of *land management agreement*

substitute

land management agreement—see the [Planning Act 2023](#), section 350 (2) (a).

Part 1.23 Energy Efficiency (Cost of Living) Improvement Act 2012

[1.127] Section 28A, definition of *regulatory agency*, paragraph (b)

substitute

(b) the territory planning authority;

[1.128] Dictionary, note 2

insert

- territory planning authority

Part 1.24 Environment Protection Act 1997

[1.129] Section 3, note 1

substitute

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*land sublease*—see the [Planning Act 2023](#), dictionary.' means that the term 'land sublease' is defined in that dictionary and the definition applies to this Act.

[1.130] Section 21A (5) (a)

substitute

- (a) the territory planning authority; and

[1.131] Section 49 (6)

omit

completed

substitute

finalised

[1.132] Section 49 (8)

substitute

- (8) In this section:

finalised, for an EIS (other than a public health EIS), means the day the EIS is finalised under the [Planning Act 2023](#), section 128 as applied by this Act, section 94A.

public health EIS—see the [Planning Act 2023](#), dictionary.

[1.133] Section 92B

substitute

92B Definitions—pt 10

In this part:

environmental impact statement (or *EIS*)—see the [Planning Act 2023](#), section 94 (c).

inquiry—see the [Planning Act 2023](#), dictionary.

[1.134] Section 94 (3)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.135] Section 94A heading

substitute

94A Application of Planning Act 2023, pt 6.3

[1.136] Section 94A (1)

omit

Planning and Development Act 2007, part 8.2

substitute

Planning Act 2023, part 6.3

[1.137] Section 94A (1) (c)

omit

planning and land authority

substitute

territory planning authority

[1.138] Section 94A (2)

omit

Planning and Development Act 2007, part 8.3

substitute

[Planning Act 2023](#), division 6.3.9

[1.139] Section 94A (2) (b)

omit

planning and land authority

substitute

territory planning authority

[1.140] Section 149 (2) (a)

omit

Planning and Development Act 2007, chapter 7

substitute

[Planning Act 2023](#), chapter 7

[1.141] Section 164 (2)

omit

planning and land authority

substitute

territory planning authority

[1.142] Schedule 1, table 1.2, item 7, column 2, paragraph (a)

substitute

- (a) an area identified in the territory plan as land in any of the following zones: Broadacre; Rural; Hills, Ridges and Buffer; River Corridor; Mountains and Bushland; or

[1.143] Schedule 1, table 1.2, item 7, column 2, paragraph (b)

omit

on a precinct map

[1.144] Dictionary, note 2

insert

- territory planning authority

[1.145] Dictionary, definition of *assessment*

omit

[1.146] Dictionary, definition of *EIS* etc

substitute

EIS, for part 10 (Functions of the Minister)—see ***environmental impact statement***.

environmental impact statement (or ***EIS***), for part 10 (Functions of the Minister)—see the ***Planning Act 2023***, section 94 (c).

inquiry, for part 10 (Functions of the Minister)—see the ***Planning Act 2023***, dictionary.

land sublease—see the ***Planning Act 2023***, dictionary.

Part 1.25 Environment Protection Regulation 2005

[1.147] Section 41

omit

the territory plan, Water Use and Catchment Code

substitute

an instrument made under the [Water Resources Act 2007](#), section 15A (Environmental values for waterways)

[1.148] Section 41, note

omit

[1.149] Section 67 (2) (b)

substitute

(b) [Crown Land Management Act 2016](#) (NSW);

[1.150] Schedule 2, section 2.1, definitions of *city centre* etc

substitute

city centre means the area identified as the city centre in the territory plan.

commercial CZ4 zone means an area designated as a commercial CZ4 (Local Centre Zone) zone in the territory plan.

corridor site means an area identified as a corridor site in the territory plan.

group centre means an area identified as a group centre in the territory plan.

office site means an area identified as an office site in the territory plan.

town centre means an area identified as a town centre in the territory plan.

[1.151] Schedule 2, section 2.2 (1), definition of *major road*, note

substitute

Note The territory plan is available at www.legislation.act.gov.au.

[1.152] Dictionary, definition of *public land* and note

substitute

public land—see the *Planning Act 2023*, dictionary.

[1.153] Dictionary, definition of *residential land*, note

substitute

Note The territory plan is available at www.legislation.act.gov.au.

Part 1.26 First Home Owner Grant Act 2000

[1.154] Section 5 (6)

substitute

(6) In this section:

land sublease—see the *Planning Act 2023*, dictionary.

Part 1.27 Fisheries Act 2000

[1.155] Dictionary, definition of *custodian*

omit

[1.156] Dictionary, definition of *lease*

substitute

lease—see the [Planning Act 2023](#), section 257.

Part 1.28 Gambling and Racing Control Act 1999

[1.157] Section 50 (5), definition of *forfeited*, paragraph (b) (ii)

omit

Planning and Development Act 2007, s 184

substitute

Planning Act 2023, s 211

Part 1.29 Gaming Machine Act 2004

[1.158] Section 10H (4), definition of *offset amount*, paragraph (b) (v)

substitute

(v) [Planning Act 2023](#);

Part 1.30 Gaming Machine (Offset Amounts) Regulation 2018

[1.159] Section 4 (b) to (d)

substitute

- (b) a fee determined for a matter under the *Planning Act 2023*, section 522 in relation to any of the following provisions of that *Act*:
- (i) part 5.2 (Territory plan—major plan amendments);
 - (ii) part 6.3 (Environmental impact assessment), including division 6.3.9 (EIS inquiry panels);
 - (iii) division 7.2.3 (Exemption assessments);
 - (iv) part 7.5 (Assessable development);
 - (v) part 7.6 (Development approval);
 - (vi) part 10.2 (Grants of leases generally);
 - (vii) part 10.3 (Grants of further leases);
 - (viii) part 10.5 (Concessional leases);
 - (ix) part 10.7 (Lease variations);
 - (x) part 10.12 (Leases—building and development provisions);
 - (xi) part 10.13 (Licences for unleased land);
- (c) an amount payable to vary a concessional lease to remove its concessional status worked out under the *Planning Act 2023*, section 311;
- (d) a lease variation charge for a chargeable variation of a nominal rent lease under the *Planning Act 2023*, division 10.7.3;

- (e) a fee, charge or other amount payable for a matter under the *Planning and Development Act 2007* (repealed) substantially corresponding to a matter under a provision of the *Planning Act 2023* mentioned in paragraphs (b) to (d).

[1.160] New section 4 (2)

insert

- (2) Subsection (1) (e) and this subsection expire 2 years after the day the *Planning Act 2023*, section 3 commences.

Part 1.31 Government Agencies (Land Acquisition Reporting) Act 2018

[1.161] Section 7 (1), definition of *land acquisition*, paragraphs (b) (ii) to (iv)

substitute

- (ii) a surrender of a lease, or part of the land described in a lease, under the *Planning Act 2023*, section 363, whether or not the acquiring government agency agreed to accept the surrender; or
- (iii) the withdrawal of land from a lease under the terms of the lease; or
- (iv) a termination of a lease under the *Planning Act 2023*, section 457; or

[1.162] Section 7 (3), definition of *declared land sublease*

substitute

declared land sublease—see the *Planning Act 2023*, section 365 (1).

[1.163] Section 7 (3), definition of *land*, paragraph (c) (i)

omit

Crown

[1.164] Section 7 (3), new definition of *lease*

after the note, insert

lease—see the [Planning Act 2023](#), section 257.

Part 1.32 Government Procurement Act 2001

[1.165] Section 3A

omit

Planning and Development Act 2007

substitute

[Planning Act 2023](#)

Part 1.33 Heritage Act 2004

[1.166] Section 13 (1), definition of *interested person*, paragraph (a)

omit

planning and land authority

substitute

territory planning authority

[1.167] Section 17 (1) (b)

substitute

(b) the chief planner;

[1.168] Section 18 (c)

omit

and development

[1.169] Section 18, examples

substitute

Examples—other council functions

- 1 making recommendations and submissions to the territory planning authority about draft major plan amendments (see *Planning Act 2023*, s 62 (d))
- 2 giving advice to the territory planning authority about development applications (see *Planning Act 2023*, div 7.5.3, s 186 (i), s 189 and s 190)

[1.170] Section 19 (2)

omit

chief planning executive

substitute

chief planner

[1.171] Section 27 (2) (a)

omit

planning and land authority

substitute

territory planning authority

[1.172] Section 58, definition of *development*

omit

Planning and Development Act 2007, chapter 7

substitute

Planning Act 2023, chapter 7

[1.173] Section 59

substitute

59 Simplified outline

The following notes provide a simplified outline of this part and the *Planning Act 2023*, chapter 7 (Development assessment and approvals):

Note 1 Certain development applications to be referred to council

The territory planning authority may be required to refer a development application to the council (see *Planning Act 2023*, s 170 and s 171).

Note 2 Council to give advice about development application

The council gives advice to the territory planning authority, within the prescribed number of days, about the effect of a development on the heritage significance of a place or object if the development application is referred to the council (see *Planning Act 2023*, s 172). The council may also give the authority advice about the effect of development on heritage significance under this Act, s 60 or make a representation about a development application under the *Planning Act 2023*, s 180.

Note 3 Council's advice to be considered

The council's advice must be considered by the decision-maker in deciding a development application referred to the council (see *Planning Act 2023*, s 186 (i), s 189 and s 190).

Note 4 Council may apply for review of decision to approve application

The council may apply to the ACAT for review of the territory planning authority's decision to approve a development application if the council—

- (a) made a representation about the development application under the *Planning Act 2023*, s 180; and
- (b) is an eligible entity under that Act, ch 15 (Notification and review of decisions) (see *Planning Act 2023*, s 504 and s 506 and sch 5, pt 5.2, item 2, item 6 and item 8).

[1.174] Section 60 (2) and notes

substitute

- (2) The council may give the territory planning authority written advice in accordance with section 61 about its decision.

Note 1 If the territory planning authority refers a development application to the council under the *Planning Act 2023*, s 170 or s 171, the council must, within the number of days prescribed by regulation after the day the authority refers the application, give the authority its advice in relation to the development application (see *Planning Act 2023*, s 172).

Note 2 The council may apply to the ACAT for review of the territory planning authority's decision to approve a development application if the council—

- (a) made a representation about the development application under the *Planning Act 2023*, s 180; and
- (b) is an eligible entity under that Act, ch 15 (Notification and review of decisions) (see *Planning Act 2023*, s 504 and s 506 and sch 5, pt 5.2, item 2, item 6 and item 8).

[1.175] Section 61 (1) (b)

omit

Planning and Development Act 2007, section 149

substitute

Planning Act 2023, section 172

[1.176] Sections 67A (1) (c) (v) and 76 (2) (a) (vi)

omit

Planning and Development Act 2007, chapter 7

substitute

Planning Act 2023, chapter 7

[1.177] Section 118B (5)

substitute

(5) In this section:

lease—see the *Planning Act 2023*, section 257.

lessee—see the *Planning Act 2023*, section 256.

[1.178] Dictionary, note 2

omit

- chief planning executive
- planning and land authority

substitute

- chief planner
- territory planning authority

[1.179] Dictionary, definition of *owner*, paragraph (a)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

Part 1.34 Heritage Regulation 2006

[1.180] Section 8 (1), note

omit

chief planning executive

substitute

chief planner

[1.181] Dictionary, note 1

substitute

Note 1 The [Legislation Act](#) contains definitions relevant to this regulation. For example:

- chief planner.

[1.182] Dictionary, definition of *voting member*, paragraph (b)

substitute

(b) the chief planner; or

Part 1.35 Housing Assistance Act 2007

[1.183] Section 32 (1)

omit

planning and land authority

substitute

territory planning authority

[1.184] Section 32 (5), definition of *unleased territory land*

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.185] Section 33 (2) (f), note 2

substitute

Note 2 See also the *Planning Act 2023*, s 382 for the recovery of land from a former lessee.

[1.186] Section 34 (2)

omit

planning and land authority

substitute

territory planning authority

[1.187] Dictionary, note

omit

- planning and land authority

substitute

- territory planning authority

Part 1.36 Lakes Act 1976

[1.188] Sections 27 (2), note and 28 (1), note

omit

Planning and Development Act 2007

substitute

Planning Act 2023

Part 1.37 Land Rent Act 2008

[1.189] Section 5

substitute

5 Application of Act

This Act applies to a single dwelling house lease granted by the territory planning authority (other than to the Territory or a territory authority).

Note The territory planning authority is authorised to grant, on behalf of the Executive, leases that the Executive may grant on behalf of the Commonwealth (see *Planning Act 2023*, s 262).

[1.190] Section 7 (1) and (2)

substitute

- (1) This section applies if the territory planning authority invites applications from eligible applicants for the ballot or direct sale of a single dwelling house lease that may be subject to the condition that the lessee pays land rent for the lease.

- (2) An eligible applicant for the grant of the lease may apply to the territory planning authority to pay land rent for the lease.

Note The territory planning authority may grant a lease under the [Planning Act 2023](#), s 263.

[1.191] Section 7 (3), notes 1 to 3

substitute

Note 1 The territory planning authority need not grant a lease to an eligible applicant, even if applications for the lease have been invited (see [Planning Act 2023](#), s 270 (1)).

Note 2 If applications for a lease have been invited subject to conditions, the territory planning authority may, without granting a lease, invite fresh applications for the lease subject to the same or other conditions (see [Planning Act 2023](#), s 270 (2)).

[1.192] Section 7A (1) and (2) and note

substitute

- (1) This section applies if the territory planning authority offers a lease of a parcel of land by direct sale to an eligible former owner of the parcel of land.

Note The territory planning authority may grant a lease under the [Planning Act 2023](#), s 263.

- (2) The eligible former owner may apply to the territory planning authority to pay land rent for the lease.

[1.193] Section 7A (3), notes 1 to 3

substitute

Note 1 The territory planning authority need not grant a lease to an eligible former owner, even if applications for the lease have been invited (see [Planning Act 2023](#), s 270 (1)).

Note 2 If applications for a lease have been invited subject to conditions, the territory planning authority may, without granting a lease, invite fresh applications for the lease subject to the same or other conditions (see [Planning Act 2023](#), s 270 (2)).

[1.194] Section 7A (4), definition of *eligible former owner*

omit

planning and land authority

substitute

territory planning authority

[1.195] Section 16AA (3), note

omit

Planning and Development Act 2007, s 272A (Application for rent payout lease variation)

substitute

[Planning Act 2023](#), s 320 (Application for rent payout lease variation)

[1.196] Part 4 heading, note

substitute

Note A lessee may apply to the territory planning authority for a variation of the lease to reduce the land rent payable to a nominal rent (see [Planning Act 2023](#), s 320 (Application for rent payout lease variation)).

[1.197] Section 17 (2), notes 1 and 2

substitute

Note A transferee may apply to the territory planning authority for a variation of the lease to reduce the land rent payable to a nominal rent (see [Planning Act 2023](#), s 320 (Application for rent payout lease variation)).

[1.198] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

[1.199] Dictionary, note 2

omit

- territory plan

[1.200] Dictionary, definition of *single dwelling house*

omit

[1.201] Dictionary, definition of *single dwelling house lease*

substitute

single dwelling house lease—see the [Planning Act 2023](#), section 256.

Part 1.38 Lands Acquisition Act 1994

[1.202] Section 50 (1) (d)

omit

planning and land authority

substitute

territory planning authority

[1.203] Section 50 (1) (e)

omit

Planning and Development Act 2007, section 254

substitute

Planning Act 2023, section 289

[1.204] Section 50 (2)

substitute

(2) In this section:

rural lease—see the *Planning Act 2023*, section 256.

[1.205] Sections 103 (4) and 113

omit

planning and land authority

substitute

territory planning authority

[1.206] Dictionary, note 2

insert

- territory planning authority

Part 1.39 Land Tax Act 2004

[1.207] Dictionary, definition of *land sublease*

substitute

land sublease—see the *Planning Act 2023*, dictionary.

Part 1.40 Land Titles Act 1925

[1.208] Section 69A, definition of *administrative interest*, examples

substitute

Examples—administrative interests

- 1 a development approval under the *Planning Act 2023* for the use of land
- 2 if notice of a development approval for the use of land was given to the registrar-general under the *Planning Act 2023*—the ending, by surrender, of the development approval
- 3 the effect of the *Planning Act 2023*, s 307 (1) (a) (ii) on the assignment, transfer, subletting etc of a community lease

[1.209] Section 72A (1)

substitute

- (1) If the territory planning authority has executed a variation of a Crown lease under the *Planning Act 2023*, the authority must lodge a copy of the variation with the registrar-general.

[1.210] Section 72AB heading

substitute

72AB Registration etc of orders under Planning Act 2023

[1.211] Section 72AB (1)

substitute

- (1) This section applies if the registrar-general receives a notice under either of the following provisions of the *Planning Act 2023* about an order under that Act that appears to affect a Crown lease:
- (a) section 430 (Notice of making of controlled activity orders);
 - (b) section 435 (Notice ending controlled activity orders).

[1.212] Section 72C (1) (b)

omit

Planning and Development Act 2007, section 296 (1) (Certificates of compliance)

substitute

Planning Act 2023, section 368 (1)

[1.213] Section 72C (1) (c) and (3)

omit

Planning and Development Act 2007, section 296

substitute

Planning Act 2023, section 368

[1.214] Section 72C (4)

substitute

(4) In this section:

building and development provision, in relation to a lease—see the [Planning Act 2023](#), section 256.

[1.215] Section 72D heading

substitute

72D Memorial of application of certain provisions etc under Planning Act 2023

[1.216] Section 72D (1)

substitute

(1) If the territory planning authority tells the registrar-general that any of the following provisions or things under the [Planning Act 2023](#) apply to a lease, the registrar-general must enter in the register a memorial to that effect:

- (a) section 280 (Restriction on transfer, assignment and parting with possession);
- (b) section 282 (Restriction on transfer, assignment and parting with possession—certain University of NSW leases);
- (c) a declaration under section 366 (Declared leases).

[1.217] Section 72D (2) (a)

omit

Planning and Development Act 2007, section 312C

substitute

[Planning Act 2023](#), section 365 (1)

[1.218] Section 88 (1), note 1

substitute

Note 1 A sublease of land must be approved by the territory planning authority (see [Planning Act 2023](#), s 284 and this Act, s 88B).

[1.219] Section 88A (1), note

substitute

Note **Land sublease** does not include a building sublease (see [Planning Act 2023](#), dictionary).

[1.220] Section 88B

substitute

88B Land subleases—registration

The registrar-general must not register a sublease of land unless the sublease has been approved, in writing, by the territory planning authority under the [Planning Act 2023](#), section 284 (Restriction on subletting of land).

Note This section does not apply to a building sublease (see [Planning Act 2023](#), dict, def **land sublease**).

[1.221] Sections 88C to 88H

omit

Note This section does not apply to a building sublease (see [Planning and Development Act 2007](#), dict, def **land sublease**).

substitute

Note This section does not apply to a building sublease (see [Planning Act 2023](#), dict, def **land sublease**).

[1.222] Section 88H (2) (a) and (b)

omit

Planning and Development Act 2007, section 295

substitute

Planning Act 2023, section 362

[1.223] Section 123E (5) (a)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.224] Section 178B (5), definition of *declared land sublease*

substitute

declared land sublease—see the *Planning Act 2023*, section 365 (1).

[1.225] Section 178C

substitute

178C Expiry of provisions

This section and section 72D (1) (b) expire on the day the *Planning Act 2023*, section 282 (Restriction on transfer, assignment and parting with possession—certain University of NSW leases) expires.

Note See the *Planning Act 2023*, s 521 (Expiry of University of NSW lease provisions).

[1.226] Dictionary, note 2

insert

- territory planning authority

[1.227] Dictionary, definition of *building sublease* etc

substitute

building sublease means a sublease mentioned in the [Planning Act 2023](#), section 285 (Subletting part of building).

declared land sublease—see the [Planning Act 2023](#), section 365 (1).

land sublease—see the [Planning Act 2023](#), dictionary.

[1.228] Further amendments, mentions of *planning and land authority*

omit

planning and land authority

substitute

territory planning authority

in

- section 72C
- section 88D
- section 88H
- section 123D
- section 123I

Part 1.41 Land Titles (Unit Titles) Act 1970

[1.229] Sections 6 and 7

omit

planning and land authority

substitute

territory planning authority

[1.230] Section 7 (1) (d) (iv)

substitute

- (iv) no lease variation charges payable under the [Planning Act 2023](#), division 10.7.3 (Variation of nominal rent leases) or deferred under a deferral arrangement are outstanding at the time the units plan is to be registered;

[1.231] Section 7 (1) (d), note 2

omit

Planning and Development Act 2007, s 279AE

substitute

Planning Act 2023, s 346

[1.232] Section 7 (3)

substitute

- (3) In this section:

deferral arrangement, for a lease variation charge—see the [Planning Act 2023](#), section 343 (1) (c).

lease variation charge, for a variation of a nominal rent lease—see the [Planning Act 2023](#), dictionary.

[1.233] Sections 16 and 21

omit

planning and land authority

substitute

territory planning authority

[1.234] Section 29 (1) (a)

substitute

- (a) the territory planning authority grants further leases under the *Planning Act 2023*, section 289 of the units and the common property forming part of the registered units plan; or

[1.235] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

Part 1.42 Leases (Commercial and Retail) Act 2001

[1.236] Section 12 (7), definition of *land sublease*

substitute

land sublease—see the *Planning Act 2023*, dictionary.

Part 1.43 Leases (Commercial and Retail) Regulation 2002

[1.237] Section 4 (2)

substitute

- (2) In this section:

City West precinct—see the *Planning and Development Regulation 2008* (repealed), section 102 as in force on 5 April 2020.

Part 1.44 Legislation Act 2001

[1.238] Dictionary, part 1, new definition of *chief planner*

insert

chief planner means the Chief Planner under the [Planning Act 2023](#).

[1.239] Dictionary, part 1, definitions of *chief planning executive* and *planning and land authority*

omit

[1.240] Dictionary, part 1, definition of *territory lease* and *territory plan*

substitute

territory lease—

(a) means—

- (i) a lease granted under the [Planning Act 2023](#); or
- (ii) a lease that is, under the [Unit Titles Act 2001](#), taken to be granted by the Territory under the [Planning Act 2023](#); but

(b) does not include—

- (i) a sublease of land approved under the [Planning Act 2023](#), section 284; or
- (ii) any other sublease.

territory plan means the territory plan under the [Planning Act 2023](#).

[1.241] Dictionary, part 1, new definition of *territory planning authority*

insert

territory planning authority means the Territory Planning Authority established under the [Planning Act 2023](#).

Part 1.45 Liquor Act 2010

[1.242] Sections 77 and 78

omit

Planning and Development Act 2007

substitute

[Planning Act 2023](#)

[1.243] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

[1.244] Dictionary, note 2

insert

- territory plan

[1.245] Dictionary, definition of *lease*

substitute

lease—see the [Planning Act 2023](#), section 257.

[1.246] Further amendments, mentions of *planning and land authority*

omit

planning and land authority

substitute

territory planning authority

in

- section 25
- section 39
- section 50
- section 79

Part 1.46 Liquor Regulation 2010

[1.247] Dictionary, note 2

insert

- territory planning authority

[1.248] Dictionary, definition of *unleased land licence* and note

substitute

unleased land licence, for an outdoor dining area, means a licence under the *Planning Act 2023*, section 378 (Decision on licence applications for unleased land) authorising a licensee to occupy or use the area for outdoor dining.

Part 1.47 Nature Conservation Act 2014

[1.249] Section 27 (3) (b), note

substitute

Note *Custodian*, in relation to land—see the [Planning Act 2023](#), dictionary.

[1.250] Sections 140 and 142 to 146

omit

Planning and Development Act 2007, chapter 7 (Development approvals)

substitute

[Planning Act 2023](#), chapter 7

[1.251] Section 153 (2) (b) (iii)

substitute

(iii) a licence under the [Planning Act 2023](#), section 378 (Decision on licence applications for unleased land); or

[1.252] Section 169 (1), definition of *reserve*, paragraph (b) (i)

substitute

(i) reserved in the territory plan under the [Planning Act 2023](#), section 385 (Reserved areas of public land); and

[1.253] Section 169 (2), definition of *catchment area*

omit

Planning and Development Act 2007, section 315 (g)

substitute

[Planning Act 2023](#), section 385 (g)

[1.254] Section 169 (2), definition of *national park*

omit

Planning and Development Act 2007, section 315 (b)

substitute

[Planning Act 2023](#), section 385 (b)

[1.255] Section 169 (2), definition of *nature reserve*

omit

Planning and Development Act 2007, section 315 (c)

substitute

[Planning Act 2023](#), section 385 (c)

[1.256] Section 170, definition of *wilderness area*

omit

Planning and Development Act 2007, section 315 (a)

substitute

[Planning Act 2023](#), section 385 (a)

[1.257] Section 174, note

omit

Planning and Development Act 2007, s 316

substitute

[Planning Act 2023](#), s 386

[1.258] Part 8.3 heading, note

substitute

Note Under the *Planning Act 2023*, s 386 (b), each area of public land identified in the territory plan must be managed in accordance with the public land management plan for the area. If the area is a reserve, the public land management plan is a reserve management plan for the area under this part (see *Planning Act 2023*, s 388 (1), def *public land management plan*, par (a)).

[1.259] Sections 177 (2) (b) and 180 (3) (b)

omit

planning and land authority

substitute

territory planning authority

[1.260] Section 252 (2) (a) (iv), note

substitute

Note *Minor public works*—see the *Planning (General) Regulation 2023*, sch 1, s 1.1.

Minor public works code—see s 318A.

[1.261] Section 252 (2) (b) (iii)

substitute

(iii) a development approval under the *Planning Act 2023*, chapter 7; or

[1.262] Section 252 (2) (b) (v)

substitute

(v) a licence under the *Planning Act 2023*, section 378 (Decision on licence applications for unleased land); or

[1.263] Section 254 (3) (a)

omit

Planning and Development Act 2007, section 315 (Reserved areas—public land)

substitute

Planning Act 2023, section 385 (Reserved areas of public land)

[1.264] Section 261 (2) (a) (ii) and (iii)

substitute

(ii) a licence under the *Planning Act 2023*, section 378 (Decision on licence applications for unleased land); or

(iii) a development approval under the *Planning Act 2023*, chapter 7; or

[1.265] Section 308 (3), definition of *development*

substitute

development, in relation to land—see the *Planning Act 2023*, section 14 (1).

[1.266] Section 310, definition of *management agreement*, paragraph (c)

omit

Planning and Development Act 2007, chapter 7

substitute

Planning Act 2023, chapter 7

[1.267] Section 315 (2)

substitute

(2) In this section:

development application—see the *Planning Act 2023*, section 166 (1).

[1.268] Section 316

substitute

316 Simplified outline

The following notes provide a simplified outline of this chapter and the *Planning Act 2023*, chapter 7 (Development assessment and approvals):

Note 1 Certain development applications to be referred to conservator

The territory planning authority is required to refer a development application to the conservator if the application is likely to have a significant adverse environmental impact on a protected matter (see *Planning Act 2023*, s 170 (1) (c)). The territory planning authority may also be required to refer other development applications to the conservator (see *Planning Act 2023*, s 170 and s 171).

Note 2 Conservator to give advice about development application

The conservator gives advice to the territory planning authority, within the prescribed number of days, about adverse environmental impacts of the proposed development (see *Planning Act 2023*, s 172). The conservator may also give the authority advice about adverse environmental impacts under this Act, s 317.

Note 3 Conservator's advice to be considered

The conservator's advice must be considered by the decision-maker in deciding a development application referred to the conservator (see *Planning Act 2023*, s 186 (i), s 189 and s 190).

Note 4 Approvals inconsistent with conservator's advice

A development approval that is inconsistent with the conservator's advice may be given by the decision-maker in certain circumstances (see *Planning Act 2023*, s 190 (1) (a) (i)).

A development approval that is inconsistent with the conservator's advice for a significant development that is likely to have a significant adverse environmental impact on a declared protected matter may only be given by the chief planner or Minister in certain circumstances (see *Planning Act 2023*, s 190 (2)).

[1.269] Section 317 (2) and note

substitute

- (2) The conservator may give the territory planning authority written advice in accordance with section 318 about the development.

Note If the territory planning authority refers a development application to the conservator under the *Planning Act 2023*, s 170 and s 171, the conservator must, not later than the number of days prescribed by regulation after the day of the referral, give the territory planning authority the conservator's advice (see *Planning Act 2023*, s 172).

[1.270] Section 318 (1) (b)

substitute

- (b) under the *Planning Act 2023*, section 172 (Entity advice on development applications) about a development application.

[1.271] Section 318 (2), notes 1 and 2

substitute

Note If the proposed development is likely to have a significant adverse environmental impact, the Minister may declare that an EIS must be undertaken for the proposal and may require an offset (see *Planning Act 2023*, s 106 and s 223, def *offset*).

[1.272] Section 318 (3) (a) (i), note

substitute

Note The policy statement is available at www.dcceew.gov.au.

[1.273] Section 318 (4)

substitute

(4) In this section:

offset, for a development that is likely to have a significant adverse environmental impact on a protected matter—see the *Planning Act 2023*, section 223.

offsets policy—see the *Planning Act 2023*, section 224.

protected matter—see the *Planning Act 2023*, section 221 (1).

significant adverse environmental impact—see the *Planning Act 2023*, section 104.

[1.274] Section 318A (6)

substitute

(6) In this section:

minor public works—see the *Planning (General) Regulation 2023*, schedule 1, section 1.1.

[1.275] Dictionary, note 2

insert

- territory plan
- territory planning authority

[1.276] Dictionary, definition of *custodian* etc

substitute

custodian, in relation to land—see the [Planning Act 2023](#), dictionary.

Note *Custodian* applies only to land that is unleased land, public land or both.

lease—see the [Planning Act 2023](#), section 257.

planning and development management objectives, for an area of public land reserved for a particular purpose, means the management objectives under the [Planning Act 2023](#), section 387.

Note The management objectives are stated in the following:

- the [Planning Act 2023](#), sch 3
- determinations made by the conservator under the [Planning Act 2023](#), s 387 (2).

public land—see the [Planning Act 2023](#), dictionary.

Part 1.48 Nature Conservation Regulation 2015

[1.277] Section 5 (2), definition of *special purpose reserve*

omit

Planning and Development Act 2007, section 315 (d)

substitute

[Planning Act 2023](#), section 385 (d)

Part 1.49 Planning Act 2023

[1.278] Section 43 (1) (a)

substitute

- (a) must include a detailed plan for the proposal that is consistent with the territory plan; and

[1.279] Section 43 (1) (b) (ii)

omit

designated

substitute

identified

[1.280] Section 48 (4), new note

insert

Note The instrument does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)).

[1.281] Section 88 (2)

omit

designated as a future urban area under the territory plan

substitute

a future urban area

[1.282] Section 140 (4), note

omit

condition on

substitute

condition included in

[1.283] Section 165 (3)

omit

submitted

substitute

made

[1.284] Section 171 (1) (b) (ii)

before

authority

insert

territory planning

[1.285] Section 189 (1) (a)

substitute

(a) the territory plan;

[1.286] Section 205 (1), note

omit

condition on

substitute

condition of

[1.287] Section 205 (3) (b) (ii)

omit

custodian for the land

substitute

custodian of the land

[1.288] Section 206 (2)

substitute

(2) The decision-maker must refuse to amend the development approval if satisfied that—

(a) the changed development proposal would be in breach of a condition included in the approval under section 187 (1) (d); or

Note If a conditional environmental significance opinion has been given for a development, the development approval must include a condition that the development comply with the condition in the environmental significance opinion (see s 187 (1) (d)).

(b) an offset condition for the approval as amended would not provide an offset at least equivalent to an offset provided by the original approval.

[1.289] New section 211 (2) (d)

insert

(d) the approval-holder surrenders the approval to the territory planning authority.

[1.290] New section 212 (2) (a) (iiia)

insert

(iiia) the approval-holder surrenders the approval to the territory planning authority; or

[1.291] New section 212 (2) (a) (iva)

insert

(iva) the lease is surrendered, other than for a lease variation or renewal; or

[1.292] Section 213 etc

omit

structure on the land

substitute

structure on land

in

- section 213
- section 276 (1)
- section 290 (3)

[1.293] Section 292, definition of *community lease provisions*, paragraphs (d) to (f)

substitute

- (d) if the community lease use for which the land described in the lease must be used involves a non-continuous service being provided on the land—a provision stating the minimum requirements for how frequently, and for how long, the service must be provided;
- (e) a provision requiring the lessee to give the territory planning authority prescribed information about the use of the land described in the lease;
- (f) a provision requiring the lessee to give the territory planning authority reports about the use of the land described in the lease;

[1.294] Section 309 (3) (e)

before

land

insert

leased

[1.295] Section 326 (4)

after

land

insert

described in the lease

[1.296] Section 343 (1), note 2

substitute

Note 2 A decision in relation to an application, the conditions of a deferral arrangement under s 344 or the variation of a deferral arrangement under s 345 are reviewable decisions (see [Taxation Administration Act 1999](#), sch 1).

[1.297] Section 381

after

land

insert

described in the lease

[1.298] Section 401 (4), definition of *future public land*

substitute

future public land means land designated, in a draft major plan amendment publicly notified under section 63, to become public land.

[1.299] Section 413 (2) (a)

substitute

(a) notice of a suspicion of noncompliant site work given under the [Building Act 2004](#), section 50A;

[1.300] Section 416 (3)

omit

additional

substitute

no further

[1.301] Section 429 (3) (d)

omit

structure on the land

substitute

structure on land

[1.302] Section 523 (3), new note

insert

Note The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disappplied (see s 47 (7)).

[1.303] Section 523 (4), new note

insert

Note The instrument does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)).

[1.304] Dictionary, definition of *building and development provision*

substitute

building and development provision, in relation to a lease, for chapter 10 (Leases and licences)—see section 256.

[1.305] Dictionary, new definition of *deciding*

insert

deciding, a development application, means approving (with or without a condition) or refusing the application.

[1.306] Dictionary, definition of *deciding a development application*

omit

[1.307] Dictionary, new definition of *district policy*

insert

district policy means a district policy in the territory plan.

[1.308] Dictionary, definitions of *public land* and *significant*

substitute

public land means land identified in the territory plan as public land.

significant adverse environmental impact—see section 104.

Part 1.50 **Prohibited Weapons Regulation 1997**

[1.309] Section 12A (2) (a)

omit

under the territory plan for a purpose mentioned in the *Planning and Development Act 2007*, section 315 (Reserved areas—public land)

substitute

in the territory plan for a purpose mentioned in the *Planning Act 2023*, section 385 (Reserved areas of public land)

[1.310] Section 12A (3), definition of *rural lease*

substitute

rural lease—see the *Planning Act 2023*, section 256.

Part 1.51 **Professional Engineers Act 2023**

[1.311] Section 74 (2), definition of *operational Act*, paragraph (f)

substitute

(f) *Planning Act 2023*;

Part 1.52 Public Health Act 1997

[1.312] Section 66X (3) and note

substitute

- (3) In this section:

supermarket—see the territory plan, dictionary.

[1.313] Section 124 (4)

omit

statement or inquiry under the *Planning and Development Act 2007*, chapter 8 (Environmental impact statements and inquiries)

substitute

assessment or inquiry under the *Planning Act 2023*, part 6.3 (Environmental impact assessment)

[1.314] Section 134

substitute

134 Declarations for the Planning Act 2023

- (1) The Minister may make a declaration (a *public health EIS declaration*) for the *Planning Act 2023*, section 105 (1) (d) (When EIS is required) in relation to a development application for a development proposal under that Act.

Note If the Minister makes a declaration in accordance with this Act and the *Planning Act 2023*, an EIS under that Act will be required for the development proposal.

- (2) However, the Minister must not make a public health EIS declaration unless the Minister considers that the proposed development would be likely to have a significant effect on public health.

Note The *Planning Act 2023*, s 105 (1) (d) (ii) provides that a declaration under this section must be made during the public notification period for the development application to which the declaration relates.

- (3) If the territory planning authority gives the Minister an EIS under the *Planning Act 2023*, section 125 (3) (b) for a development proposal in relation to which a public health EIS declaration has been made, the Minister may—
- (a) decide that a panel to conduct an inquiry about the EIS must be established under the *Planning Act 2023*, section 132 (When to establish inquiry panel); or
 - (b) give the territory planning authority written notice that the Minister has decided to take no action in relation to the EIS.
- (4) The Minister may only make a decision under subsection (3) (a) about an EIS if—
- (a) the decision is made not later than 15 working days after the territory planning authority gives the Minister the EIS; and
 - (b) the Minister administering the *Planning Act 2023*, section 132 has not made a decision under that section to establish a panel to conduct an inquiry about the EIS.
- (5) If the Minister makes a decision under subsection (3) (a) about an EIS, the Minister must give the Minister administering the *Planning Act 2023*, section 132 written notice that an inquiry about the EIS must inquire into the effect on public health of the development proposal to which the EIS relates.

[1.315] Dictionary, note 2

insert

- territory plan
- territory planning authority

[1.316] Dictionary, definition of *EIS*

substitute

EIS—see the *Planning Act 2023*, section 94 (c).

[1.317] Dictionary, definition of *environmental impact statement*

omit

Part 1.53 Public Roads Act 1902

[1.318] Sections 19 (2) (b) and 20 (2) (b)

substitute

- (b) the closure of the road is only to give effect to a variation of a lease under the *Planning Act 2023*, chapter 7 (Development assessment and approvals); and

Part 1.54 Public Unleased Land Act 2013

[1.319] Section 43 (4) (a) (i)

substitute

- (i) *Planning Act 2023*, section 378 (Decision on licence applications for unleased land), to occupy or use the public unleased land; or

[1.320] Section 47, definition of *suitability information*, paragraph (c), example

omit

Planning and Development Act 2007, s 303

substitute

Planning Act 2023, s 378

[1.321] Dictionary, note 2

insert

- territory land

[1.322] Dictionary, definition of *land sublease*

substitute

land sublease—see the *Planning Act 2023*, dictionary.

Part 1.55 Rates Act 2004

[1.323] Section 11B

omit

planning and land authority

substitute

territory planning authority

[1.324] Section 11B (4)

substitute

(4) In this section:

chargeable variation, of a nominal rent lease—see the *Planning Act 2023*, section 327.

[1.325] Section 31 (4)

substitute

(4) In this section:

development approval—see the [Planning Act 2023](#), dictionary.

[1.326] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

[1.327] Dictionary, definition of *declared land sublease*

substitute

declared land sublease—see the [Planning Act 2023](#), section 365 (1).

Part 1.56 Retirement Villages Act 2012

[1.328] Section 3, note 1

substitute

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*development approval*—see the [Planning Act 2023](#), dictionary.’ means that the term ‘development approval’ is defined in that dictionary and the definition applies to this Act.

[1.329] Section 16 (1), note

omit

Planning and Development Act 2007, ch 7

substitute

Planning Act 2023, ch 7

[1.330] Section 18 (c)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.331] Section 65 (1) (b) and (2)

substitute

(b) to carry out development in contravention of the *Planning Act 2023*.

(2) In this section:

development—see the *Planning Act 2023*, section 14 (1).

[1.332] Section 118, note

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.333] Dictionary, definition of *development approval*

substitute

development approval—see the *Planning Act 2023*, dictionary.

Part 1.57 Retirement Villages Regulation 2013

[1.334] Section 7 (1) (k)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

Part 1.58 Road Transport (Safety and Traffic Management) Regulation 2017

[1.335] Section 50 (3)

substitute

(3) In this section:

setback—see the territory plan, dictionary.

[1.336] Section 52 (5)

substitute

(5) In this section:

dwelling—see the *Planning (Exempt Development) Regulation 2023*, section 6 (1).

Part 1.59 Sale of Motor Vehicles Act 1977

[1.337] Dictionary, definition of *ACTPLA certificate*

omit

Part 1.60 Smoke-Free Public Places Regulation 2005

[1.338] Section 13 (2), note 2, 2nd dot point

omit

Planning and Development Act 2007, s 134

substitute

[Planning Act 2023](#), s 148

Part 1.61 Taxation Administration Act 1999

[1.339] Section 4 (i)

substitute

- (i) the [Planning Act 2023](#), division 10.7.3 (Variation of nominal rent leases);

[1.340] Section 56F (c)

substitute

- (c) the [Planning Act 2023](#), division 10.7.3 (Variation of nominal rent leases);

Note An unpaid amount of tax may arise under the [Planning Act 2023](#), div 10.7.3 if an amount is deferred under a deferral arrangement or due to a reconsideration, reassessment or review.

[1.341] Section 56G (2), definition of *declared land sublease*

substitute

declared land sublease—see the *Planning Act 2023*, section 365 (1).

[1.342] Section 56H (8) (a) (v)

substitute

- (v) for tax payable under the *Planning Act 2023*, division 10.7.3 (Variation of nominal rent leases)—the *Planning Act 2023*, section 346 (Certificate of lease variation charge and other amounts) in relation to the parcel before the purchase; and

[1.343] Section 56M (6) (a) (v)

substitute

- (v) for tax payable under the *Planning Act 2023*, division 10.7.3 (Variation of nominal rent leases)—the *Planning Act 2023*, section 346 (Certificate of lease variation charge and other amounts) in relation to the parcel before the purchase; and

[1.344] Section 90C (a) (iii)

substitute

- (iii) the *Planning Act 2023*;

[1.345] Section 90E (1) (c)

substitute

- (c) the *Planning Act 2023*;

[1.346] Schedule 1, section 1.2, paragraphs (l) to (n)

substitute

- (l) under the *Planning Act 2023*, section 343 (1) in relation to an application to defer payment of a lease variation charge; or
- (m) under the *Planning Act 2023*, section 344 (2) and this Act, section 52 in relation to the conditions of a deferral arrangement; or
- (n) under the *Planning Act 2023*, section 345 (3) and this Act, section 52 in relation to the variation of a deferral arrangement.

**Part 1.62 Taxation Administration
Regulation 2004**

[1.347] Section 4 (5)

substitute

- (5) The chief planner is prescribed for information about rates imposed under the *Rates Act 2004* for the purpose of working out the noncompliance fee under the *Planning (General) Regulation 2023*, section 97.

Note **Chief planner**—see the *Legislation Act*, dictionary, pt 1.

Part 1.63 Tree Protection Act 2005

[1.348] Section 19 (2), definition of *development approval*

omit

[1.349] Sections 24A (2) (b) and 34A (2) (b)

omit

given to the council under the *Planning and Development Act 2007*, section 148

substitute

referred to the council under the *Planning Act 2023*, section 170 or section 171

[1.350] Section 80, definition of *development*

omit

Planning and Development Act 2007, chapter 7

substitute

Planning Act 2023, chapter 7

[1.351] Section 81

substitute

81 Simplified outline

The following notes provide a simplified outline of this part and the *Planning Act 2023*, chapter 7 (Development assessment and approvals):

Note 1 Certain development applications to be referred to conservator

The territory planning authority may be required to refer a development application to the conservator (see *Planning Act 2023*, s 170 and s 171).

Note 2 Conservator to give advice about development application

The conservator gives advice to the territory planning authority, within the prescribed number of days, in relation to tree protection and the development (see *Planning Act 2023*, s 172). The conservator may also give the authority advice about tree protection on land subject to development under this Act, s 82.

Note 3 Conservator's advice to be considered

The conservator's advice must be considered by the decision-maker in deciding a development application referred to the conservator (see *Planning Act 2023*, s 186 (i), s 189 and s 190).

Note 4 Approvals inconsistent with conservator's advice

A development approval that is inconsistent with the conservator's advice in relation to a regulated tree may be given by the decision-maker in certain circumstances (see *Planning Act 2023*, s 190 (1) (a) (i)).

A development approval that is inconsistent with the conservator's advice in relation to a registered tree or declared site may only be given by the Minister in certain circumstances for a territory priority project (see *Planning Act 2023*, s 190 (1) (a) (ii)).

[1.352] Section 82 (2), note

substitute

Note If the territory planning authority refers a development application to the conservator under the *Planning Act 2023*, s 170 and s 171, the conservator must, within the number of days prescribed by regulation after the day the authority refers the application, give the territory planning authority advice in relation to the development application (see *Planning Act 2023*, s 172).

[1.353] Section 83 (1) (b)

substitute

(b) under the *Planning Act 2023*, section 172 in relation to a development application.

[1.354] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

[1.355] Dictionary, definition of *development approval*

substitute

development approval—see the *Planning Act 2023*, dictionary.

[1.356] Dictionary, definition of *tree management plan*, paragraph (b)

substitute

(b) in parts 2 to 4—includes a tree management plan approved under the *Planning Act 2023*, section 185 (5) (b).

[1.357] Further amendments, mentions of *planning and land authority*

omit

planning and land authority

substitute

territory planning authority

in

- section 26
- section 28
- section 61
- section 82

Part 1.64 Unit Titles Act 2001

[1.358] Section 17 (4), note, paragraph (a)

substitute

- (a) the development has development approval under the *Planning Act 2023* (see s 20 (3) and that *Act*, ch 7); and

[1.359] Section 20 (1) (c) (ii)

omit

Planning and Development Act 2007, chapter 7

substitute

Planning Act 2023, chapter 7

[1.360] Section 20 (1) (c) (ii), notes 1 and 2

substitute

Note 1 If a development approval relates to the use of land, or of a building or other structure on land, a condition of the approval may be that the use may take place only in stated circumstances or at stated times (see [Planning Act 2023](#), s 187 (2) (i)).

Note 2 The territory planning authority must not do any act that is inconsistent with the territory plan (see [Planning Act 2023](#), s 52).

[1.361] Section 20 (3) (a)

omit

Planning and Development Act 2007, chapter 7

substitute

[Planning Act 2023](#), chapter 7

[1.362] Sections 21 (2) and (3) and 24 (1) (b)

omit

planning and land authority's

substitute

territory planning authority's

[1.363] Section 31 (2)

omit

Planning and Development Act 2007, chapter 7 (Development approvals)

substitute

[Planning Act 2023](#), chapter 7 (Development assessment and approvals)

[1.364] Section 33 (3) (b)

omit

Planning and Development Act 2007, chapter 9

substitute

Planning Act 2023, chapter 10

[1.365] Section 151 (2)

omit

Planning and Development Act 2007, chapter 7 (Development approvals)

substitute

Planning Act 2023, chapter 7 (Development assessment and approvals)

[1.366] Section 154 (1) (b)

omit

Planning and Development Act 2007, chapter 7

substitute

Planning Act 2023, chapter 7

[1.367] Section 159 (3)

omit

Planning and Development Act 2007, chapter 7 (Development approvals)

substitute

Planning Act 2023, chapter 7 (Development assessment and approvals)

[1.368] Section 163 (1) (d)

omit

Planning and Development Act 2007, chapter 9

substitute

Planning Act 2023, chapter 10

[1.369] Section 165B (2)

substitute

- (2) The *Planning Act 2023*, chapter 12 applies to the owners corporation as if the corporation were the lessee of the parcel of land.

Note A development approval for the subdivision of a units plan must include a condition that the units plan is cancelled (see *Planning Act 2023*, s 187 (1) (c)).

[1.370] Section 166 heading

substitute

166 Development applications to vary lease under Planning Act 2023

[1.371] Section 166 (1)

omit

Planning and Development Act 2007, chapter 7 (Development approvals)

substitute

Planning Act 2023, chapter 7

[1.372] Section 166 (3)

omit

Planning and Development Act 2007, chapter 7

substitute

Planning Act 2023, chapter 7

[1.373] Section 167 (2)

omit

planning and land authority's

substitute

territory planning authority's

[1.374] Section 167A (1) (a)

substitute

(a) the *Planning Act 2023*, section 289; or

[1.375] Section 168 (3)

omit

Planning and Development Act 2007, section 295

substitute

Planning Act 2023, section 362

[1.376] Section 170, note

omit

Planning and Development Act 2007, s 254

substitute

Planning Act 2023, s 289

[1.377] Sections 171 and 172, notes

substitute

Note This section does not apply to a further lease, or a further lease under a units plan that subdivides land under a declared land sublease, granted after a lease has been surrendered under the *Planning Act 2023*, s 289 or this Act, s 167AA (see dict, def *termination*).

[1.378] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

[1.379] Dictionary, definitions of *building and development provision* and *declared land sublease*

substitute

building and development provision, in relation to a lease—see the *Planning Act 2023*, section 256.

declared land sublease—see the *Planning Act 2023*, section 365 (1).

[1.380] Dictionary, definition of *lease*, paragraph (a) (iv)

substitute

- (iv) the *Planning Act 2023*, section 289 (Grant of further leases); or

[1.381] Dictionary, definition of *lease*, paragraph (b) (iii)

substitute

- (iii) the *Planning Act 2023*, section 289 (Grant of further leases); or

[1.382] Dictionary, definition of *termination*, paragraph (a)

substitute

(a) the *Planning Act 2023*, section 289 (Grant of further leases); or

[1.383] Further amendments, mentions of *Planning and Development Act 2007*

omit

Planning and Development Act 2007

substitute

Planning Act 2023

in

- section 20
- section 27
- section 165B
- sections 171 and 172
- dictionary, definition of *lease*, paragraph (c) (i) (A)

[1.384] Further amendments, mentions of *planning and land authority*

omit

planning and land authority

substitute

territory planning authority

in

- section 17
- sections 17A and 17B
- sections 20 to 22

- section 22B
- section 22F
- sections 23 and 24
- sections 27 to 30
- section 146
- section 149
- sections 154 and 155
- section 160
- section 163
- sections 166 and 167
- section 168
- sections 170 and 171
- sections 173A to 175
- section 180
- dictionary, definition of *schedules of rent and lease provisions*

Part 1.65 **Unit Titles (Management) Act 2011**

[1.385] Section 26 (2) and note

substitute

- (2) If the lease of a unit or the common property is subject to a building and development provision, section 24 (1) does not apply to the owners corporation until the territory planning authority issues a certificate under the *Planning Act 2023*, section 368 (Certificates of compliance)—
- (a) for the building and development provision; and
 - (b) for any building and development provision to which any of the other leases are subject.

[1.386] Schedule 2, section 2.1 (1) (e)

omit

planning and land authority

substitute

territory planning authority

[1.387] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

[1.388] Dictionary, definitions of *building and development provision* and *declared land sublease*

substitute

building and development provision, in relation to a lease—see the [Planning Act 2023](#), section 256.

declared land sublease—see the [Planning Act 2023](#), section 365 (1).

[1.389] Dictionary, definition of *eligible person*, paragraph (d)

omit

planning and land authority

substitute

territory planning authority

Part 1.66 Unit Titles Regulation 2001

[1.390] Section 2, definition of *planning documents*, paragraph (b)

substitute

- (b) for a development under the *Planning Act 2023*—a notice of decision given under that *Act*, division 7.6.2; and

[1.391] Section 2, definition of *planning documents*, paragraph (c)

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.392] Section 3

omit

planning and land authority

substitute

territory planning authority

[1.393] Section 8 (1) (b)

omit

Planning and Development Act 2007, chapter 7

substitute

Planning Act 2023, chapter 7

[1.394] Section 8 (1) (g)

omit

planning and land authority

substitute

territory planning authority

[1.395] Section 8A (g)

substitute

(g) IZ2 Business Zone.

[1.396] Section 9 (1)

omit

planning and land authority

substitute

territory planning authority

[1.397] Section 10 (3)

substitute

(3) In this section:

balcony—see the territory plan, dictionary.

gross floor area—see the territory plan, dictionary.

[1.398] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

Part 1.67 Utilities Act 2000

[1.399] Section 20 (2) (i)

substitute

(i) the *Planning Act 2023*;

[1.400] Dictionary, definition of *land sublease*

substitute

land sublease—see the *Planning Act 2023*, dictionary.

Part 1.68 Utilities (Technical Regulation) Act 2014

[1.401] Section 7 (2) (k)

substitute

(k) the *Planning Act 2023*;

[1.402] Section 41A, definition of *rural lease*

substitute

rural lease—see the *Planning Act 2023*, section 256.

[1.403] Section 57, definition of *proposed dam*

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.404] Dictionary, definition of *rural lease*

substitute

rural lease, for part 5A (Vegetation and electrical infrastructure management)—see the [Planning Act 2023](#), section 256.

Part 1.69 Utilities (Telecommunications Installations) Act 2001

[1.405] Section 6 (2), definition of *authorised network plan*, paragraph (a)

omit

Planning and Development Act 2007

substitute

[Planning Act 2023](#)

[1.406] Section 6 (2), definition of *authorised network plan*, paragraph (b)

after

Planning and Development Act 2007

insert

(repealed)

[1.407] Section 6 (2), definition of *reticulated service*

substitute

reticulated service means—

- (a) electricity, water, drainage, gas, communications or similar services the provision of which allows for direct access to and use of the services by the occupiers of individual parcels of land;
or
- (b) mobile telecommunications services.

**Part 1.70 Waste Management and
Resource Recovery
Regulation 2017**

[1.408] Sections 6, 24G and 24K

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.409] Section 24P (f) (iii)

substitute

- (iii) whether the collection point complies with any requirements in the territory plan that relate to access or mobility for people with disability;

[1.410] Sections 24P (h) and 24T

omit

Planning and Development Act 2007

substitute

Planning Act 2023

Part 1.71 Water and Sewerage Act 2000

[1.411] Dictionary, definition of *land sublease*

substitute

land sublease—see the *Planning Act 2023*, dictionary.

Part 1.72 Water Resources Act 2007

[1.412] New part 3A

insert

Part 3A Environmental values

15A Environmental values for waterways

- (1) The Minister must determine environmental values for waterways in the ACT.
- (2) A determination is a notifiable instrument.

[1.413] Sections 28 (2) (b) (i) and 30 (2) (g)

omit

Planning and Development Act 2007, chapter 7 (Development approvals)

substitute

Planning Act 2023, chapter 7 (Development assessment and approvals)

[1.414] Section 46

substitute

46 Planning Act 2023 not affected

This division does not affect the operation of the *Planning Act 2023*.

[1.415] Dictionary, note 2

insert

- territory plan

[1.416] Dictionary, definition of *land sublease*

substitute

land sublease—see the *Planning Act 2023*, dictionary.

[1.417] New part 22

insert

Part 22 **Transitional—Planning
(Consequential Amendments)
Act 2023**

212 **References to Planning Act 2023**

- (1) A reference in this Act to the *Planning Act 2023* includes a reference to the *Planning and Development Act 2007* (as in force at any time before its repeal).
- (2) A reference in this Act to the *Planning Act 2023*, chapter 7 (Development assessment and approvals) includes a reference to the *Planning and Development Act 2007*, chapter 7 (Development approvals) (as in force at any time before its repeal).

213 **Expiry—pt 22**

This part expires 12 months after the day it commences.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Part 1.73 **Work Health and Safety
Regulation 2011**

[1.418] Schedule 18, subsection 18.2.2

omit

planning and land authority

substitute

territory planning authority

[1.419] Schedule 18, subsection 18.2.2, note

omit

[1.420] Dictionary, note 2

omit

- planning and land authority

substitute

- territory planning authority

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 June 2023.

2 Notification

Notified under the [Legislation Act](#) on 29 September 2023.

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 (Consequential Amendments) Bill 2023, which was passed by the Legislative Assembly on 14 September 2023.

Acting Clerk of the Legislative Assembly

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