

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning and Sustainable Development)

Heritage and Planning Legislation Amendment Bill 2025

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(As presented)

(Minister for Planning and Sustainable Development)

Heritage and Planning Legislation Amendment Bill 2025

A Bill for

An Act to amend legislation about heritage and planning

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Heritage and Planning Legislation Amendment Act*
4 *2025*.

5 **2 Commencement**

6 This Act commences on the 7th day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [Heritage Act 2004](#)
12 • [Planning Act 2023](#)
13 • [Planning \(General\) Regulation 2023](#).

1 **Part 2** **Heritage Act 2004**

2 **4** **Part 16 heading**

3 *substitute*

4 **Part 16** **Heritage and public sector**
5 **bodies**

6 **5** **Meaning of *public authority* for pt 16**
7 **Section 106**

8 *omit*

9 **6** **Section 107 heading**

10 *substitute*

11 **107** ***Heritage places and heritage objects for which public***
12 **sector body responsible**

13 **7** **Section 107**

14 *omit*

15 public authority

16 *substitute*

17 public sector body

18 **8** **Section 107 (a)**

19 *omit*

20 the authority

21 *substitute*

22 the body

1	9	Heritage reports
2		Section 108 (1)
3		<i>omit</i>
4		public authority
5		<i>substitute</i>
6		public sector body
7	10	Section 108 (1) to (3)
8		<i>omit</i>
9		the authority
10		<i>substitute</i>
11		the body
12	11	Assessment of heritage reports by council
13		Section 109 (1)
14		<i>omit</i>
15		public authority
16		<i>substitute</i>
17		public sector body
18	12	Section 109 (1) (a)
19		<i>omit</i>
20		the authority
21		<i>substitute</i>
22		the body

1 **13 Section 109A**

2 *substitute*

3 **109A Public reporting**

4 (1) A public sector body must include information about the following in
5 a report prepared by the body under the *Annual Reports (Government*
6 *Agencies) Act 2004*:

7 (a) any action taken by the body in response to a council comment
8 or recommendation;

9 (b) any council comment or recommendation about which the body
10 did not take action and the reasons for not taking action.

11 (2) In this section:

12 *council comment or recommendation* means a comment or
13 recommendation made by the council under section 109.

14 **14 Conservation management plan**
15 **Section 110 (1) (a)**

16 *substitute*

17 (a) direct a public sector body to prepare a conservation
18 management plan for a heritage place or object for which the
19 body is responsible; and

20 **15 Section 110 (2)**

21 *omit*

22 public authority is given a direction under subsection (1), the
23 authority

24 *substitute*

25 public sector body is given a direction under subsection (1), the body

1 **16 Section 110 (3) (b)**

2 *omit*

3 public authority

4 *substitute*

5 public sector body

6 **17 Section 110 (4) (b)**

7 *omit*

8 the authority

9 *substitute*

10 the public sector body

11 **18 Section 110 (5)**

12 *omit*

13 public authority

14 *substitute*

15 public sector body

16 **19 Section 110 (6)**

17 *omit*

18 The authority

19 *substitute*

20 The public sector body

1 **20 Section 110 (7)**

2 *omit*

3 public authority

4 *substitute*

5 public sector body

6 **21 Section 110 (8)**

7 *omit*

8 an authority

9 *substitute*

10 a public sector body

11 **22 Dictionary, note 2**

12 *insert*

- 13
 - public sector body

14 **23 Dictionary, definitions of *heritage object* and *heritage***
15 ***place***

16 *omit*

17 public authority

18 *substitute*

19 public sector body

20 **24 Dictionary, definition of *public authority***

21 *omit*

1 **Part 3** **Planning Act 2023**

2 **25** **Subdivision design applications**
3 **Section 43 (1), note 2**

4 *omit*

5 ie an area within a suburb

6 *substitute*

7 eg an area within a division

8 **26** **Section 43 (2)**

9 *substitute*

10 (2) A subdivision design application may include any matter prescribed
11 by regulation.

12 **27** **Effect of approval of subdivision design application**
13 **Section 44 (1) (b) (i) and (c) (i)**

14 *omit*

15 section 43 (2) (g)

16 *substitute*

17 section 43 (2)

18 **28** **Contents of territory plan**
19 **Section 48 (1) (a)**

20 *omit*

21 (the *territory plan map*)

1 **29** What is a *minor plan amendment* and is consultation
2 needed?
3 **Section 84 (2) (b)**

4 *omit*

5 section 43 (2) (g)

6 *substitute*

7 section 43 (2)

8 **30** Application for development approval
9 **Section 166 (4) (b)**

10 *omit*

11 item 6

12 *substitute*

13 item 7

14 **31** End of development approvals generally
15 **Section 211 (3)**

16 *omit*

17 within

18 *substitute*

19 not later than

20 **32** **Section 211 (4) (a)**

21 *substitute*

22 (a) either—

23 (i) an application for review is made to the ACAT in relation
24 to the development approval; or

- 1 (ii) an appeal is made to a court in relation to the development
2 approval; and

3 **33 Section 211 (4) (b)**

- 4 *before*
5 appeal
6 *insert*
7 application for review or

8 **34 End of development approvals for lease variations**
9 **Section 212 (2) (b) (ii)**

- 10 *substitute*
11 (ii) if an application for review is made to the ACAT in
12 relation to the approval or an appeal is made to a court in
13 relation to the approval—2 years starting on the day after
14 the day the application for review or appeal ends; or

15 **35 Restrictions on dealings with concessional leases**
16 **Section 306 (3) (b) (i) and (ii)**

- 17 *substitute*
18 (i) an order of a court having jurisdiction under the *Family*
19 *Law Act 1975* (Cwlth);

20 **36 Exceptions to s 350 and s 351**
21 **Section 352 (b) (i) and (ii)**

- 22 *substitute*
23 (i) an order of a court having jurisdiction under the *Family*
24 *Law Act 1975* (Cwlth);

- 1 **37** **Transfer of land subject to building and development**
2 **provision**
3 **Section 370 (b) (i) and (ii)**
- 4 *substitute*
- 5 (i) an order of a court having jurisdiction under the *Family*
6 *Law Act 1975* (Cwlth); or
- 7 **38** **Time for making controlled activity order**
8 **Section 426 (3)**
- 9 *omit*
- 10 **39** **Use and disclosure of protected information**
11 **Section 518 (5), definition of *information holder*,**
12 **paragraph (a) (iii)**
- 13 *omit*
- 14 **40** **Expiry of University of NSW lease provisions**
15 **Section 521**
- 16 *omit*
- 17 8 July 2025
- 18 *substitute*
- 19 26 November 2028
- 20 **41** **Dictionary, definition of *territory plan map***
- 21 *omit*

1 **Part 4** **Planning (General)**
2 **Regulation 2023**

3 **42 Expiry of University of NSW lease provisions**
4 **Section 107 (1)**

5 *omit*
6 before 9 July 2025
7 *substitute*
8 by 26 November 2028

9 **43 Section 107 (2)**

10 *omit*
11 9 July 2025
12 *substitute*
13 26 November 2028

14 **44 Development proposals requiring environmental impact**
15 **assessment**
16 **Schedule 1, part 1.2, item 24, column 2**

17 *omit*
18 the amount prescribed under s 32
19 *substitute*
20 1kt

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 20 March 2025.

2 Notification

Notified under the [Legislation Act](#) on 2025.

3 Republications of amended laws

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

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