

Australian Capital Territory

Planning (Transitional Provisions) Regulation 2023

Subordinate Law SL2023-29

The Australian Capital Territory Executive makes the following regulation under the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18).

Dated 23 November 2023.

Andrew Barr

Chief Minister

Mick Gentleman

Minister



Australian Capital Territory

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made under the

[Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18" \o "A2023-18)

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1 Name of regulation

This regulation is the *Planning (Transitional Provisions) Regulation 2023*.

2 Commencement

This regulation commences on the commencement of the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18), section 601.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 127 (1), (4) and (5) for the legal status of notes.

4 Modification of Act, ch 20—Act, s 601

The [Act](https://www.legislation.act.gov.au/a/2023-18/), chapter 20 is modified by schedule 1.

5 Expiry

This regulation expiries on the day the [Act](https://www.legislation.act.gov.au/a/2023-18/), section 602 (Expiry—ch 20) expiries.

Schedule 1 Modification of Act

(see s 4)

[1.1] New section 609 (4) to (8)

insert

(4) An interim territory plan is taken, for all purposes, to be the [territory plan](http://www.legislation.act.gov.au/ni/2023-540/).

(5) To avoid any doubt, an interim territory plan may be amended in accordance with part 5.2 (Territory plan—major plan amendments) or part 5.3 (Territory plan—minor plan amendments).

(6) If an interim territory plan is amended during the inquiry period for the plan, the territory planning authority must give the relevant Assembly committee written notice of the amendment within 5 days of the amendment being made.

(7) An amendment of an interim territory plan is not invalid only because the territory planning authority has not complied with subsection (6).

(8) In this section:

inquiry period, for an interim territory plan, means the period beginning on the day the Minister gives the relevant Assembly committee the [territory plan](http://www.legislation.act.gov.au/ni/2023-540/) under section 608 (1) and ending—

(a) if the committee decides not to hold an inquiry—on the day the committee gives the Minister notice of the decision under section 608 (2) (a); or

(b) if the committee decides to hold an inquiry—on the day the committee reports to the Minister under section 608 (2) (b).

[1.2] Section 610 (3) (b)

substitute

(b) confirm the interim territory plan approved under section 609 (2) (whether or not the interim territory plan has been amended).

[1.3] New section 610 (4A)

insert

(4A) A resolution by the Legislative Assembly under subsection (3) does not affect—

(a) any major plan amendment of the interim plan started, but not commenced, before the resolution; or

(b) any minor amendment of the interim plan for which limited consultation has been undertaken, but the amendment has not commenced, before the resolution.

Note For when a major plan amendment starts, see s 53 (1).

[1.4] New section 621 (2A) and (2B)

insert

(2A) The grant of a lease to which a pre-grant process relates is taken to be a lease granted under this Act, section 263.

(2B) Despite section 52 (Effect of territory plan), the grant of the lease need not be consistent with the [territory plan](http://www.legislation.act.gov.au/ni/2023-540/) if the grant is consistent with the [Territory Plan 2008](https://www.legislation.act.gov.au/ni/2008-27/) (NI2008-27) (repealed), as in force immediately before the commencement day.

[1.5] Section 621 (3), definition of *pre-grant process*, paragraph (a)

substitute

(a) a government entity giving notice of an auction, tender, ballot or direct sale; and

[1.6] New section 622 (3A)

insert

(3A) Despite section 52 (Effect of territory plan), the grant of a further lease on the application need not be consistent with the [territory plan](http://www.legislation.act.gov.au/ni/2023-540/) if the grant is consistent with the [Territory Plan 2008](https://www.legislation.act.gov.au/ni/2008-27/) (NI2008-27) (repealed), as in force immediately before the commencement day.

Endnotes

1 Notification

Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 24 November 2023.

2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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