



Australian Capital Territory

# Planning (Transitional Provisions) Regulation 2023

Subordinate Law SL2023-29

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The Australian Capital Territory Executive makes the following regulation under the [Planning Act 2023](#).

Dated 23 November 2023.

ANDREW BARR  
Chief Minister

MICK GENTLEMAN  
Minister

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[Planning Act 2023](#)

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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](#), section 601.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), 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](#), s 127 (1), (4) and (5) for the legal status of notes.

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

The [Act](#), chapter 20 is modified by schedule 1.

**5 Expiry**

This regulation expires on the day the [Act](#), section 602 (Expiry—ch 20) expires.

## 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](#).
- (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](#) 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](#) if the grant is consistent with the [Territory Plan 2008](#) (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](#) if the grant is consistent with the [Territory Plan 2008](#) (NI2008-27) (repealed), as in force immediately before the commencement day.

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**Endnotes****1 Notification**

Notified under the [Legislation Act](#) 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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