



Australian Capital Territory

Planning (Transitional Provisions) Regulation 2023

SL2023-29

made under the

Planning Act 2023

Republication No 1

Effective: 27 November 2023

Republication date: 27 November 2023

Regulation not amended

About this republication

The republished law

This is a republication of the *Planning (Transitional Provisions) Regulation 2023*, made under the *Planning Act 2023* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 27 November 2023. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



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Australian Capital Territory

Planning (Transitional Provisions) Regulation 2023

made under the

Planning Act 2023

1 Name of regulation

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

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.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](#), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Planning (Transitional Provisions) Regulation 2023 SL2023-29

notified LR 24 November 2023

s 1, s 2 commenced 24 November 2023 (LA s 75 (1))

remainder commenced 27 November 2023 (s 2 and see [Planning Act 2023 A2023-18](#), s 2 (2) and [CN2023-10](#))

Note Regulation exp 27 November 2026 (s 5 and see Planning Act 2023 [A2023-18](#), s 602)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

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