



Australian Capital Territory

Heritage and Planning Legislation Amendment Act 2025

A2025-15

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Australian Capital Territory

Heritage and Planning Legislation Amendment Act 2025

A2025-15

An Act to amend legislation about heritage and planning

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

Part 1 Preliminary

1 Name of Act

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

2 Commencement

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

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

3 Legislation amended

This Act amends the following legislation:

- [Heritage Act 2004](#)
- [Planning Act 2023](#)
- [Planning \(General\) Regulation 2023](#).

Part 2 Heritage Act 2004

4 Part 16 heading

substitute

Part 16 Heritage and public sector bodies

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

omit

6 Section 107 heading

substitute

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

7 Section 107

omit

public authority

substitute

public sector body

8 Section 107 (a)

omit

the authority

substitute

the body

**9 Heritage reports
Section 108 (1)***omit*

public authority

substitute

public sector body

10 Section 108 (1) to (3)*omit*

the authority

substitute

the body

**11 Assessment of heritage reports by council
Section 109 (1)***omit*

public authority

substitute

public sector body

12 Section 109 (1) (a)*omit*

the authority

substitute

the body

13 Section 109A

substitute

109A Public reporting

- (1) A public sector body must include information about the following in a report prepared by the body under the *Annual Reports (Government Agencies) Act 2004*:
- (a) any action taken by the body in response to a council comment or recommendation;
 - (b) any council comment or recommendation about which the body did not take action and the reasons for not taking action.
- (2) In this section:

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

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

substitute

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

15 Section 110 (2)

omit

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

substitute

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

16 Section 110 (3) (b)

omit

public authority

substitute

public sector body

17 Section 110 (4) (b)

omit

the authority

substitute

the public sector body

18 Section 110 (5)

omit

public authority

substitute

public sector body

19 Section 110 (6)

omit

The authority

substitute

The public sector body

20 Section 110 (7)

omit

public authority

substitute

public sector body

21 Section 110 (8)

omit

an authority

substitute

a public sector body

22 Dictionary, note 2

insert

- public sector body

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

omit

public authority

substitute

public sector body

24 Dictionary, definition of *public authority*

omit

Part 3 Planning Act 2023

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

omit

ie an area within a suburb

substitute

eg an area within a division

26 Section 43 (2)

substitute

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

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

omit

section 43 (2) (g)

substitute

section 43 (2)

28 Contents of territory plan Section 48 (1) (a)

omit

(the *territory plan map*)

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

omit

section 43 (2) (g)

substitute

section 43 (2)

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

omit

item 6

substitute

item 7

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

omit

within

substitute

not later than

32 Section 211 (4) (a)

substitute

(a) either—

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

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

33 Section 211 (4) (b)

before

appeal

insert

application for review or

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

substitute

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

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

substitute

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

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

substitute

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

**37 Transfer of land subject to building and development provision
Section 370 (b) (i) and (ii)**

substitute

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

**38 Time for making controlled activity order
Section 426 (3)**

omit

**39 Use and disclosure of protected information
Section 518 (5), definition of *information holder*,
paragraph (a) (iii)**

omit

**40 Expiry of University of NSW lease provisions
Section 521**

omit

8 July 2025

substitute

26 November 2028

41 Dictionary, definition of *territory plan map*

omit

Part 4 Planning (General) Regulation 2023

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

omit

before 9 July 2025

substitute

by 26 November 2028

43 Section 107 (2)

omit

9 July 2025

substitute

26 November 2028

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

omit

the amount prescribed under s 32

substitute

1kt

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](#) on 26 May 2025.

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 Heritage and Planning Legislation Amendment Bill 2025, which was passed by the Legislative Assembly on 14 May 2025.

Clerk of the Legislative Assembly

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