



Australian Capital Territory

Planning (Territory Priority Project) Amendment Act 2025

A2025-37

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Meaning of <i>territory priority project</i> Section 216, definition of <i>territory priority project</i> , new paragraphs (c) and (d)	2
5 New section 216 (2) and (3)	2
6 New sections 217B and 217C	3
7 Declaration of territory priority projects Section 218 (1)	5
8 Section 218 (3)	5

Contents

		Page
9	Section 218 (3) (a)	5
10	Section 218 (3) (b)	6
11	Section 218 (3) (c)	6
12	New section 218 (3A)	6
13	Section 218 (5), new definitions	6
14	New sections 220A and 220B	7
15	Dictionary, note	7
16	Dictionary, new definitions	8



Australian Capital Territory

Planning (Territory Priority Project) Amendment Act 2025

A2025-37

An Act to amend the *Planning Act 2023*

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

1 Name of Act

This Act is the *Planning (Territory Priority Project) Amendment Act 2025*.

2 Commencement

This Act commences on the 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 *Planning Act 2023*.

**4 Meaning of *territory priority project*
Section 216, definition of *territory priority project*, new paragraphs (c) and (d)**

insert

- (c) a development proposal related to public housing; or
- (d) a development proposal related to community housing.

5 New section 216 (2) and (3)

insert

- (2) However, a development proposal mentioned in subsection (1), definition of *territory priority project*, paragraph (c) or (d) is not a territory priority project if—
 - (a) an EIS is required for the proposal under section 105; or
 - (b) the development application for the proposal is required to be referred to the heritage council by a regulation made under section 170 (1) (a) that relates to the impact of the development on an Aboriginal object or place.

- (3) In this section:

Aboriginal object—see the [Heritage Act 2004](#), section 9.

Aboriginal place—see the [Heritage Act 2004](#), section 9.

6 New sections 217B and 217C

insert

217B Meaning of *related to public housing*

- (1) For this Act, a development proposal is *related to public housing* if the development to which the proposal relates—
- (a) is proposed to be undertaken by, or on behalf of, the housing commissioner; and
 - (b) may facilitate the construction, ongoing operation and maintenance, repairs, refurbishment or replacement of housing on land—
 - (i) leased, controlled or held by the housing commissioner; or
 - (ii) used by an entity contracted by the housing commissioner to provide public housing.

Example—par (b) (i)

land leased by the housing commissioner from a private landlord to provide public housing

- (2) However, a development proposal is not related to public housing if the development is undertaken as part of the government program known as the ‘Growing and Renewing Public Housing Program’.
- (3) In this section:
- housing*—see the [Housing Assistance Act 2007](#), dictionary.

217C Meaning of *related to community housing*

- (1) For this Act, a development proposal is *related to community housing* if the development to which the proposal relates—
 - (a) is proposed to be undertaken by, or on behalf of, a registered community housing provider that is an ACNC registered entity; and
 - (b) may facilitate the construction, ongoing operation and maintenance, repairs, refurbishment or replacement of community housing; and
 - (c) is wholly or partly funded by the Territory or the Commonwealth.
- (2) However, a development proposal is not related to community housing if—
 - (a) it involves more than 100 dwellings, including any dwellings not used for community housing; or
 - (b) less than 15% of all dwellings in the development are used for community housing.
- (3) In this section:

ACNC registered entity means a registered entity under the [Australian Charities and Not-for-profits Commission Act 2012](#) (Cwlth).

community housing—see the [Housing Assistance Act 2007](#), dictionary.

registered community housing provider—see the *Community Housing Providers National Law (ACT)*, section 4 (1).

Note The [Community Housing Providers National Law \(ACT\) Act 2013](#), s 7 applies the Community Housing Providers National Law set out in the [Community Housing Providers \(Adoption of National Law\) Act 2012](#) (NSW), appendix as if it were an ACT law called the *Community Housing Providers National Law (ACT)*.

7 Declaration of territory priority projects Section 218 (1)

substitute

- (1) The Chief Minister and Minister may jointly declare that a development proposal is a territory priority project (a ***territory priority project declaration***) if the Chief Minister and Minister are satisfied that—
- (a) the proposal—
 - (i) would achieve a major government policy outcome that is of significant benefit to the people of the ACT; or
 - (ii) would substantially facilitate the achievement of the desired future planning outcomes set out in the planning strategy, a relevant district strategy, the [territory plan](#) or any relevant zone; or
 - (iii) is for significant infrastructure, or significant facilities, that are of significant benefit to the people of the ACT; and
 - (b) the proposal has been the subject of sufficient consultation under subsection (3).

8 Section 218 (3)

after

Minister

insert

must

9 Section 218 (3) (a)

omit

may

10 Section 218 (3) (b)

omit

must

11 Section 218 (3) (c)

omit

must

12 New section 218 (3A)

insert

- (3A) Before giving advice to the Minister under subsection (3) (a), the territory planning authority must—
- (a) consult the conservator of flora and fauna, if the authority considers the proposed declaration is likely to—
 - (i) have a significant adverse environmental impact on a protected matter; or
 - (ii) affect a protected tree or declared site; and
 - (b) consult the heritage council, if the authority considers the proposed declaration—
 - (i) relates to a place or object registered, or nominated for provisional registration, under the [Heritage Act 2004](#); or
 - (ii) may impact an Aboriginal object or place.

13 Section 218 (5), new definitions

insert

Aboriginal object—see the [Heritage Act 2004](#), section 9.

Aboriginal place—see the [Heritage Act 2004](#), section 9.

14 New sections 220A and 220B

in chapter 8, insert

220A Review of amendments made by Planning (Territory Priority Project) Amendment Act 2025

- (1) The Minister must, as soon as practicable after 1 December 2028, review the operation of the amendments made to this chapter by the *Planning (Territory Priority Project) Amendment Act 2025*.
- (2) The Minister must present a report of the review to the Legislative Assembly not later than 30 June 2029.
- (3) This section expires on 30 June 2030.

220B Expiry—territory priority project amendments

The following provisions expire on 31 December 2029:

- (a) section 216 (1), definition of *territory priority project*, paragraphs (c) and (d);
- (b) section 216 (2) and (3);
- (c) sections 217B and 217C;
- (d) section 218 (3A) and (5), definitions of *Aboriginal object* and *Aboriginal place*;
- (e) this section;
- (f) dictionary, definitions of *related to community housing* and *related to public housing*.

15 Dictionary, note

insert

- housing commissioner

16 Dictionary, new definitions

insert

related to community housing—see section 217C.

related to public housing—see section 217B.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 5 February 2025.

2 Notification

Notified under the [Legislation Act](#) on 15 December 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 Planning (Territory Priority Project) Amendment Bill 2025, which was passed by the Legislative Assembly on 3 December 2025.

Clerk of the Legislative Assembly

© Australian Capital Territory 2025