

2023

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning and Land Management)

Planning (Consequential Amendments) Bill 2023

Contents

		Page
1	Name of Act	2
2	Commencement	2
3	Legislation amended—sch 1	2
Schedule 1	Consequential amendments	3
Part 1.1	ACT Civil and Administrative Tribunal Act 2008	3
Part 1.2	Administrative Decisions (Judicial Review) Act 1989	4
Part 1.3	Building Act 2004	5

J2021-1436

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	Page
Part 1.4	Building (General) Regulation 2008 11
Part 1.5	Casino Control Act 2006 15
Part 1.6	Casino (Electronic Gaming) Act 2017 16
Part 1.7	City Renewal Authority and Suburban Land Agency Act 2017 18
Part 1.8	Civil Law (Property) Act 2006 20
Part 1.9	Civil Law (Property) Regulation 2020 21
Part 1.10	Civil Law (Sale of Residential Property) Act 2003 21
Part 1.11	Civil Law (Sale of Residential Property) Regulation 2004 23
Part 1.12	Climate Change and Greenhouse Gas Reduction Act 2010 24
Part 1.13	Commissioner for Sustainability and the Environment Act 1993 25
Part 1.14	Common Boundaries Act 1981 25
Part 1.15	Community Title Act 2001 26
Part 1.16	Construction Occupations (Licensing) Act 2004 27
Part 1.17	Construction Occupations (Licensing) Regulation 2004 29
Part 1.18	Districts Act 2002 31
Part 1.19	Domestic Animals Act 2000 31
Part 1.20	Duties Act 1999 31
Part 1.21	Electoral Act 1992 32
Part 1.22	Emergencies Act 2004 36
Part 1.23	Energy Efficiency (Cost of Living) Improvement Act 2012 37
Part 1.24	Environment Protection Act 1997 37
Part 1.25	Environment Protection Regulation 2005 42
Part 1.26	First Home Owner Grant Act 2000 43
Part 1.27	Fisheries Act 2000 44

	Page
Part 1.28	Gambling and Racing Control Act 1999 44
Part 1.29	Gaming Machine Act 2004 44
Part 1.30	Gaming Machine (Offset Amounts) Regulation 2018 45
Part 1.31	Government Agencies (Land Acquisition Reporting) Act 2018 46
Part 1.32	Government Procurement Act 2001 47
Part 1.33	Heritage Act 2004 47
Part 1.34	Heritage Regulation 2006 52
Part 1.35	Housing Assistance Act 2007 52
Part 1.36	Lakes Act 1976 54
Part 1.37	Land Rent Act 2008 54
Part 1.38	Lands Acquisition Act 1994 58
Part 1.39	Land Tax Act 2004 59
Part 1.40	Land Titles Act 1925 59
Part 1.41	Land Titles (Unit Titles) Act 1970 64
Part 1.42	Leases (Commercial and Retail) Act 2001 66
Part 1.43	Leases (Commercial and Retail) Regulation 2002 66
Part 1.44	Legislation Act 2001 67
Part 1.45	Liquor Act 2010 68
Part 1.46	Liquor Regulation 2010 69
Part 1.47	Nature Conservation Act 2014 70
Part 1.48	Nature Conservation Regulation 2015 77
Part 1.49	Planning Act 2023 78
Part 1.50	Prohibited Weapons Regulation 1997 85
Part 1.51	Professional Engineers Act 2023 85
Part 1.52	Public Health Act 1997 86
Part 1.53	Public Roads Act 1902 88
Part 1.54	Public Unleased Land Act 2013 88

	Page
Part 1.55	Rates Act 2004 89
Part 1.56	Retirement Villages Act 2012 90
Part 1.57	Retirement Villages Regulation 2013 92
Part 1.58	Road Transport (Safety and Traffic Management) Regulation 2017 92
Part 1.59	Sale of Motor Vehicles Act 1977 93
Part 1.60	Smoke-Free Public Places Regulation 2005 93
Part 1.61	Taxation Administration Act 1999 93
Part 1.62	Taxation Administration Regulation 2004 95
Part 1.63	Tree Protection Act 2005 96
Part 1.64	Unit Titles Act 2001 99
Part 1.65	Unit Titles (Management) Act 2011 106
Part 1.66	Unit Titles Regulation 2001 108
Part 1.67	Utilities Act 2000 110
Part 1.68	Utilities (Technical Regulation) Act 2014 110
Part 1.69	Utilities (Telecommunications Installations) Act 2001 111
Part 1.70	Waste Management and Resource Recovery Regulation 2017 112
Part 1.71	Water and Sewerage Act 2000 113
Part 1.72	Water Resources Act 2007 113
Part 1.73	Work Health and Safety Regulation 2011 115

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(As presented)

(Minister for Planning and Land Management)

Planning (Consequential Amendments) Bill 2023

A Bill for

An Act to amend legislation because of the enactment of the *Planning Act 2023*,
and for other purposes

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

1 **1 Name of Act**

2 This Act is the *Planning (Consequential Amendments) Act 2023*.

3 **2 Commencement**

4 (1) This Act (other than schedule 1, part 1.51) commences on the
5 commencement of the *Planning Act 2023*, section 523.

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

8 (2) Schedule 1, part 1.51 commences on the commencement of the
9 *Professional Engineers Act 2023*, section 74.

10 **3 Legislation amended—sch 1**

11 This Act amends the legislation mentioned in schedule 1.

1 **Schedule 1** **Consequential amendments**

2 (see s 3)

3 **Part 1.1** **ACT Civil and Administrative**
4 **Tribunal Act 2008**

5 **[1.1] Section 22P (1)**

6 *omit*

- 7 • *Planning and Development Act 2007*

8 *substitute*

- 9 • *Planning Act 2023*

10 **[1.2] Section 25 (3), note**

11 *substitute*

12 *Note* Any procedure under an authorising law for dealing with an application
13 prevails over the procedures set out in the rules for dealing with the
14 application (see s 27). For example, the *Planning Act 2023*, s 507 (4)
15 provides, in relation to applications for review by third parties, that the
16 period for making an application for review of a decision under that Act
17 cannot be extended. That provision prevails over any rule to extend the
18 time for making an application under that Act.

19 **[1.3] Section 29 (6), example**

20 *substitute*

21 **Example—s (6)**

22 Under the *Planning Act 2023*, s 506 only an entity mentioned in relation to a
23 decision in that Act may apply for review of a decision.

- 1 **[1.4] Further amendments, mentions of *Planning and***
2 ***Development Act 2007***
- 3 *omit*
- 4 *Planning and Development Act 2007*
- 5 *substitute*
- 6 *Planning Act 2023*
- 7 *in*
- 8 • section 32
- 9 • section 48
- 10 • sections 77 to 79
- 11 • section 86

12 **Part 1.2 Administrative Decisions**
13 **(Judicial Review) Act 1989**

- 14 **[1.5] Sections 4A and 8**
- 15 *omit*
- 16 *Planning and Development Act 2007*
- 17 *substitute*
- 18 *Planning Act 2023*

1 **[1.6] Schedule 1, item 15**

2 *substitute*

1	<i>Planning Act 2023</i>	<ul style="list-style-type: none">• a decision under chapter 6 (Significant development), chapter 7 (Development assessment and approvals) or chapter 10 (Leases and licences) in relation to a development proposal that is related to light rail, other than a development proposal involving a protected matter
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3 **Part 1.3 Building Act 2004**

4 **[1.7] Section 14 (1), note 2**

5 *omit*

6 *Planning and Development Act 2007, s 138C*

7 *substitute*

8 *Planning Act 2023, s 150*

9 **[1.8] Section 25AA, definition of *site work notice*, paragraph (a)**
10 **(i)**

11 *omit*

12 *Planning and Development Act 2007, section 133*

13 *substitute*

14 *Planning Act 2023, section 145*

- 1 **[1.9] Section 26 (2) (h)**
- 2 *omit*
- 3 *Planning and Development Regulation 2008*, schedule 1, section 1.19
- 4 *substitute*
- 5 *Planning (Exempt Development) Regulation 2023*, schedule 1,
- 6 section 1.18
- 7 **[1.10] Section 26 (2) (h), example**
- 8 *omit*
- 9 s 1.19 under the *Planning and Development Act 2007*, s 425
- 10 *substitute*
- 11 the *Planning (Exempt Development) Regulation 2023*, sch 1, s 1.18
- 12 **[1.11] Section 26 (2), note 1**
- 13 *omit*
- 14 **[1.12] Section 28 (1A) (b)**
- 15 *substitute*
- 16 (b) if the territory planning authority has not made an exemption
- 17 declaration under the *Planning (Exempt Development)*
- 18 *Regulation 2023*, schedule 1, section 1.131 (1) (d); and
- 19 **[1.13] Section 28 (1A) (d) (i)**
- 20 *omit*
- 21 *Planning and Development Act 2007*, section 133
- 22 *substitute*
- 23 *Planning Act 2023*, section 145

1 **[1.14] Section 28 (2) (a), note**

2 *omit*

3 requires development approval under the *Planning and Development Act 2007*

4 *substitute*

5 is exempt from requiring development approval under the *Planning Act 2023*

6 **[1.15] Section 29 (1) (g)**

7 *omit*

8 *Planning and Development Act 2007*

9 *substitute*

10 *Planning Act 2023*

11 **[1.16] Section 29 (1) (g) (i), note**

12 *omit*

13 *Planning and Development Act 2007*, div 7.3.1A

14 *substitute*

15 *Planning Act 2023*, s 150

16 **[1.17] Section 29 (1) (g) (ii), note**

17 *omit*

18 *Planning and Development Act 2007*, s 133

19 *substitute*

20 *Planning Act 2023*, s 145

1 **[1.18] Section 29 (1) (g) (iv)**
2 *omit*
3 *Planning and Development Regulation 2008*, schedule 1,
4 section 1.100A (1) (b) or section 1.100AB (1) (b)
5 *substitute*
6 *Planning (Exempt Development) Regulation 2023*, schedule 1,
7 section 1.131 (1) (d)

8 **[1.19] Section 29 (1), note 1**
9 *omit*
10 *Planning and Development Act 2007*
11 *substitute*
12 [Planning Act 2023](#)

13 **[1.20] Section 30 (1), example**
14 *omit*
15 *Planning and Development Act 2007*, s 247
16 *substitute*
17 [Planning Act 2023](#), s 276

18 **[1.21] Section 30 (1), example**
19 *omit*
20 *Planning and Development Act 2007*
21 *substitute*
22 [Planning Act 2023](#)

1 **[1.22] Section 50A (1), note**

2 *omit*

3 *Planning and Development Act 2007*, s 340

4 *substitute*

5 [Planning Act 2023](#), s 413

6 **[1.23] Section 50A (3), note**

7 *omit*

8 *Planning and Development Act 2007*, s 138D

9 *substitute*

10 [Planning Act 2023](#), s 152 (2) (b) (i)

11 **[1.24] Section 52, definition of *custodian***

12 *substitute*

13 *custodian*—see the [Planning Act 2023](#), dictionary.

14 **[1.25] Dictionary, note 2**

15 *omit*

- 16
 - planning and land authority

17 *substitute*

- 18
 - territory planning authority

1 **[1.26] Dictionary, definition of *development* etc**
2 *substitute*
3 *development*, in relation to land—see the *Planning Act 2023*,
4 section 14 (1).
5 *development approval*—see the *Planning Act 2023*, dictionary.
6 *exemption assessment D notice*—see the *Planning Act 2023*,
7 section 152 (2) (b).

8 **[1.27] Dictionary, definition of *land*, paragraph (c)**
9 *substitute*
10 (c) land, a building or other structure on land, the use of which is
11 authorised by a licence under the *Planning Act 2023*, part 10.13
12 (Licences for unleased land).

13 **[1.28] Dictionary, definitions of *land sublease* and *lease***
14 *substitute*
15 *land sublease*—see the *Planning Act 2023*, dictionary.
16 *lease*—see the *Planning Act 2023*, section 257.

17 **[1.29] Dictionary, definition of *owner*, paragraph (e)**
18 *substitute*
19 (e) if the land is subject to a licence under the *Planning Act 2023*,
20 part 10.13 (Licences for unleased land)—the licensee; or

1 **[1.30] Further amendments, mentions of *planning and land***
2 ***authority***

3 *omit*

4 planning and land authority

5 *substitute*

6 territory planning authority

7 *in*

- 8 • section 17A
9 • section 50A
10 • section 58
11 • section 62
12 • sections 96 to 98
13 • sections 101 and 102
14 • sections 105 to 113
15 • section 115
16 • sections 117 and 118
17 • sections 121 to 125

18 **Part 1.4 Building (General)**
19 **Regulation 2008**

20 **[1.31] Section 7B (2)**

21 *omit*

22 *Planning and Development Regulation 2008*, schedule 1, section 1.19

23 *substitute*

24 *Planning (Exempt Development) Regulation 2023*, schedule 1,
25 section 1.18

1 **[1.32] Section 7B (2), example**

2 *omit*

3 s 1.19 under the *Planning and Development Act 2007*, s 425

4 *substitute*

5 the *Planning (Exempt Development) Regulation 2023*, sch 1, s 1.18

6 **[1.33] Section 9A (b)**

7 *substitute*

8 (b) a reference to any provision of the *Planning (Exempt*
9 *Development) Regulation 2023* or *Planning (General)*
10 *Regulation 2023* relied on by the certifier to assess the site work
11 as exempt development;

12 **[1.34] Section 22 (3)**

13 *omit*

14 *Planning and Development Act 2007*

15 *substitute*

16 *Planning Act 2023*

17 **[1.35] Section 30B (a)**

18 *omit*

19 *Planning and Development Regulation 2008*, schedule 1, section 1.45

20 *substitute*

21 *Planning (Exempt Development) Regulation 2023*, schedule 1,
22 section 1.42

1 **[1.36] Section 30B (b)**

2 *omit*

3 *Planning and Development Regulation 2008*, schedule 1,
4 section 1.100, 1.100AA, 1.100A or 1.100AB

5 *substitute*

6 *Planning (Exempt Development) Regulation 2023*, schedule 1,
7 section 1.130 or 1.131

8 **[1.37] Section 30B (c)**

9 *omit*

10 *Planning and Development Regulation 2008*, schedule 1,
11 section 1.100B

12 *substitute*

13 *Planning (Exempt Development) Regulation 2023*, schedule 1,
14 section 1.132

15 **[1.38] Section 35 (a)**

16 *omit*

17 chief planning executive

18 *substitute*

19 chief planner

20 **[1.39] Section 35B**

21 *omit*

22 under the *Planning and Development Act 2007*, section 279AC

1 **[1.40] New section 35B (2)**

2 *insert*

3 (2) In this section:

4 *deferral arrangement*, for a lease variation charge—see the *Planning*
5 *Act 2023*, section 343 (1) (c).

6 *lease variation charge*, for a variation of a nominal rent lease—see
7 the *Planning Act 2023*, dictionary.

8 **[1.41] Section 44 (2), definition of *non-urban land*, paragraph (a)**
9 **(iii)**

10 *omit*

11 areas

12 **[1.42] Section 49 (1) (d) (i) and (ii)**

13 *substitute*

14 (i) a relevant provision in any relevant district policy; and

15 (ii) if it is not displaced by a relevant provision in a relevant
16 district policy—a relevant residential zones—single
17 dwelling housing development control.

18 **[1.43] Section 49 (6)**

19 *omit*

20 **[1.44] Section 49 (8)**

21 *substitute*

22 (8) In this section:

23 *district policy*—see the *Planning Act 2023*, dictionary.

24 *dwelling*—see the *Planning (Exempt Development) Regulation 2023*,
25 section 6 (1).

1 *residential zones—single dwelling housing development control—*
2 see the *Planning (Exempt Development) Regulation 2023*,
3 section 14 (1) (a).

4 **[1.45] Schedule 2, section 2.1, definitions of easement etc**

5 *substitute*

6 *easement*—see the *Planning (Exempt Development)*
7 *Regulation 2023*, schedule 1, section 1.11 (4).

8 *proposed easement*—see the *Planning (Exempt Development)*
9 *Regulation 2023*, schedule 1, section 1.11 (4).

10 *utility infrastructure access or protection space*—see the *Planning*
11 *(Exempt Development) Regulation 2023*, schedule 1, section 1.11 (4).

12 **[1.46] Dictionary, note 2**

13 *insert*

- 14 • chief planner

15 **Part 1.5 Casino Control Act 2006**

16 **[1.47] Section 62 (2)**

17 *substitute*

18 (2) Subsection (1) has effect despite the following provisions of the
19 *Planning Act 2023*:

20 (a) section 52 (Effect of territory plan);

21 (b) section 64 (Public consultation—notice of interim effect etc);

22 (c) section 69 (Public availability notice—notice of interim effect
23 etc).

1 **[1.48] Sections 136B (2) (b) (ii) and 136C (1) (b)**

2 *omit*

3 planning and land authority

4 *substitute*

5 territory planning authority

6 **[1.49] Dictionary, note 2**

7 *omit*

- 8 • planning and land authority

9 *substitute*

- 10 • territory planning authority

11 **Part 1.6 Casino (Electronic Gaming)**
12 **Act 2017**

13 **[1.50] Section 21 (3) (a)**

14 *omit*

15 planning and land authority

16 *substitute*

17 territory planning authority

18 **[1.51] Section 21 (3) (a) (i)**

19 *omit*

20 proposal

21 *substitute*

22 application

1 **[1.52] Section 22 (3)**

2 *omit*

3 planning and land authority

4 *substitute*

5 territory planning authority

6 **[1.53] Section 22 (3) (a)**

7 *omit*

8 proposal

9 *substitute*

10 application

11 **[1.54] Section 23 heading**

12 *substitute*

13 **23 Status of restricted authorisations if development**
14 **approval ends under Planning Act 2023, s 211 or because**
15 **no approval given**

16 **[1.55] Sections 23 (1) (b) (i) and 24 (1) (b) (i)**

17 *omit*

18 *Planning and Development Act 2007*, section 184 (End of
19 development approvals other than lease variations)

20 *substitute*

21 *Planning Act 2023*, section 211 (End of development approvals
22 generally)

- 1 **[1.56] Section 39 (2) (b)**
2 *omit*
3 Planning and Development Act 2007, s 184
4 *substitute*
5 Planning Act 2023, s 211

- 6 **[1.57] Dictionary, note 2**
7 *omit*
8 • planning and land authority
9 *substitute*
10 • territory planning authority

11 **Part 1.7 City Renewal Authority and**
12 **Suburban Land Agency Act 2017**

- 13 **[1.58] Section 9 (1), note 1**
14 *omit*
15 *Planning and Development Act 2007, s 50*
16 *substitute*
17 *Planning Act 2023, s 52*

- 18 **[1.59] Section 36 (b) (iii) and (iv)**
19 *substitute*
20 (iii) the planning strategy; and
21 (iv) any relevant district strategy; and
22 (v) the statement of planning priorities; and

1 (vi) any other strategic planning strategy developed by
2 government to guide land planning for the Territory; and

3 **[1.60] Section 36 (c) (ii)**

4 *omit*

5 *Planning and Development Act 2007*

6 *substitute*

7 *Planning Act 2023*

8 **[1.61] New section 36 (2)**

9 *insert*

10 (2) In this section:

11 *district strategy*—see the *Planning Act 2023*, section 38 (1).

12 *planning strategy*—see the *Planning Act 2023*, section 36 (1).

13 *statement of planning priorities*—see the *Planning Act 2023*,
14 section 42 (1).

15 **[1.62] Section 39 (1), note 1**

16 *omit*

17 *Planning and Development Act 2007*, s 50

18 *substitute*

19 *Planning Act 2023*, s 52

20 **[1.63] Section 64 (4), definition of *information holder*, paragraph**
21 **(e)**

22 *substitute*

23 (e) the chief planner; or

1 **[1.64] Dictionary, note 2**

2 *insert*

- 3 • chief planner

4 **[1.65] Dictionary, definition of *statement of planning intent***

5 *omit*

6 **Part 1.8 Civil Law (Property) Act 2006**

7 **[1.66] Section 259A (4), definition of *excluded change*,**
8 **paragraph (a)**

9 *omit*

10 planning and land authority

11 *substitute*

12 territory planning authority

13 **[1.67] Section 260 (1) (m) (i)**

14 *omit*

15 *Planning and Development Act 2007*

16 *substitute*

17 *Planning Act 2023*

18 **[1.68] Dictionary, note 2**

19 *insert*

- 20 • territory planning authority

1 **Part 1.9** **Civil Law (Property)**
2 **Regulation 2020**

3 **[1.69] Section 2 (b) (ii) and (c)**

4 *substitute*

5 (ii) include an undertaking to notify the buyer if a
6 development application is made for the building;

7 (c) if a development application for a building in the units plan has
8 been made but not decided—identify the application;

9 **[1.70] New section 2 (2)**

10 *insert*

11 (2) In this section:

12 *development application*—see the *Planning Act 2023*,
13 section 166 (1).

14 *development approval*—see the *Planning Act 2023*, dictionary.

15 **Part 1.10** **Civil Law (Sale of Residential**
16 **Property) Act 2003**

17 **[1.71] Section 7, definition of *sublease***

18 *substitute*

19 *sublease*—see the *Planning Act 2023*, section 256.

- 1 **[1.72] Section 7, definition of *unapproved structure*, paragraph**
2 **(b) (i)**
- 3 *omit*
- 4 *Planning and Development Act 2007*
- 5 *substitute*
- 6 *Planning Act 2023*
- 7 **[1.73] Section 19A (2), definition of *certificate of compliance***
- 8 *substitute*
- 9 *certificate of compliance*—see the *Planning Act 2023*, dictionary.
- 10 **[1.74] Section 20, definition of *premises*, paragraph (h)**
- 11 *substitute*
- 12 (h) premises in relation to which approval has been given under the
13 *Planning Act 2023*, chapter 7 for a development involving the
14 demolition of the premises;
- 15 (ha) premises in relation to which demolition is exempt from
16 requiring development approval under the *Planning (Exempt*
17 *Development) Regulation 2023*, schedule 1, section 1.132;
- 18 **[1.75] Section 20, definition of *premises*, new paragraph (ja)**
- 19 *insert*
- 20 (ja) premises in relation to which a demolition order has been issued
21 under the *Building Act 2004*, section 63A;

1 **[1.76] Section 20, definition of *premises*, paragraph (i)**

2 *omit*

3 *Planning and Development Act 2007*, part 11.3

4 *substitute*

5 [Planning Act 2023](#), part 12.3

6 **[1.77] Dictionary, definition of *sublease***

7 *substitute*

8 *sublease*, for part 2 (Sale of residential property)—see the [Planning](#)
9 [Act 2023](#), section 256.

10 **Part 1.11 Civil Law (Sale of Residential**
11 **Property) Regulation 2004**

12 **[1.78] Section 7 (6) (g)**

13 *omit*

14 *Planning and Development Act 2007*, chapter 7 (Development
15 approvals)

16 *substitute*

17 [Planning Act 2023](#), chapter 7

18 **[1.79] Sections 8 and 9**

19 *omit*

20 planning and land authority

21 *substitute*

22 territory planning authority

1 **[1.80] Section 9**

2 *omit*

3 *Planning and Development Act 2007*

4 *substitute*

5 *Planning Act 2023*

6 **[1.81] Dictionary, note 2**

7 *omit*

- 8
 - planning and land authority

9 *substitute*

- 10
 - territory planning authority

11 **Part 1.12 Climate Change and Greenhouse**
12 **Gas Reduction Act 2010**

13 **[1.82] Section 13A (2)**

14 *omit*

15 chief planning executive

16 *substitute*

17 chief planner

18 **[1.83] Dictionary, note 2**

19 *omit*

- 20
 - chief planning executive

21 *substitute*

- 22
 - chief planner

1 **Part 1.13** **Commissioner for Sustainability**
2 **and the Environment Act 1993**

3 **[1.84] Section 12 (2) (e)**

4 *omit*

5 *Planning and Development Act 2007*, chapter 8 (Environmental
6 impact statements and inquiries)

7 *substitute*

8 *Planning Act 2023*, division 6.3.9 (EIS inquiry panels)

9 **Part 1.14** **Common Boundaries Act 1981**

10 **[1.85] Sections 23 to 26 and 28**

11 *omit*

12 planning and land authority

13 *substitute*

14 territory planning authority

15 **[1.86] Dictionary, note 2**

16 *insert*

- 17
 - territory planning authority

18 **[1.87] Dictionary, definition of *land sublease***

19 *substitute*

20 *land sublease*—see the *Planning Act 2023*, dictionary.

1 **Part 1.15 Community Title Act 2001**

2 **[1.88] Section 10 (4)**

3 *omit*

4 *Planning and Development Act 2007*

5 *substitute*

6 *Planning Act 2023*

7 **[1.89] Section 21 (2)**

8 *omit*

9 *Planning and Development Act 2007, chapter 7*

10 *substitute*

11 *Planning Act 2023, chapter 7*

12 **[1.90] Section 28 (2), definition of *interested person*, paragraph**
13 **(f)**

14 *substitute*

15 (f) the territory planning authority.

16 **[1.91] Section 89 (6) (c)**

17 *substitute*

18 (c) the territory planning authority.

19 **[1.92] Dictionary, note 2**

20 *omit*

- 21
 - planning and land authority

22 *substitute*

- 23
 - territory planning authority

1 **[1.93] Dictionary, definitions of *declared land sublease* and *land***
2 ***sublease***

3 *substitute*

4 *declared land sublease*—see the *Planning Act 2023*, section 365 (1).

5 *land sublease*—see the *Planning Act 2023*, dictionary.

6 **[1.94] Further amendments, mentions of *planning and land***
7 ***authority***

8 *omit*

9 planning and land authority

10 *substitute*

11 territory planning authority

12 *in*

13 • sections 8 to 16

14 • sections 21 to 24

15 • sections 64 and 65

16 • section 81

17 • section 94

18 • section 97

19 **Part 1.16 Construction Occupations**
20 **(Licensing) Act 2004**

21 **[1.95] Section 16**

22 *omit*

23 • *Planning and Development Act 2007*

24 *substitute*

25 • *Planning Act 2023*

1 **[1.96] Section 33A**
2 *omit*
3 planning and land authority
4 *substitute*
5 territory planning authority

6 **[1.97] Section 33A (a) (ii)**
7 *omit*
8 *Planning and Development Act 2007*
9 *substitute*
10 [Planning Act 2023](#)

11 **[1.98] Section 36 (3)**
12 *omit*
13 planning and land authority
14 *substitute*
15 territory planning authority

16 **[1.99] Section 36 (3) (a) (ii)**
17 *omit*
18 *Planning and Development Act 2007*
19 *substitute*
20 [Planning Act 2023](#)

1 **[1.100] Section 123 (1) (d)**

2 *omit*

3 planning and land authority

4 *substitute*

5 territory planning authority

6 **[1.101] Dictionary, note 2**

7 *insert*

- 8 • territory planning authority

9 **[1.102] Dictionary, definition of *works assessment work*,**
10 **paragraph (a)**

11 *omit*

12 *Planning and Development Act 2007*

13 *substitute*

14 *Planning Act 2023*

15 **Part 1.17 Construction Occupations**
16 **(Licensing) Regulation 2004**

17 **[1.103] Schedule 1, part 1.9, items 1 and 2**

18 *substitute*

2	Class A works assessor—planning and development	undertaking an exemption assessment under the <i>Planning Act 2023</i>
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2	Class B works assessor—planning and development	undertaking an exemption assessment under the <i>Planning Act 2023</i> , in relation to the following: (a) site work under the <i>Building Act 2004</i> for a class 1 building or class 10 building or other structure; (b) development in relation to a class 1 building or class 10 building or other structure, mentioned in the <i>Planning (Exempt Development) Regulation 2023</i> , schedule 1, other than the following: (i) division 1.4.7; (ii) section 1.134; (iii) section 1.136; (iv) section 1.139; (v) section 1.141 to section 1.145
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1 **[1.104] Schedule 2, parts 2.2 and 2.7A**

2 *omit*

3 planning and land authority

4 *substitute*

5 territory planning authority

6 **[1.105] Dictionary, note 2**

7 *insert*

- 8 • territory planning authority

1 **Part 1.18** **Districts Act 2002**

2 **[1.106] Section 17**

3 *omit*

4 planning and land authority

5 *substitute*

6 territory planning authority

7 **[1.107] Dictionary, note 2**

8 *insert*

- 9
 - territory planning authority

10 **Part 1.19** **Domestic Animals Act 2000**

11 **[1.108] Section 143 (4), definition of *residential lease***

12 *substitute*

13 *residential lease*—see the [Planning Act 2023](#), section 256.

14 **Part 1.20** **Duties Act 1999**

15 **[1.109] Section 52 (1) (c)**

16 *omit*

17 *Planning and Development Act 2007*, section 300 (Refund on lease
18 surrender or termination)

19 *substitute*

20 [Planning Act 2023](#), section 364 (Refund on lease surrender or
21 termination)

- 1 **[1.110] Section 52 (3) and (6)**
2 *omit*
3 *Planning and Development Act 2007*, section 300
4 *substitute*
5 *Planning Act 2023*, section 364
- 6 **[1.111] Section 90C (4), definition of *accredited valuer***
7 *substitute*
8 *accredited valuer*—see the *Planning Act 2023*, dictionary.
- 9 **[1.112] Dictionary, definition of *declared land sublease***
10 *substitute*
11 *declared land sublease*—see the *Planning Act 2023*, section 365 (1).

12 Part 1.21 Electoral Act 1992

- 13 **[1.113] Section 39 (3) (b)**
14 *substitute*
15 (b) the territory planning authority; and
- 16 **[1.114] Section 222B, definition of *decided***
17 *substitute*
18 *decided*—a relevant planning application is *decided* if—
19 (a) for an application to amend the territory plan—
20 (i) for a minor plan amendment—the plan amendment is
21 notified under the *Planning Act 2023*, section 85; and

- 1 (ii) for a proponent-initiated amendment—the [territory](#)
2 [planning authority](#) has prepared a draft major plan
3 amendment under the [Planning Act 2023](#), section 59 (2);
4 and
- 5 (iii) in any other case—the territory planning authority has
6 prepared a draft major plan amendment under the
7 [Planning Act 2023](#), section 60; and
- 8 (b) for any other case—it is decided in accordance with the
9 [Planning Act 2023](#).

10 **[1.115] Section 222B, definition of *make***

- 11 *omit*
- 12 make the application
- 13 *substitute*
- 14 make, the application

15 **[1.116] New section 222B (2)**

- 16 *insert*
- 17 (2) In this section:
- 18 *draft major plan amendment*—see the [Planning Act 2023](#),
19 section 55.
- 20 *minor plan amendment*—see the [Planning Act 2023](#), section 84.
- 21 *proponent-initiated amendment*—see the [Planning Act 2023](#),
22 section 57 (1).

1 **[1.117] Section 222C (2)**

2 *substitute*

3 (2) In this section:

4 *development*, in relation to land—see the *Planning Act 2023*,
5 section 14 (1).

6 **[1.118] Section 222E (1)**

7 *substitute*

8 (1) In this division:

9 *relevant planning application* means any of the following:

- 10 (a) a request, in any form, to a Minister or the territory planning
11 authority to make a major plan amendment or minor plan
12 amendment of the territory plan under the *Planning Act 2023*;
- 13 (b) a development application under the *Planning Act 2023*;
- 14 (c) a request under the *Planning Act 2023*, division 7.5.1
15 (Pre-application matters);
- 16 (d) an application for an environmental significance opinion under
17 the *Planning Act 2023*, division 6.3.10 (Environmental
18 significance opinions);
- 19 (e) any other application, request or other action under the *Planning*
20 *Act 2023* prescribed by regulation.

21 **[1.119] Section 222E (3)**

22 *substitute*

23 (3) For subsection (1), a reference to an application, request or other
24 action under the *Planning Act 2023* includes a reference to the
25 corresponding application, request or other action under the *Planning*
26 *and Development Act 2007* (repealed).

- 1 (4) For subsection (2), if the applicant is a property developer, a reference
2 to the applicant includes a close associate of the property developer.
- 3 (5) Subsection (3) and this subsection expire 8 years after the day the
4 *Planning Act 2023*, section 3 commences.
- 5 (6) In this section:
- 6 *development application*—see the *Planning Act 2023*,
7 section 166 (1).
- 8 *environmental significance opinion*—see the *Planning Act 2023*,
9 section 102 (2).
- 10 *major plan amendment*—see the *Planning Act 2023*, section 55.
- 11 *minor plan amendment*—see section 222B (2).

12 **[1.120] Section 299 (4), definition of *lessee***

13 *substitute*

14 *lessee*—see the *Planning Act 2023*, section 256.

15 **[1.121] Dictionary, note 2**

16 *omit*

- 17 • planning and land authority

18 *substitute*

- 19 • territory planning authority

1 Part 1.22 Emergencies Act 2004

2 [1.122] Section 4, note 1

3 *substitute*

4 *Note 1* The dictionary at the end of this Act defines certain terms used in this
5 Act, and includes references (*signpost definitions*) to other terms defined
6 elsewhere.

7 For example, the signpost definition '*land management agreement*—see
8 the [Planning Act 2023](#), section 350 (2) (a).' means that the term 'land
9 management agreement' is defined in that section and the definition
10 applies to this Act.

11 [1.123] Section 71 (1)

12 *omit*

13 planning and land authority

14 *substitute*

15 territory planning authority

16 [1.124] Sections 72 and 77A

17 *omit*

18 *Planning and Development Act 2007*, section 318 (What is a *public*
19 *land management plan* for an area of public land?)

20 *substitute*

21 [Planning Act 2023](#), section 388 (1)

22 [1.125] Dictionary, note 2

23 *omit*

- 24
 - planning and land authority

25 *substitute*

- 26
 - territory planning authority

- 1 **[1.126] Dictionary, definition of *land management agreement***
2 *substitute*
3 *land management agreement*—see the [Planning Act 2023](#),
4 section 350 (2) (a).

5 **Part 1.23 Energy Efficiency (Cost of**
6 **Living) Improvement Act 2012**

- 7 **[1.127] Section 28A, definition of *regulatory agency*, paragraph**
8 **(b)**
9 *substitute*
10 (b) the territory planning authority;

- 11 **[1.128] Dictionary, note 2**
12 *insert*
13 • territory planning authority

14 **Part 1.24 Environment Protection Act 1997**

- 15 **[1.129] Section 3, note 1**
16 *substitute*
17 *Note 1* The dictionary at the end of this Act defines certain terms used in this
18 Act, and includes references (*signpost definitions*) to other terms defined
19 elsewhere.
20 For example, the signpost definition '*land sublease*—see the [Planning](#)
21 [Act 2023](#), dictionary.' means that the term 'land sublease' is defined in
22 that dictionary and the definition applies to this Act.

1 **[1.130] Section 21A (5) (a)**

2 *substitute*

3 (a) the territory planning authority; and

4 **[1.131] Section 49 (6)**

5 *omit*

6 completed

7 *substitute*

8 finalised

9 **[1.132] Section 49 (8)**

10 *substitute*

11 (8) In this section:

12 *finalised*, for an EIS (other than a public health EIS), means the day
13 the EIS is finalised under the *Planning Act 2023*, section 128 as
14 applied by this Act, section 94A.

15 *public health EIS*—see the *Planning Act 2023*, dictionary.

16 **[1.133] Section 92B**

17 *substitute*

18 **92B Definitions—pt 10**

19 In this part:

20 *environmental impact statement* (or *EIS*)—see the *Planning*
21 *Act 2023*, section 94 (c).

22 *inquiry*—see the *Planning Act 2023*, dictionary.

1 **[1.134] Section 94 (3)**

2 *omit*

3 *Planning and Development Act 2007*

4 *substitute*

5 *Planning Act 2023*

6 **[1.135] Section 94A heading**

7 *substitute*

8 **94A Application of Planning Act 2023, pt 6.3**

9 **[1.136] Section 94A (1)**

10 *omit*

11 *Planning and Development Act 2007, part 8.2*

12 *substitute*

13 *Planning Act 2023, part 6.3*

14 **[1.137] Section 94A (1) (c)**

15 *omit*

16 planning and land authority

17 *substitute*

18 territory planning authority

1 **[1.138] Section 94A (2)**
2 *omit*
3 *Planning and Development Act 2007*, part 8.3
4 *substitute*
5 *Planning Act 2023*, division 6.3.9

6 **[1.139] Section 94A (2) (b)**
7 *omit*
8 planning and land authority
9 *substitute*
10 territory planning authority

11 **[1.140] Section 149 (2) (a)**
12 *omit*
13 *Planning and Development Act 2007*, chapter 7
14 *substitute*
15 *Planning Act 2023*, chapter 7

16 **[1.141] Section 164 (2)**
17 *omit*
18 planning and land authority
19 *substitute*
20 territory planning authority

1 **[1.142] Schedule 1, table 1.2, item 7, column 2, paragraph (a)**

2 *substitute*

3 (a) an area identified in the territory plan as land in any of the following zones:
4 Broadacre; Rural; Hills, Ridges and Buffer; River Corridor; Mountains and
5 Bushland; or

6 **[1.143] Schedule 1, table 1.2, item 7, column 2, paragraph (b)**

7 *omit*

8 on a precinct map

9 **[1.144] Dictionary, note 2**

10 *insert*

- 11
 - territory planning authority

12 **[1.145] Dictionary, definition of *assessment***

13 *omit*

14 **[1.146] Dictionary, definition of *EIS* etc**

15 *substitute*

16 *EIS*, for part 10 (Functions of the Minister)—see *environmental*
17 *impact statement*.

18 *environmental impact statement* (or *EIS*), for part 10 (Functions of
19 the Minister)—see the *Planning Act 2023*, section 94 (c).

20 *inquiry*, for part 10 (Functions of the Minister)—see the *Planning*
21 *Act 2023*, dictionary.

22 *land sublease*—see the *Planning Act 2023*, dictionary.

1 **Part 1.25 Environment Protection**
2 **Regulation 2005**

3 **[1.147] Section 41**

4 *omit*

5 the territory plan, Water Use and Catchment Code

6 *substitute*

7 an instrument made under the *Water Resources Act 2007*, section 15A
8 (Environmental values for waterways)

9 **[1.148] Section 41, note**

10 *omit*

11 **[1.149] Section 67 (2) (b)**

12 *substitute*

13 (b) *Crown Land Management Act 2016* (NSW);

14 **[1.150] Schedule 2, section 2.1, definitions of *city centre* etc**

15 *substitute*

16 *city centre* means the area identified as the city centre in the territory
17 plan.

18 *commercial CZA zone* means an area designated as a commercial
19 CZA (Local Centre Zone) zone in the territory plan.

20 *corridor site* means an area identified as a corridor site in the territory
21 plan.

22 *group centre* means an area identified as a group centre in the
23 territory plan.

1 *office site* means an area identified as an office site in the territory
2 plan.

3 *town centre* means an area identified as a town centre in the territory
4 plan.

5 **[1.151] Schedule 2, section 2.2 (1), definition of *major road*, note**

6 *substitute*

7 *Note* The territory plan is available at www.legislation.act.gov.au.

8 **[1.152] Dictionary, definition of *public land* and note**

9 *substitute*

10 *public land*—see the [Planning Act 2023](#), dictionary.

11 **[1.153] Dictionary, definition of *residential land*, note**

12 *substitute*

13 *Note* The territory plan is available at www.legislation.act.gov.au.

14 **Part 1.26 First Home Owner Grant Act 2000**

15 **[1.154] Section 5 (6)**

16 *substitute*

17 (6) In this section:

18 *land sublease*—see the [Planning Act 2023](#), dictionary.

1 **Part 1.27 Fisheries Act 2000**

2 **[1.155] Dictionary, definition of *custodian***

3 *omit*

4 **[1.156] Dictionary, definition of *lease***

5 *substitute*

6 *lease*—see the [Planning Act 2023](#), section 257.

7 **Part 1.28 Gambling and Racing Control**
8 **Act 1999**

9 **[1.157] Section 50 (5), definition of *forfeited*, paragraph (b) (ii)**

10 *omit*

11 Planning and Development Act 2007, s 184

12 *substitute*

13 Planning Act 2023, s 211

14 **Part 1.29 Gaming Machine Act 2004**

15 **[1.158] Section 10H (4), definition of *offset amount*, paragraph (b)**
16 **(v)**

17 *substitute*

18 (v) [Planning Act 2023](#);

1 **Part 1.30** **Gaming Machine (Offset**
2 **Amounts) Regulation 2018**

3 **[1.159] Section 4 (b) to (d)**

4 *substitute*

- 5 (b) a fee determined for a matter under the *Planning Act 2023*,
6 section 522 in relation to any of the following provisions of that
7 *Act*:
- 8 (i) part 5.2 (Territory plan—major plan amendments);
 - 9 (ii) part 6.3 (Environmental impact assessment), including
10 division 6.3.9 (EIS inquiry panels);
 - 11 (iii) division 7.2.3 (Exemption assessments);
 - 12 (iv) part 7.5 (Assessable development);
 - 13 (v) part 7.6 (Development approval);
 - 14 (vi) part 10.2 (Grants of leases generally);
 - 15 (vii) part 10.3 (Grants of further leases);
 - 16 (viii) part 10.5 (Concessional leases);
 - 17 (ix) part 10.7 (Lease variations);
 - 18 (x) part 10.12 (Leases—building and development
19 provisions);
 - 20 (xi) part 10.13 (Licences for unleased land);
- 21 (c) an amount payable to vary a concessional lease to remove its
22 concessional status worked out under the *Planning Act 2023*,
23 section 311;
- 24 (d) a lease variation charge for a chargeable variation of a nominal
25 rent lease under the *Planning Act 2023*, division 10.7.3;

- 1 (e) a fee, charge or other amount payable for a matter under the
2 *Planning and Development Act 2007* (repealed) substantially
3 corresponding to a matter under a provision of the *Planning*
4 *Act 2023* mentioned in paragraphs (b) to (d).

5 **[1.160] New section 4 (2)**

6 *insert*

- 7 (2) Subsection (1) (e) and this subsection expire 2 years after the day the
8 *Planning Act 2023*, section 3 commences.

9 **Part 1.31 Government Agencies (Land**
10 **Acquisition Reporting) Act 2018**

11 **[1.161] Section 7 (1), definition of *land acquisition*, paragraphs**
12 **(b) (ii) to (iv)**

13 *substitute*

- 14 (ii) a surrender of a lease, or part of the land described in a
15 lease, under the *Planning Act 2023*, section 363, whether
16 or not the acquiring government agency agreed to accept
17 the surrender; or
18 (iii) the withdrawal of land from a lease under the terms of the
19 lease; or
20 (iv) a termination of a lease under the *Planning Act 2023*,
21 section 457; or

22 **[1.162] Section 7 (3), definition of *declared land sublease***

23 *substitute*

24 ***declared land sublease***—see the *Planning Act 2023*, section 365 (1).

1 **[1.163] Section 7 (3), definition of *land*, paragraph (c) (i)**

2 *omit*

3 Crown

4 **[1.164] Section 7 (3), new definition of *lease***

5 *after the note, insert*

6 *lease*—see the [Planning Act 2023](#), section 257.

7 **Part 1.32 Government Procurement**
8 **Act 2001**

9 **[1.165] Section 3A**

10 *omit*

11 *Planning and Development Act 2007*

12 *substitute*

13 [Planning Act 2023](#)

14 **Part 1.33 Heritage Act 2004**

15 **[1.166] Section 13 (1), definition of *interested person*, paragraph**
16 **(a)**

17 *omit*

18 planning and land authority

19 *substitute*

20 territory planning authority

1 **[1.167] Section 17 (1) (b)**

2 *substitute*

3 (b) the chief planner;

4 **[1.168] Section 18 (c)**

5 *omit*

6 and development

7 **[1.169] Section 18, examples**

8 *substitute*

9 **Examples—other council functions**

10 1 making recommendations and submissions to the territory planning authority
11 about draft major plan amendments (see *Planning Act 2023*, s 62 (d))

12 2 giving advice to the territory planning authority about development
13 applications (see *Planning Act 2023*, div 7.5.3, s 186 (h), s 189 and s 190)

14 **[1.170] Section 19 (2)**

15 *omit*

16 chief planning executive

17 *substitute*

18 chief planner

19 **[1.171] Section 27 (2) (a)**

20 *omit*

21 planning and land authority

22 *substitute*

23 territory planning authority

1 **[1.172] Section 58, definition of *development***

2 *omit*

3 *Planning and Development Act 2007*, chapter 7

4 *substitute*

5 *Planning Act 2023*, chapter 7

6 **[1.173] Section 59**

7 *substitute*

8 **59 Simplified outline**

9 The following notes provide a simplified outline of this part and the
10 *Planning Act 2023*, chapter 7 (Development assessment and
11 approvals):

12 *Note 1 Certain development applications to be referred to council*

13 The territory planning authority may be required to refer a development
14 application to the council (see *Planning Act 2023*, s 170 and s 171).

15 *Note 2 Council to give advice about development application*

16 The council gives advice to the territory planning authority, within the
17 prescribed number of days, about the effect of a development on the
18 heritage significance of a place or object if the development application
19 is referred to the council (see *Planning Act 2023*, s 172). The council may
20 also give the authority advice about the effect of development on heritage
21 significance under this Act, s 60 or make a representation about a
22 development application under the *Planning Act 2023*, s 180.

23 *Note 3 Council's advice to be considered*

24 The council's advice must be considered by the decision-maker in
25 deciding a development application referred to the council (see *Planning*
26 *Act 2023*, s 186 (h), s 189 and s 190).

- 1 *Note 4* *Council may apply for review of decision to approve application*
2 The council may apply to the ACAT for review of the territory planning
3 authority's decision to approve a development application if the
4 council—
5 (a) made a representation about the development application under the
6 *Planning Act 2023*, s 180; and
7 (b) is an eligible entity under that Act, ch 15 (Notification and review
8 of decisions) (see *Planning Act 2023*, s 504 and s 506 and sch 5,
9 pt 5.2, item 2, item 6 and item 8).

10 **[1.174] Section 60 (2) and notes**

11 *substitute*

- 12 (2) The council may give the territory planning authority written advice
13 in accordance with section 61 about its decision.

14 *Note 1* If the territory planning authority refers a development application to the
15 council under the *Planning Act 2023*, s 170 or s 171, the council must,
16 within the number of days prescribed by regulation after the day the
17 authority refers the application, give the authority its advice in relation to
18 the development application (see *Planning Act 2023*, s 172).

19 *Note 2* The council may apply to the ACAT for review of the territory planning
20 authority's decision to approve a development application if the
21 council—
22 (a) made a representation about the development application under the
23 *Planning Act 2023*, s 180; and
24 (b) is an eligible entity under that Act, ch 15 (Notification and review
25 of decisions) (see *Planning Act 2023*, s 504 and s 506 and sch 5,
26 pt 5.2, item 2, item 6 and item 8).

27 **[1.175] Section 61 (1) (b)**

28 *omit*

29 *Planning and Development Act 2007*, section 149

30 *substitute*

31 *Planning Act 2023*, section 172

1 **[1.176] Sections 67A (1) (c) (v) and 76 (2) (a) (vi)**

2 *omit*

3 *Planning and Development Act 2007*, chapter 7

4 *substitute*

5 *Planning Act 2023*, chapter 7

6 **[1.177] Section 118B (5)**

7 *substitute*

8 (5) In this section:

9 *lease*—see the *Planning Act 2023*, section 257.

10 *lessee*—see the *Planning Act 2023*, section 256.

11 **[1.178] Dictionary, note 2**

12 *omit*

- 13
- 14 • chief planning executive
 - 15 • planning and land authority

16 *substitute*

- 17
- 18 • chief planner
 - 19 • territory planning authority

20 **[1.179] Dictionary, definition of owner, paragraph (a)**

21 *omit*

22 *Planning and Development Act 2007*

substitute

Planning Act 2023

1 **Part 1.34 Heritage Regulation 2006**

2 **[1.180] Section 8 (1), note**

3 *omit*

4 chief planning executive

5 *substitute*

6 chief planner

7 **[1.181] Dictionary, note 1**

8 *substitute*

9 *Note 1* The [Legislation Act](#) contains definitions relevant to this regulation. For
10 example:

- 11
 - chief planner.

12 **[1.182] Dictionary, definition of *voting member*, paragraph (b)**

13 *substitute*

14 (b) the chief planner; or

15 **Part 1.35 Housing Assistance Act 2007**

16 **[1.183] Section 32 (1)**

17 *omit*

18 planning and land authority

19 *substitute*

20 territory planning authority

1 **[1.184] Section 32 (5), definition of *unleased territory land***

2 *omit*

3 *Planning and Development Act 2007*

4 *substitute*

5 *Planning Act 2023*

6 **[1.185] Section 33 (2) (f), note 2**

7 *substitute*

8 *Note 2* See also the *Planning Act 2023*, s 382 for the recovery of land from
9 a former lessee.

10 **[1.186] Section 34 (2)**

11 *omit*

12 planning and land authority

13 *substitute*

14 territory planning authority

15 **[1.187] Dictionary, note**

16 *omit*

- 17
 - planning and land authority

18 *substitute*

- 19
 - territory planning authority

1 **Part 1.36 Lakes Act 1976**

2 **[1.188] Sections 27 (2), note and 28 (1), note**

3 *omit*

4 *Planning and Development Act 2007*

5 *substitute*

6 *Planning Act 2023*

7 **Part 1.37 Land Rent Act 2008**

8 **[1.189] Section 5**

9 *substitute*

10 **5 Application of Act**

11 This Act applies to a single dwelling house lease granted by the
12 territory planning authority (other than to the Territory or a territory
13 authority).

14 *Note* The territory planning authority is authorised to grant, on behalf of the
15 Executive, leases that the Executive may grant on behalf of the
16 Commonwealth (see *Planning Act 2023*, s 262).

17 **[1.190] Section 7 (1) and (2)**

18 *substitute*

- 19 (1) This section applies if the territory planning authority invites
20 applications from eligible applicants for the ballot or direct sale of a
21 single dwelling house lease that may be subject to the condition that
22 the lessee pays land rent for the lease.

- 1 (2) An eligible applicant for the grant of the lease may apply to the
2 territory planning authority to pay land rent for the lease.

3 *Note* The territory planning authority may grant a lease under the *Planning*
4 *Act 2023*, s 263.

5 **[1.191] Section 7 (3), notes 1 to 3**

6 *substitute*

7 *Note 1* The territory planning authority need not grant a lease to an eligible
8 applicant, even if applications for the lease have been invited
9 (see *Planning Act 2023*, s 270 (1)).

10 *Note 2* If applications for a lease have been invited subject to conditions, the
11 territory planning authority may, without granting a lease, invite fresh
12 applications for the lease subject to the same or other conditions
13 (see *Planning Act 2023*, s 270 (2)).

14 **[1.192] Section 7A (1) and (2) and note**

15 *substitute*

- 16 (1) This section applies if the territory planning authority offers a lease
17 of a parcel of land by direct sale to an eligible former owner of the
18 parcel of land.

19 *Note* The territory planning authority may grant a lease under the *Planning*
20 *Act 2023*, s 263.

- 21 (2) The eligible former owner may apply to the territory planning
22 authority to pay land rent for the lease.

1 **[1.193] Section 7A (3), notes 1 to 3**

2 *substitute*

3 *Note 1* The territory planning authority need not grant a lease to an eligible
4 former owner, even if applications for the lease have been invited
5 (see [Planning Act 2023](#), s 270 (1)).

6 *Note 2* If applications for a lease have been invited subject to conditions, the
7 territory planning authority may, without granting a lease, invite fresh
8 applications for the lease subject to the same or other conditions
9 (see [Planning Act 2023](#), s 270 (2)).

10 **[1.194] Section 7A (4), definition of *eligible former owner***

11 *omit*

12 planning and land authority

13 *substitute*

14 territory planning authority

15 **[1.195] Section 16AA (3), note**

16 *omit*

17 *Planning and Development Act 2007*, s 272A (Application for rent payout lease
18 variation)

19 *substitute*

20 [Planning Act 2023](#), s 320 (Application for rent payout lease variation)

21 **[1.196] Part 4 heading, note**

22 *substitute*

23 *Note* A lessee may apply to the territory planning authority for a variation of
24 the lease to reduce the land rent payable to a nominal rent (see [Planning](#)
25 [Act 2023](#), s 320 (Application for rent payout lease variation)).

1 **[1.197] Section 17 (2), notes 1 and 2**

2 *substitute*

3 *Note* A transferee may apply to the territory planning authority for a variation
4 of the lease to reduce the land rent payable to a nominal rent
5 (see [Planning Act 2023](#), s 320 (Application for rent payout lease
6 variation)).

7 **[1.198] Dictionary, note 2**

8 *omit*

- 9
 - planning and land authority

10 *substitute*

- 11
 - territory planning authority

12 **[1.199] Dictionary, note 2**

13 *omit*

- 14
 - territory plan

15 **[1.200] Dictionary, definition of *single dwelling house***

16 *omit*

17 **[1.201] Dictionary, definition of *single dwelling house lease***

18 *substitute*

19 *single dwelling house lease*—see the [Planning Act 2023](#), section 256.

1 **Part 1.38 Lands Acquisition Act 1994**

2 **[1.202] Section 50 (1) (d)**

3 *omit*
4 planning and land authority
5 *substitute*
6 territory planning authority

7 **[1.203] Section 50 (1) (e)**

8 *omit*
9 *Planning and Development Act 2007*, section 254
10 *substitute*
11 *Planning Act 2023*, section 289

12 **[1.204] Section 50 (2)**

13 *substitute*
14 (2) In this section:
15 *rural lease*—see the *Planning Act 2023*, section 256.

16 **[1.205] Sections 103 (4) and 113**

17 *omit*
18 planning and land authority
19 *substitute*
20 territory planning authority

1 **[1.206] Dictionary, note 2**

2 *insert*

- 3 • territory planning authority

4 **Part 1.39 Land Tax Act 2004**

5 **[1.207] Dictionary, definition of *land sublease***

6 *substitute*

7 *land sublease*—see the *Planning Act 2023*, dictionary.

8 **Part 1.40 Land Titles Act 1925**

9 **[1.208] Section 69A, definition of *administrative interest*,
10 examples**

11 *substitute*

12 **Examples—administrative interests**

- 13 1 a development approval under the *Planning Act 2023* for the use of land
14 2 if notice of a development approval for the use of land was given to the
15 registrar-general under the *Planning Act 2023*—the ending, by surrender, of
16 the development approval
17 3 the effect of the *Planning Act 2023*, s 307 (1) (a) (ii) on the assignment,
18 transfer, subletting etc of a community lease

19 **[1.209] Section 72A (1)**

20 *substitute*

- 21 (1) If the territory planning authority has executed a variation of a Crown
22 lease under the *Planning Act 2023*, the authority must lodge a copy
23 of the variation with the registrar-general.

1 **[1.210] Section 72AB heading**

2 *substitute*

3 **72AB Registration etc of orders under Planning Act 2023**

4 **[1.211] Section 72AB (1)**

5 *substitute*

6 (1) This section applies if the registrar-general receives a notice under
7 either of the following provisions of the *Planning Act 2023* about an
8 order under that Act that appears to affect a Crown lease:

9 (a) section 430 (Notice of making of controlled activity orders);

10 (b) section 435 (Notice ending controlled activity orders).

11 **[1.212] Section 72C (1) (b)**

12 *omit*

13 *Planning and Development Act 2007*, section 296 (1) (Certificates of
14 compliance)

15 *substitute*

16 *Planning Act 2023*, section 368 (1)

17 **[1.213] Section 72C (1) (c) and (3)**

18 *omit*

19 *Planning and Development Act 2007*, section 296

20 *substitute*

21 *Planning Act 2023*, section 368

1 **[1.214] Section 72C (4)**

2 *substitute*

3 (4) In this section:

4 *building and development provision*, in relation to a lease—see the
5 [Planning Act 2023](#), section 256.

6 **[1.215] Section 72D heading**

7 *substitute*

8 **72D Memorial of application of certain provisions etc under**
9 **Planning Act 2023**

10 **[1.216] Section 72D (1)**

11 *substitute*

12 (1) If the territory planning authority tells the registrar-general that any
13 of the following provisions or things under the [Planning Act 2023](#)
14 apply to a lease, the registrar-general must enter in the register a
15 memorial to that effect:

16 (a) section 280 (Restriction on transfer, assignment and parting with
17 possession);

18 (b) section 282 (Restriction on transfer, assignment and parting with
19 possession—certain University of NSW leases);

20 (c) a declaration under section 366 (Declared leases).

21 **[1.217] Section 72D (2) (a)**

22 *omit*

23 *Planning and Development Act 2007*, section 312C

24 *substitute*

25 [Planning Act 2023](#), section 365 (1)

1 **[1.218] Section 88 (1), note 1**

2 *substitute*

3 *Note 1* A sublease of land must be approved by the territory planning authority
4 (see [Planning Act 2023](#), s 284 and this Act, s 88B).

5 **[1.219] Section 88A (1), note**

6 *substitute*

7 *Note* **Land sublease** does not include a building sublease (see [Planning](#)
8 [Act 2023](#), dictionary).

9 **[1.220] Section 88B**

10 *substitute*

11 **88B Land subleases—registration**

12 The registrar-general must not register a sublease of land unless the
13 sublease has been approved, in writing, by the territory planning
14 authority under the [Planning Act 2023](#), section 284 (Restriction on
15 subletting of land).

16 *Note* This section does not apply to a building sublease (see [Planning](#)
17 [Act 2023](#), dict, def **land sublease**).

18 **[1.221] Sections 88C to 88H**

19 *omit*

20 *Note* This section does not apply to a building sublease (see [Planning and](#)
21 [Development Act 2007](#), dict, def **land sublease**).

22 *substitute*

23 *Note* This section does not apply to a building sublease (see [Planning](#)
24 [Act 2023](#), dict, def **land sublease**).

1 **[1.222] Section 88H (2) (a) and (b)**

2 *omit*

3 *Planning and Development Act 2007*, section 295

4 *substitute*

5 *Planning Act 2023*, section 362

6 **[1.223] Section 123E (5) (a)**

7 *omit*

8 *Planning and Development Act 2007*

9 *substitute*

10 *Planning Act 2023*

11 **[1.224] Section 178B (5), definition of *declared land sublease***

12 *substitute*

13 *declared land sublease*—see the *Planning Act 2023*, section 365 (1).

14 **[1.225] Section 178C**

15 *substitute*

16 **178C Expiry of provisions**

17 This section and section 72D (1) (b) expire on the day the *Planning*
18 *Act 2023*, section 282 (Restriction on transfer, assignment and parting
19 with possession—certain University of NSW leases) expires.

20 *Note* See the *Planning Act 2023*, s 521 (Expiry of University of NSW lease
21 provisions).

22 **[1.226] Dictionary, note 2**

23 *insert*

- 24
 - territory planning authority

- 1 **[1.227] Dictionary, definition of *building sublease* etc**
2 *substitute*
3 *building sublease* means a sublease mentioned in the *Planning*
4 *Act 2023*, section 285 (Subletting part of building).
5 *declared land sublease*—see the *Planning Act 2023*, section 365 (1).
6 *land sublease*—see the *Planning Act 2023*, dictionary.

- 7 **[1.228] Further amendments, mentions of *planning and land***
8 ***authority***
9 *omit*
10 planning and land authority
11 *substitute*
12 territory planning authority
13 *in*
14 • section 72C
15 • section 88D
16 • section 88H
17 • section 123D
18 • section 123I

19 Part 1.41 Land Titles (Unit Titles) Act 1970

- 20 **[1.229] Sections 6 and 7**
21 *omit*
22 planning and land authority
23 *substitute*
24 territory planning authority

1 **[1.230] Section 7 (1) (d) (iv)**

2 *substitute*

3 (iv) no lease variation charges payable under the *Planning*
4 *Act 2023*, division 10.7.3 (Variation of nominal rent
5 leases) or deferred under a deferral arrangement are
6 outstanding at the time the units plan is to be registered;

7 **[1.231] Section 7 (1) (d), note 2**

8 *omit*

9 *Planning and Development Act 2007*, s 279AE

10 *substitute*

11 *Planning Act 2023*, s 346

12 **[1.232] Section 7 (3)**

13 *substitute*

14 (3) In this section:

15 *deferral arrangement*, for a lease variation charge—see the
16 *Planning Act 2023*, section 343 (1) (c).

17 *lease variation charge*, for a variation of a nominal rent lease—see
18 the *Planning Act 2023*, dictionary.

19 **[1.233] Sections 16 and 21**

20 *omit*

21 planning and land authority

22 *substitute*

23 territory planning authority

1 **[1.234] Section 29 (1) (a)**

2 *substitute*

3 (a) the territory planning authority grants further leases under the
4 *Planning Act 2023*, section 289 of the units and the common
5 property forming part of the registered units plan; or

6 **[1.235] Dictionary, note 2**

7 *omit*

- 8 • planning and land authority

9 *substitute*

- 10 • territory planning authority

11 **Part 1.42 Leases (Commercial and Retail)**
12 **Act 2001**

13 **[1.236] Section 12 (7), definition of *land sublease***

14 *substitute*

15 *land sublease*—see the *Planning Act 2023*, dictionary.

16 **Part 1.43 Leases (Commercial and Retail)**
17 **Regulation 2002**

18 **[1.237] Section 4 (2)**

19 *substitute*

20 (2) In this section:

21 *City West precinct*—see the *Planning and Development*
22 *Regulation 2008* (repealed), section 102 as in force on 5 April 2020.

1 **Part 1.44** **Legislation Act 2001**

2 **[1.238] Dictionary, part 1, new definition of *chief planner***

3 *insert*

4 *chief planner* means the Chief Planner under the *Planning Act 2023*.

5 **[1.239] Dictionary, part 1, definitions of *chief planning executive***
6 ***and planning and land authority***

7 *omit*

8 **[1.240] Dictionary, part 1, definition of *territory lease* and *territory***
9 ***plan***

10 *substitute*

11 *territory lease*—

12 (a) means—

13 (i) a lease granted under the *Planning Act 2023*; or

14 (ii) a lease that is, under the *Unit Titles Act 2001*, taken to be
15 granted by the Territory under the *Planning Act 2023*; but

16 (b) does not include—

17 (i) a sublease of land approved under the *Planning Act 2023*,
18 section 284; or

19 (ii) any other sublease.

20 *territory plan* means the territory plan under the *Planning Act 2023*.

1 **[1.241] Dictionary, part 1, new definition of *territory planning***
2 ***authority***

3 *insert*

4 *territory planning authority* means the Territory Planning Authority
5 established under the [Planning Act 2023](#).

6 **Part 1.45 Liquor Act 2010**

7 **[1.242] Sections 77 and 78**

8 *omit*

9 *Planning and Development Act 2007*

10 *substitute*

11 [Planning Act 2023](#)

12 **[1.243] Dictionary, note 2**

13 *omit*

- 14
 - planning and land authority

15 *substitute*

- 16
 - territory planning authority

17 **[1.244] Dictionary, note 2**

18 *insert*

- 19
 - territory plan

20 **[1.245] Dictionary, definition of *lease***

21 *substitute*

22 *lease*—see the [Planning Act 2023](#), section 257.

1 **[1.246] Further amendments, mentions of *planning and land***
2 ***authority***

3 *omit*

4 planning and land authority

5 *substitute*

6 territory planning authority

7 *in*

- 8 • section 25
9 • section 39
10 • section 50
11 • section 79

12 **Part 1.46 Liquor Regulation 2010**

13 **[1.247] Dictionary, note 2**

14 *insert*

- 15 • territory planning authority

16 **[1.248] Dictionary, definition of *unleased land licence* and note**

17 *substitute*

18 ***unleased land licence***, for an outdoor dining area, means a licence
19 under the *Planning Act 2023*, section 378 (Decision on licence
20 applications for unleased land) authorising a licensee to occupy or use
21 the area for outdoor dining.

1 **Part 1.47 Nature Conservation Act 2014**

2 **[1.249] Section 27 (3) (b), note**

3 *substitute*

4 *Note* *Custodian*, in relation to land—see the [Planning Act 2023](#),
5 dictionary.

6 **[1.250] Sections 140 and 142 to 146**

7 *omit*

8 *Planning and Development Act 2007*, chapter 7 (Development
9 approvals)

10 *substitute*

11 [Planning Act 2023](#), chapter 7

12 **[1.251] Section 153 (2) (b) (iii)**

13 *substitute*

14 (iii) a licence under the [Planning Act 2023](#), section 378
15 (Decision on licence applications for unleased land); or

16 **[1.252] Section 169 (1), definition of *reserve*, paragraph (b) (i)**

17 *substitute*

18 (i) reserved in the territory plan under the [Planning Act 2023](#),
19 section 385 (Reserved areas of public land); and

20 **[1.253] Section 169 (2), definition of *catchment area***

21 *omit*

22 *Planning and Development Act 2007*, section 315 (g)

23 *substitute*

24 [Planning Act 2023](#), section 385 (g)

1 **[1.254] Section 169 (2), definition of *national park***
2 *omit*
3 *Planning and Development Act 2007*, section 315 (b)
4 *substitute*
5 *Planning Act 2023*, section 385 (b)

6 **[1.255] Section 169 (2), definition of *nature reserve***
7 *omit*
8 *Planning and Development Act 2007*, section 315 (c)
9 *substitute*
10 *Planning Act 2023*, section 385 (c)

11 **[1.256] Section 170, definition of *wilderness area***
12 *omit*
13 *Planning and Development Act 2007*, section 315 (a)
14 *substitute*
15 *Planning Act 2023*, section 385 (a)

16 **[1.257] Section 174, note**
17 *omit*
18 *Planning and Development Act 2007*, s 316
19 *substitute*
20 *Planning Act 2023*, s 386

1 **[1.258] Part 8.3 heading, note**

2 *substitute*

3 *Note* Under the *Planning Act 2023*, s 386 (b), each area of public land
4 identified in the territory plan must be managed in accordance with the
5 public land management plan for the area. If the area is a reserve, the
6 public land management plan is a reserve management plan for the area
7 under this part (see *Planning Act 2023*, s 388 (1), def *public land*
8 *management plan*, par (a)).

9 **[1.259] Sections 177 (2) (b) and 180 (3) (b)**

10 *omit*

11 planning and land authority

12 *substitute*

13 territory planning authority

14 **[1.260] Section 252 (2) (a) (iv), note**

15 *substitute*

16 *Note* *Minor public works*—see the *Planning (General)*
17 *Regulation 2023*, sch 1, s 1.1.

18 *Minor public works code*—see s 318A.

19 **[1.261] Section 252 (2) (b) (iii)**

20 *substitute*

21 (iii) a development approval under the *Planning Act 2023*,
22 chapter 7; or

23 **[1.262] Section 252 (2) (b) (v)**

24 *substitute*

25 (v) a licence under the *Planning Act 2023*, section 378
26 (Decision on licence applications for unleased land); or

1 **[1.263] Section 254 (3) (a)**

2 *omit*

3 *Planning and Development Act 2007*, section 315 (Reserved areas—
4 public land)

5 *substitute*

6 *Planning Act 2023*, section 385 (Reserved areas of public land)

7 **[1.264] Section 261 (2) (a) (ii) and (iii)**

8 *substitute*

9 (ii) a licence under the *Planning Act 2023*, section 378
10 (Decision on licence applications for unleased land); or

11 (iii) a development approval under the *Planning Act 2023*,
12 chapter 7; or

13 **[1.265] Section 308 (3), definition of *development***

14 *substitute*

15 *development*, in relation to land—see the *Planning Act 2023*,
16 section 14 (1).

17 **[1.266] Section 310, definition of *management agreement*,**
18 **paragraph (c)**

19 *omit*

20 *Planning and Development Act 2007*, chapter 7

21 *substitute*

22 *Planning Act 2023*, chapter 7

1 **[1.267] Section 315 (2)**

2 *substitute*

3 (2) In this section:

4 *development application*—see the *Planning Act 2023*,
5 section 166 (1).

6 **[1.268] Section 316**

7 *substitute*

8 **316 Simplified outline**

9 The following notes provide a simplified outline of this chapter and
10 the *Planning Act 2023*, chapter 7 (Development assessment and
11 approvals):

12 *Note 1 Certain development applications to be referred to conservator*

13 The territory planning authority is required to refer a development
14 application to the conservator if the application is likely to have a
15 significant adverse environmental impact on a protected matter
16 (see *Planning Act 2023*, s 170 (1) (c)). The territory planning authority
17 may also be required to refer other development applications to the
18 conservator (see *Planning Act 2023*, s 170 and s 171).

19 *Note 2 Conservator to give advice about development application*

20 The conservator gives advice to the territory planning authority, within
21 the prescribed number of days, about adverse environmental impacts of
22 the proposed development (see *Planning Act 2023*, s 172). The
23 conservator may also give the authority advice about adverse
24 environmental impacts under this Act, s 317.

25 *Note 3 Conservator's advice to be considered*

26 The conservator's advice must be considered by the decision-maker in
27 deciding a development application referred to the conservator (see
28 *Planning Act 2023*, s 186 (h), s 189 and s 190).

1 *Note 4 Approvals inconsistent with conservator's advice*

2 A development approval that is inconsistent with the conservator's advice
3 may be given by the decision-maker in certain circumstances
4 (see *Planning Act 2023*, s 190 (1) (a) (i)).

5 A development approval that is inconsistent with the conservator's advice
6 for a significant development that is likely to have a significant adverse
7 environmental impact on a declared protected matter may only be given
8 by the chief planner or Minister in certain circumstances (see *Planning*
9 *Act 2023*, s 190 (2)).

10 **[1.269] Section 317 (2) and note**

11 *substitute*

12 (2) The conservator may give the territory planning authority written
13 advice in accordance with section 318 about the development.

14 *Note* If the territory planning authority refers a development application to the
15 conservator under the *Planning Act 2023*, s 170 and s 171, the conservator
16 must, not later than the number of days prescribed by regulation after the
17 day of the referral, give the territory planning authority the conservator's
18 advice (see *Planning Act 2023*, s 172).

19 **[1.270] Section 318 (1) (b)**

20 *substitute*

21 (b) under the *Planning Act 2023*, section 172 (Entity advice on
22 development applications) about a development application.

23 **[1.271] Section 318 (2), notes 1 and 2**

24 *substitute*

25 *Note* If the proposed development is likely to have a significant adverse
26 environmental impact, the Minister may declare that an EIS must be
27 undertaken for the proposal and may require an offset (see *Planning*
28 *Act 2023*, s 106 and s 223, def *offset*).

1 **[1.272] Section 318 (3) (a) (i), note**

2 *substitute*

3 *Note* The policy statement is available at www.dcceew.gov.au.

4 **[1.273] Section 318 (4)**

5 *substitute*

6 (4) In this section:

7 *offset*, for a development that is likely to have a significant adverse
8 environmental impact on a protected matter—see the *Planning*
9 *Act 2023*, section 223.

10 *offsets policy*—see the *Planning Act 2023*, section 224.

11 *protected matter*—see the *Planning Act 2023*, section 221 (1).

12 *significant* adverse environmental impact—see the *Planning*
13 *Act 2023*, section 104.

14 **[1.274] Section 318A (6)**

15 *substitute*

16 (6) In this section:

17 *minor public works*—see the *Planning (General) Regulation 2023*,
18 schedule 1, section 1.1.

19 **[1.275] Dictionary, note 2**

20 *insert*

- 21 • territory plan
22 • territory planning authority

1 **[1.276] Dictionary, definition of *custodian* etc**

2 *substitute*

3 *custodian*, in relation to land—see the [Planning Act 2023](#), dictionary.

4 *Note* *Custodian* applies only to land that is unleased land, public land or both.
5 *lease*—see the [Planning Act 2023](#), section 257.

6 *planning and development management objectives*, for an area of
7 public land reserved for a particular purpose, means the management
8 objectives under the [Planning Act 2023](#), section 387.

9 *Note* The management objectives are stated in the following:

- 10
- 11 • the [Planning Act 2023](#), sch 3
 - 12 • determinations made by the conservator under the [Planning Act 2023](#), s 387 (2).

13 *public land*—see the [Planning Act 2023](#), dictionary.

14 **Part 1.48 Nature Conservation**
15 **Regulation 2015**

16 **[1.277] Section 5 (2), definition of *special purpose reserve***

17 *omit*

18 *Planning and Development Act 2007*, section 315 (d)

19 *substitute*

20 [Planning Act 2023](#), section 385 (d)

1 **Part 1.49 Planning Act 2023**

2 **[1.278] Section 43 (1) (a)**

3 *substitute*

4 (a) must include a detailed plan for the proposal that is consistent
5 with the territory plan; and

6 **[1.279] Section 43 (1) (b) (ii)**

7 *omit*

8 designated

9 *substitute*

10 identified

11 **[1.280] Section 48 (4), new note**

12 *insert*

13 *Note* The instrument does not need to be notified under the [Legislation Act](#)
14 because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)).

15 **[1.281] Section 88 (2)**

16 *omit*

17 designated as a future urban area under the territory plan

18 *substitute*

19 a future urban area

20 **[1.282] Section 140 (4), note**

21 *omit*

22 condition on

1 *substitute*
2 condition included in

3 **[1.283] Section 165 (3)**

4 *omit*
5 submitted
6 *substitute*
7 made

8 **[1.284] Section 171 (1) (b) (ii)**

9 *before*
10 authority
11 *insert*
12 territory planning

13 **[1.285] Section 189 (1) (a)**

14 *substitute*
15 (a) the territory plan;

16 **[1.286] Section 205 (1), note**

17 *omit*
18 condition on
19 *substitute*
20 condition of

1 **[1.287] Section 205 (3) (b) (ii)**

2 *omit*

3 custodian for the land

4 *substitute*

5 custodian of the land

6 **[1.288] Section 206 (2)**

7 *substitute*

8 (2) The decision-maker must refuse to amend the development approval
9 if satisfied that—

10 (a) the changed development proposal would be in breach of a
11 condition included in the approval under section 187 (1) (d); or

12 *Note* If a conditional environmental significance opinion has been given
13 for a development, the development approval must include a
14 condition that the development comply with the condition in the
15 environmental significance opinion (see s 187 (1) (d)).

16 (b) an offset condition for the approval as amended would not
17 provide an offset at least equivalent to an offset provided by the
18 original approval.

19 **[1.289] New section 211 (2) (d)**

20 *insert*

21 (d) the approval-holder surrenders the approval to the territory
22 planning authority.

23 **[1.290] New section 212 (2) (a) (iiia)**

24 *insert*

25 (iiia) the approval-holder surrenders the approval to the territory
26 planning authority; or

1 **[1.291] New section 212 (2) (a) (iva)**

2 *insert*

3 (iva) the lease is surrendered, other than for a lease variation or
4 renewal; or

5 **[1.292] Section 213 etc**

6 *omit*

7 structure on the land

8 *substitute*

9 structure on land

10 *in*

- 11 • section 213
12 • section 276 (1)
13 • section 290 (3)

14 **[1.293] Section 292, definition of *community lease provisions*,**
15 **paragraphs (d) to (f)**

16 *substitute*

17 (d) if the community lease use for which the land described in the
18 lease must be used involves a non-continuous service being
19 provided on the land—a provision stating the minimum
20 requirements for how frequently, and for how long, the service
21 must be provided;

22 (e) a provision requiring the lessee to give the territory planning
23 authority prescribed information about the use of the land
24 described in the lease;

25 (f) a provision requiring the lessee to give the territory planning
26 authority reports about the use of the land described in the lease;

1 **[1.294] Section 309 (3) (e)**

2 *before*

3 land

4 *insert*

5 leased

6 **[1.295] Section 326 (4)**

7 *after*

8 land

9 *insert*

10 described in the lease

11 **[1.296] Section 343 (1), note 2**

12 *substitute*

13 *Note 2* A decision in relation to an application, the conditions of a deferral
14 arrangement under s 344 or the variation of a deferral arrangement under
15 s 345 are reviewable decisions (see [Taxation Administration Act 1999](#),
16 sch 1).

17 **[1.297] Section 381**

18 *after*

19 land

20 *insert*

21 described in the lease

1 **[1.298] Section 401 (4), definition of *future public land***

2 *substitute*

3 *future public land* means land designated, in a draft major plan
4 amendment publicly notified under section 63, to become public land.

5 **[1.299] Section 413 (2) (a)**

6 *substitute*

7 (a) notice of a suspicion of noncompliant site work given under the
8 [Building Act 2004](#), section 50A;

9 **[1.300] Section 416 (3)**

10 *omit*

11 additional

12 *substitute*

13 no further

14 **[1.301] Section 429 (3) (d)**

15 *omit*

16 structure on the land

17 *substitute*

18 structure on land

19 **[1.302] Section 523 (3), new note**

20 *insert*

21 *Note* The text of an applied, adopted or incorporated law or instrument,
22 whether applied as in force from time to time or at a particular time, is
23 taken to be a notifiable instrument if the operation of the [Legislation Act](#),
24 s 47 (5) or (6) is not disappplied (see s 47 (7)).

1 **[1.303] Section 523 (4), new note**

2 *insert*

3 *Note* The instrument does not need to be notified under the [Legislation Act](#)
4 because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)).

5 **[1.304] Dictionary, definition of *building and development***
6 ***provision***

7 *substitute*

8 ***building and development provision***, in relation to a lease, for
9 chapter 10 (Leases and licences)—see section 256.

10 **[1.305] Dictionary, new definition of *deciding***

11 *insert*

12 ***deciding***, a development application, means approving (with or
13 without a condition) or refusing the application.

14 **[1.306] Dictionary, definition of *deciding a development***
15 ***application***

16 *omit*

17 **[1.307] Dictionary, new definition of *district policy***

18 *insert*

19 ***district policy*** means a district policy in the territory plan.

20 **[1.308] Dictionary, definitions of *public land* and *significant***

21 *substitute*

22 ***public land*** means land identified in the territory plan as public land.

23 ***significant*** adverse environmental impact—see section 104.

1 **Part 1.50** **Prohibited Weapons**
2 **Regulation 1997**

3 **[1.309] Section 12A (2) (a)**

4 *omit*

5 under the territory plan for a purpose mentioned in the *Planning and*
6 *Development Act 2007*, section 315 (Reserved areas—public land)

7 *substitute*

8 in the territory plan for a purpose mentioned in the *Planning*
9 *Act 2023*, section 385 (Reserved areas of public land)

10 **[1.310] Section 12A (3), definition of *rural lease***

11 *substitute*

12 *rural lease*—see the *Planning Act 2023*, section 256.

13 **Part 1.51** **Professional Engineers Act 2023**

14 **[1.311] Section 74 (2), definition of *operational Act*, paragraph (f)**

15 *substitute*

16 (f) *Planning Act 2023*;

1 **Part 1.52 Public Health Act 1997**

2 **[1.312] Section 66X (3) and note**

3 *substitute*

4 (3) In this section:

5 *supermarket*—see the territory plan, dictionary.

6 **[1.313] Section 124 (4)**

7 *omit*

8 statement or inquiry under the *Planning and Development Act 2007*,
9 chapter 8 (Environmental impact statements and inquiries)

10 *substitute*

11 assessment or inquiry under the *Planning Act 2023*, part 6.3
12 (Environmental impact assessment)

13 **[1.314] Section 134**

14 *substitute*

15 **134 Declarations for the Planning Act 2023**

16 (1) The Minister may make a declaration (a *public health EIS*
17 *declaration*) for the *Planning Act 2023*, section 105 (1) (d) (When
18 EIS is required) in relation to a development application for a
19 development proposal under that Act.

20 *Note* If the Minister makes a declaration in accordance with this Act and the
21 *Planning Act 2023*, an EIS under that Act will be required for the
22 development proposal.

- 1 (2) However, the Minister must not make a public health EIS declaration
2 unless the Minister considers that the proposed development would
3 be likely to have a significant effect on public health.
- 4 *Note* The *Planning Act 2023*, s 105 (1) (d) (ii) provides that a declaration under
5 this section must be made during the public notification period for the
6 development application to which the declaration relates.
- 7 (3) If the territory planning authority gives the Minister an EIS under the
8 *Planning Act 2023*, section 125 (3) (b) for a development proposal in
9 relation to which a public health EIS declaration has been made, the
10 Minister may—
- 11 (a) decide that a panel to conduct an inquiry about the EIS must be
12 established under the *Planning Act 2023*, section 132 (When to
13 establish inquiry panel); or
- 14 (b) give the territory planning authority written notice that the
15 Minister has decided to take no action in relation to the EIS.
- 16 (4) The Minister may only make a decision under subsection (3) (a) about
17 an EIS if—
- 18 (a) the decision is made not later than 15 working days after the
19 territory planning authority gives the Minister the EIS; and
- 20 (b) the Minister administering the *Planning Act 2023*, section 132
21 has not made a decision under that section to establish a panel
22 to conduct an inquiry about the EIS.
- 23 (5) If the Minister makes a decision under subsection (3) (a) about an
24 EIS, the Minister must give the Minister administering the *Planning*
25 *Act 2023*, section 132 written notice that an inquiry about the EIS
26 must inquire into the effect on public health of the development
27 proposal to which the EIS relates.

1 **[1.315] Dictionary, note 2**

2 *insert*

- 3 • territory plan
4 • territory planning authority

5 **[1.316] Dictionary, definition of *EIS***

6 *substitute*

7 *EIS*—see the *Planning Act 2023*, section 94 (c).

8 **[1.317] Dictionary, definition of *environmental impact statement***

9 *omit*

10 **Part 1.53 Public Roads Act 1902**

11 **[1.318] Sections 19 (2) (b) and 20 (2) (b)**

12 *substitute*

- 13 (b) the closure of the road is only to give effect to a variation of a
14 lease under the *Planning Act 2023*, chapter 7 (Development
15 assessment and approvals); and

16 **Part 1.54 Public Unleased Land Act 2013**

17 **[1.319] Section 43 (4) (a) (i)**

18 *substitute*

- 19 (i) *Planning Act 2023*, section 378 (Decision on licence
20 applications for unleased land), to occupy or use the public
21 unleased land; or

1 **[1.320] Section 47, definition of *suitability information*, paragraph**
2 **(c), example**

3 *omit*

4 *Planning and Development Act 2007*, s 303

5 *substitute*

6 [Planning Act 2023](#), s 378

7 **[1.321] Dictionary, note 2**

8 *insert*

- 9
 - territory land

10 **[1.322] Dictionary, definition of *land sublease***

11 *substitute*

12 *land sublease*—see the [Planning Act 2023](#), dictionary.

13 **Part 1.55 Rates Act 2004**

14 **[1.323] Section 11B**

15 *omit*

16 planning and land authority

17 *substitute*

18 territory planning authority

19 **[1.324] Section 11B (4)**

20 *substitute*

21 (4) In this section:

22 *chargeable variation*, of a nominal rent lease—see the [Planning](#)
23 [Act 2023](#), section 327.

1 **[1.325] Section 31 (4)**

2 *substitute*

3 (4) In this section:

4 *development approval*—see the [Planning Act 2023](#), dictionary.

5 **[1.326] Dictionary, note 2**

6 *omit*

- 7 • planning and land authority

8 *substitute*

- 9 • territory planning authority

10 **[1.327] Dictionary, definition of *declared land sublease***

11 *substitute*

12 *declared land sublease*—see the [Planning Act 2023](#), section 365 (1).

13 **Part 1.56 Retirement Villages Act 2012**

14 **[1.328] Section 3, note 1**

15 *substitute*

16 *Note 1* The dictionary at the end of this Act defines certain terms used in this
17 Act, and includes references (*signpost definitions*) to other terms defined
18 elsewhere.

19 For example, the signpost definition ‘*development approval*—see the
20 [Planning Act 2023](#), dictionary.’ means that the term ‘development
21 approval’ is defined in that dictionary and the definition applies to this
22 Act.

1 **[1.329] Section 16 (1), note**

2 *omit*

3 *Planning and Development Act 2007, ch 7*

4 *substitute*

5 *Planning Act 2023, ch 7*

6 **[1.330] Section 18 (c)**

7 *omit*

8 *Planning and Development Act 2007*

9 *substitute*

10 *Planning Act 2023*

11 **[1.331] Section 65 (1) (b) and (2)**

12 *substitute*

13 (b) to carry out development in contravention of the *Planning*
14 *Act 2023*.

15 (2) In this section:

16 *development*—see the *Planning Act 2023*, section 14 (1).

17 **[1.332] Section 118, note**

18 *omit*

19 *Planning and Development Act 2007*

20 *substitute*

21 *Planning Act 2023*

22 **[1.333] Dictionary, definition of *development approval***

23 *substitute*

24 *development approval*—see the *Planning Act 2023*, dictionary.

1 **Part 1.57 Retirement Villages**
2 **Regulation 2013**

3 **[1.334] Section 7 (1) (k)**

4 *omit*

5 *Planning and Development Act 2007*

6 *substitute*

7 *Planning Act 2023*

8 **Part 1.58 Road Transport (Safety and**
9 **Traffic Management)**
10 **Regulation 2017**

11 **[1.335] Section 50 (3)**

12 *substitute*

13 (3) In this section:

14 *setback*—see the territory plan, dictionary.

15 **[1.336] Section 52 (5)**

16 *substitute*

17 (5) In this section:

18 *dwelling*—see the *Planning (Exempt Development) Regulation 2023*,
19 section 6 (1).

1 **Part 1.59** **Sale of Motor Vehicles Act 1977**

2 **[1.337] Dictionary, definition of *ACTPLA certificate***

3 *omit*

4 **Part 1.60** **Smoke-Free Public Places**
5 **Regulation 2005**

6 **[1.338] Section 13 (2), note 2, 2nd dot point**

7 *omit*

8 *Planning and Development Act 2007*, s 134

9 *substitute*

10 *Planning Act 2023*, s 148

11 **Part 1.61** **Taxation Administration Act 1999**

12 **[1.339] Section 4 (i)**

13 *substitute*

14 (i) the *Planning Act 2023*, division 10.7.3 (Variation of nominal
15 rent leases);

16 **[1.340] Section 56F (c)**

17 *substitute*

18 (c) the *Planning Act 2023*, division 10.7.3 (Variation of nominal
19 rent leases);

20 *Note* An unpaid amount of tax may arise under the *Planning Act 2023*,
21 div 10.7.3 if an amount is deferred under a deferral arrangement or due
22 to a reconsideration, reassessment or review.

1 **[1.341] Section 56G (2), definition of *declared land sublease***
2 *substitute*
3 *declared land sublease*—see the *Planning Act 2023*, section 365 (1).

4 **[1.342] Section 56H (8) (a) (v)**
5 *substitute*
6 (v) for tax payable under the *Planning Act 2023*,
7 division 10.7.3 (Variation of nominal rent leases)—the
8 *Planning Act 2023*, section 346 (Certificate of lease
9 variation charge and other amounts) in relation to the
10 parcel before the purchase; and

11 **[1.343] Section 56M (6) (a) (v)**
12 *substitute*
13 (v) for tax payable under the *Planning Act 2023*,
14 division 10.7.3 (Variation of nominal rent leases)—the
15 *Planning Act 2023*, section 346 (Certificate of lease
16 variation charge and other amounts) in relation to the
17 parcel before the purchase; and

18 **[1.344] Section 90C (a) (iii)**
19 *substitute*
20 (iii) the *Planning Act 2023*;

21 **[1.345] Section 90E (1) (c)**
22 *substitute*
23 (c) the *Planning Act 2023*;

1 **[1.346] Schedule 1, section 1.2, paragraphs (l) to (n)**

2 *substitute*

3 (l) under the *Planning Act 2023*, section 343 (1) in relation to an
4 application to defer payment of a lease variation charge; or

5 (m) under the *Planning Act 2023*, section 344 (2) and this Act,
6 section 52 in relation to the conditions of a deferral arrangement;
7 or

8 (n) under the *Planning Act 2023*, section 345 (3) and this Act,
9 section 52 in relation to the variation of a deferral arrangement.

10 **Part 1.62 Taxation Administration**
11 **Regulation 2004**

12 **[1.347] Section 4 (5)**

13 *substitute*

14 (5) The chief planner is prescribed for information about rates imposed
15 under the *Rates Act 2004* for the purpose of working out the
16 noncompliance fee under the *Planning (General) Regulation 2023*,
17 section 97.

18 *Note* **Chief planner**—see the *Legislation Act*, dictionary, pt 1.

1 **Part 1.63 Tree Protection Act 2005**

2 **[1.348] Section 19 (2), definition of *development approval***

3 *omit*

4 **[1.349] Sections 24A (2) (b) and 34A (2) (b)**

5 *omit*

6 given to the council under the *Planning and Development Act 2007*,
7 section 148

8 *substitute*

9 referred to the council under the *Planning Act 2023*, section 170 or
10 section 171

11 **[1.350] Section 80, definition of *development***

12 *omit*

13 *Planning and Development Act 2007*, chapter 7

14 *substitute*

15 *Planning Act 2023*, chapter 7

1 **[1.351] Section 81**

2 *substitute*

3 **81 Simplified outline**

4 The following notes provide a simplified outline of this part and the
5 *Planning Act 2023*, chapter 7 (Development assessment and
6 approvals):

7 *Note 1 Certain development applications to be referred to conservator*

8 The territory planning authority may be required to refer a development
9 application to the conservator (see *Planning Act 2023*, s 170 and s 171).

10 *Note 2 Conservator to give advice about development application*

11 The conservator gives advice to the territory planning authority, within
12 the prescribed number of days, in relation to tree protection and the
13 development (see *Planning Act 2023*, s 172). The conservator may also
14 give the authority advice about tree protection on land subject to
15 development under this Act, s 82.

16 *Note 3 Conservator's advice to be considered*

17 The conservator's advice must be considered by the decision-maker in
18 deciding a development application referred to the conservator
19 (see *Planning Act 2023*, s 186 (h), s 189 and s 190).

20 *Note 4 Approvals inconsistent with conservator's advice*

21 A development approval that is inconsistent with the conservator's advice
22 in relation to a regulated tree may be given by the decision-maker in
23 certain circumstances (see *Planning Act 2023*, s 190 (1) (a) (i)).

24 A development approval that is inconsistent with the conservator's advice
25 in relation to a registered tree or declared site may only be given by the
26 Minister in certain circumstances for a territory priority project
27 (see *Planning Act 2023*, s 190 (1) (a) (ii)).

1 **[1.352] Section 82 (2), note**

2 *substitute*

3 *Note* If the territory planning authority refers a development application to the
4 conservator under the *Planning Act 2023*, s 170 and s 171, the conservator
5 must, within the number of days prescribed by regulation after the day
6 the authority refers the application, give the territory planning authority
7 advice in relation to the development application (see *Planning Act 2023*,
8 s 172).

9 **[1.353] Section 83 (1) (b)**

10 *substitute*

11 (b) under the *Planning Act 2023*, section 172 in relation to a
12 development application.

13 **[1.354] Dictionary, note 2**

14 *omit*

- 15 • planning and land authority

16 *substitute*

- 17 • territory planning authority

18 **[1.355] Dictionary, definition of *development approval***

19 *substitute*

20 *development approval*—see the *Planning Act 2023*, dictionary.

21 **[1.356] Dictionary, definition of *tree management plan*, paragraph**
22 **(b)**

23 *substitute*

24 (b) in parts 2 to 4—includes a tree management plan approved
25 under the *Planning Act 2023*, section 185 (5) (b).

1 **[1.357] Further amendments, mentions of *planning and land***
2 ***authority***

3 *omit*

4 planning and land authority

5 *substitute*

6 territory planning authority

7 *in*

- 8 • section 26
9 • section 28
10 • section 61
11 • section 82

12 **Part 1.64 Unit Titles Act 2001**

13 **[1.358] Section 17 (4), note, paragraph (a)**

14 *substitute*

15 (a) the development has development approval under the *Planning*
16 *Act 2023* (see s 20 (3) and that *Act*, ch 7); and

17 **[1.359] Section 20 (1) (c) (ii)**

18 *omit*

19 *Planning and Development Act 2007*, chapter 7

20 *substitute*

21 *Planning Act 2023*, chapter 7

1 **[1.360] Section 20 (1) (c) (ii), notes 1 and 2**

2 *substitute*

3 *Note 1* If a development approval relates to the use of land, or of a building
4 or other structure on land, a condition of the approval may be that
5 the use may take place only in stated circumstances or at stated
6 times (see [Planning Act 2023](#), s 187 (2) (i)).

7 *Note 2* The territory planning authority must not do any act that is
8 inconsistent with the territory plan (see [Planning Act 2023](#), s 52).

9 **[1.361] Section 20 (3) (a)**

10 *omit*

11 *Planning and Development Act 2007*, chapter 7

12 *substitute*

13 [Planning Act 2023](#), chapter 7

14 **[1.362] Sections 21 (2) and (3) and 24 (1) (b)**

15 *omit*

16 planning and land authority's

17 *substitute*

18 territory planning authority's

19 **[1.363] Section 31 (2)**

20 *omit*

21 *Planning and Development Act 2007*, chapter 7 (Development
22 approvals)

23 *substitute*

24 [Planning Act 2023](#), chapter 7 (Development assessment and
25 approvals)

1 **[1.364] Section 33 (3) (b)**

2 *omit*

3 *Planning and Development Act 2007*, chapter 9

4 *substitute*

5 *Planning Act 2023*, chapter 10

6 **[1.365] Section 151 (2)**

7 *omit*

8 *Planning and Development Act 2007*, chapter 7 (Development
9 approvals)

10 *substitute*

11 *Planning Act 2023*, chapter 7 (Development assessment and
12 approvals)

13 **[1.366] Section 154 (1) (b)**

14 *omit*

15 *Planning and Development Act 2007*, chapter 7

16 *substitute*

17 *Planning Act 2023*, chapter 7

18 **[1.367] Section 159 (3)**

19 *omit*

20 *Planning and Development Act 2007*, chapter 7 (Development
21 approvals)

22 *substitute*

23 *Planning Act 2023*, chapter 7 (Development assessment and
24 approvals)

1 **[1.368] Section 163 (1) (d)**

2 *omit*

3 *Planning and Development Act 2007*, chapter 9

4 *substitute*

5 *Planning Act 2023*, chapter 10

6 **[1.369] Section 165B (2)**

7 *substitute*

8 (2) The *Planning Act 2023*, chapter 12 applies to the owners corporation
9 as if the corporation were the lessee of the parcel of land.

10 *Note* A development approval for the subdivision of a units plan must include
11 a condition that the units plan is cancelled (see *Planning Act 2023*,
12 s 187 (1) (c)).

13 **[1.370] Section 166 heading**

14 *substitute*

15 **166 Development applications to vary lease under Planning**
16 **Act 2023**

17 **[1.371] Section 166 (1)**

18 *omit*

19 *Planning and Development Act 2007*, chapter 7 (Development
20 approvals)

21 *substitute*

22 *Planning Act 2023*, chapter 7

1 **[1.372] Section 166 (3)**

2 *omit*

3 *Planning and Development Act 2007*, chapter 7

4 *substitute*

5 *Planning Act 2023*, chapter 7

6 **[1.373] Section 167 (2)**

7 *omit*

8 planning and land authority's

9 *substitute*

10 territory planning authority's

11 **[1.374] Section 167A (1) (a)**

12 *substitute*

13 (a) the *Planning Act 2023*, section 289; or

14 **[1.375] Section 168 (3)**

15 *omit*

16 *Planning and Development Act 2007*, section 295

17 *substitute*

18 *Planning Act 2023*, section 362

19 **[1.376] Section 170, note**

20 *omit*

21 *Planning and Development Act 2007*, s 254

22 *substitute*

23 *Planning Act 2023*, s 289

1 **[1.377] Sections 171 and 172, notes**

2 *substitute*

3 *Note* This section does not apply to a further lease, or a further lease under a
4 units plan that subdivides land under a declared land sublease, granted
5 after a lease has been surrendered under the *Planning Act 2023*, s 289 or
6 this Act, s 167AA (see dict, def *termination*).

7 **[1.378] Dictionary, note 2**

8 *omit*

- 9 • planning and land authority

10 *substitute*

- 11 • territory planning authority

12 **[1.379] Dictionary, definitions of *building and development***
13 ***provision and declared land sublease***

14 *substitute*

15 ***building and development provision***, in relation to a lease—see the
16 *Planning Act 2023*, section 256.

17 ***declared land sublease***—see the *Planning Act 2023*, section 365 (1).

18 **[1.380] Dictionary, definition of *lease*, paragraph (a) (iv)**

19 *substitute*

20 (iv) the *Planning Act 2023*, section 289 (Grant of further
21 leases); or

22 **[1.381] Dictionary, definition of *lease*, paragraph (b) (iii)**

23 *substitute*

24 (iii) the *Planning Act 2023*, section 289 (Grant of further
25 leases); or

1 **[1.382] Dictionary, definition of *termination*, paragraph (a)**

2 *substitute*

3 (a) the *Planning Act 2023*, section 289 (Grant of further leases); or

4 **[1.383] Further amendments, mentions of *Planning and***
5 ***Development Act 2007***

6 *omit*

7 *Planning and Development Act 2007*

8 *substitute*

9 *Planning Act 2023*

10 *in*

- 11 • section 20
- 12 • section 27
- 13 • section 165B
- 14 • sections 171 and 172
- 15 • dictionary, definition of *lease*, paragraph (c) (i) (A)

16 **[1.384] Further amendments, mentions of *planning and land***
17 ***authority***

18 *omit*

19 *planning and land authority*

20 *substitute*

21 *territory planning authority*

22 *in*

- 23 • section 17
- 24 • sections 17A and 17B
- 25 • sections 20 to 22

- 1 • section 22B
- 2 • section 22F
- 3 • sections 23 and 24
- 4 • sections 27 to 30
- 5 • section 146
- 6 • section 149
- 7 • sections 154 and 155
- 8 • section 160
- 9 • section 163
- 10 • sections 166 and 167
- 11 • section 168
- 12 • sections 170 and 171
- 13 • sections 173A to 175
- 14 • section 180
- 15 • dictionary, definition of *schedules of rent and lease provisions*

16 **Part 1.65 Unit Titles (Management) Act**
17 **2011**

18 **[1.385] Section 26 (2) and note**

19 *substitute*

- 20 (2) If the lease of a unit or the common property is subject to a building
21 and development provision, section 24 (1) does not apply to the
22 owners corporation until the territory planning authority issues a
23 certificate under the *Planning Act 2023*, section 368 (Certificates of
24 compliance)—
- 25 (a) for the building and development provision; and
 - 26 (b) for any building and development provision to which any of the
27 other leases are subject.

1 **[1.386] Schedule 2, section 2.1 (1) (e)**

2 *omit*

3 planning and land authority

4 *substitute*

5 territory planning authority

6 **[1.387] Dictionary, note 2**

7 *omit*

- 8
 - planning and land authority

9 *substitute*

- 10
 - territory planning authority

11 **[1.388] Dictionary, definitions of *building and development***
12 ***provision and declared land sublease***

13 *substitute*

14 *building and development provision*, in relation to a lease—see the
15 [Planning Act 2023](#), section 256.

16 *declared land sublease*—see the [Planning Act 2023](#), section 365 (1).

17 **[1.389] Dictionary, definition of *eligible person*, paragraph (d)**

18 *omit*

19 planning and land authority

20 *substitute*

21 territory planning authority

1 **Part 1.66 Unit Titles Regulation 2001**

2 **[1.390] Section 2, definition of *planning documents*, paragraph**
3 **(b)**

4 *substitute*

5 (b) for a development under the *Planning Act 2023*—a notice of
6 decision given under that *Act*, division 7.6.2; and

7 **[1.391] Section 2, definition of *planning documents*, paragraph**
8 **(c)**

9 *omit*

10 *Planning and Development Act 2007*

11 *substitute*

12 *Planning Act 2023*

13 **[1.392] Section 3**

14 *omit*

15 planning and land authority

16 *substitute*

17 territory planning authority

18 **[1.393] Section 8 (1) (b)**

19 *omit*

20 *Planning and Development Act 2007*, chapter 7

21 *substitute*

22 *Planning Act 2023*, chapter 7

1 **[1.394] Section 8 (1) (g)**

2 *omit*

3 planning and land authority

4 *substitute*

5 territory planning authority

6 **[1.395] Section 8A (g)**

7 *substitute*

8 (g) IZ2 Business Zone.

9 **[1.396] Section 9 (1)**

10 *omit*

11 planning and land authority

12 *substitute*

13 territory planning authority

14 **[1.397] Section 10 (3)**

15 *substitute*

16 (3) In this section:

17 *balcony*—see the territory plan, dictionary.

18 *gross floor area*—see the territory plan, dictionary.

19 **[1.398] Dictionary, note 2**

20 *omit*

21 • planning and land authority

22 *substitute*

23 • territory planning authority

1 **Part 1.67 Utilities Act 2000**

2 **[1.399] Section 20 (2) (i)**

3 *substitute*

4 (i) the *Planning Act 2023*;

5 **[1.400] Dictionary, definition of *land sublease***

6 *substitute*

7 *land sublease*—see the *Planning Act 2023*, dictionary.

8 **Part 1.68 Utilities (Technical Regulation)**
9 **Act 2014**

10 **[1.401] Section 7 (2) (k)**

11 *substitute*

12 (k) the *Planning Act 2023*;

13 **[1.402] Section 41A, definition of *rural lease***

14 *substitute*

15 *rural lease*—see the *Planning Act 2023*, section 256.

16 **[1.403] Section 57, definition of *proposed dam***

17 *omit*

18 *Planning and Development Act 2007*

19 *substitute*

20 *Planning Act 2023*

1 **[1.404] Dictionary, definition of *rural lease***

2 *substitute*

3 *rural lease*, for part 5A (Vegetation and electrical infrastructure
4 management)—see the [Planning Act 2023](#), section 256.

5 **Part 1.69 Utilities (Telecommunications**
6 **Installations) Act 2001**

7 **[1.405] Section 6 (2), definition of *authorised network plan*,**
8 **paragraph (a)**

9 *omit*

10 *Planning and Development Act 2007*

11 *substitute*

12 [Planning Act 2023](#)

13 **[1.406] Section 6 (2), definition of *authorised network plan*,**
14 **paragraph (b)**

15 *after*

16 *Planning and Development Act 2007*

17 *insert*

18 (repealed)

1 **[1.407] Section 6 (2), definition of *reticulated service***

2 *substitute*

3 *reticulated service* means—

4 (a) electricity, water, drainage, gas, communications or similar
5 services the provision of which allows for direct access to and
6 use of the services by the occupiers of individual parcels of land;
7 or

8 (b) mobile telecommunications services.

9 **Part 1.70 Waste Management and**
10 **Resource Recovery**
11 **Regulation 2017**

12 **[1.408] Sections 6, 24G and 24K**

13 *omit*

14 *Planning and Development Act 2007*

15 *substitute*

16 *Planning Act 2023*

17 **[1.409] Section 24P (f) (iii)**

18 *substitute*

19 (iii) whether the collection point complies with any
20 requirements in the territory plan that relate to access or
21 mobility for people with disability;

1 **[1.410] Sections 24P (h) and 24T**

2 *omit*

3 *Planning and Development Act 2007*

4 *substitute*

5 *Planning Act 2023*

6 **Part 1.71 Water and Sewerage Act 2000**

7 **[1.411] Dictionary, definition of *land sublease***

8 *substitute*

9 *land sublease*—see the *Planning Act 2023*, dictionary.

10 **Part 1.72 Water Resources Act 2007**

11 **[1.412] New part 3A**

12 *insert*

13 **Part 3A Environmental values**

14 **15A Environmental values for waterways**

15 (1) The Minister must determine environmental values for waterways in
16 the ACT.

17 (2) A determination is a notifiable instrument.

- 1 **[1.413] Sections 28 (2) (b) (i) and 30 (2) (g)**
- 2 *omit*
- 3 *Planning and Development Act 2007*, chapter 7 (Development
- 4 approvals)
- 5 *substitute*
- 6 *Planning Act 2023*, chapter 7 (Development assessment and
- 7 approvals)
- 8 **[1.414] Section 46**
- 9 *substitute*
- 10 **46 Planning Act 2023 not affected**
- 11 This division does not affect the operation of the *Planning Act 2023*.
- 12 **[1.415] Dictionary, note 2**
- 13 *insert*
- 14
 - territory plan
- 15 **[1.416] Dictionary, definition of *land sublease***
- 16 *substitute*
- 17 *land sublease*—see the *Planning Act 2023*, dictionary.

1 **[1.417] New part 22**

2 *insert*

3 **Part 22 Transitional—Planning**
4 **(Consequential Amendments)**
5 **Act 2023**

6 **212 References to Planning Act 2023**

7 (1) A reference in this Act to the *Planning Act 2023* includes a reference
8 to the *Planning and Development Act 2007* (as in force at any time
9 before its repeal).

10 (2) A reference in this Act to the *Planning Act 2023*, chapter 7
11 (Development assessment and approvals) includes a reference to the
12 *Planning and Development Act 2007*, chapter 7 (Development
13 approvals) (as in force at any time before its repeal).

14 **213 Expiry—pt 22**

15 This part expires 12 months after the day it commences.

16 *Note* A transitional provision is repealed on its expiry but continues to have
17 effect after its repeal (see [Legislation Act](#), s 88).

18 **Part 1.73 Work Health and Safety**
19 **Regulation 2011**

20 **[1.418] Schedule 18, subsection 18.2.2**

21 *omit*

22 planning and land authority

23 *substitute*

24 territory planning authority

1 **[1.419] Schedule 18, subsection 18.2.2, note**

2 *omit*

3 **[1.420] Dictionary, note 2**

4 *omit*

- 5 • planning and land authority

6 *substitute*

- 7 • territory planning authority
-

Endnotes

1 **Presentation speech**

Presentation speech made in the Legislative Assembly on 29 June 2023.

2 **Notification**

Notified under the [Legislation Act](#) on 2023.

3 **Republications of amended laws**

For the latest republication of amended laws, see www.legislation.act.gov.au.
