

Transitioning to the new system

(Draft Planning Bill)

As we reform the planning system, we need to end the current system and move forward with the reformed system. This means the current Planning and Development Act 2007 and Territory Plan 2008 will come to an end and the new planning system, set up by the new Planning Act, will commence.

To have a successful changeover, ‘transitional provisions’ are being drafted to move from the current system to the reformed planning system.

Without transitional provisions, things that were approved, granted, or made under previous legislation will have no legal effect under the new Planning Bill.

Transitional provisions must deal with many legacy issues, such as the granting of leases and development approvals under previous legislation. They will ensure the many processes and approvals that need to continue will do so, as if they were part of the new system.

Generally, where a statutory process, application, decision etc. from the Planning and Development Act 2007 has a continuing role in the new system under the new Planning Act, it will be transitioned.

The transitional provisions are not included as part of the consultation draft of the Planning Bill. However, they will be included when the legislation is introduced into the ACT Legislative Assembly.

Examples of matters requiring transitional provisions

- Leases and licenses which have been granted, and applications to renew
- Development approvals
- Land Management Plans
- Relevant instruments required in the new Planning Bill

New instruments will need to be made under the new Planning Act so it can operate most effectively.

Territory Plan variations

The Authority will continue to consider proposed policy changes whether as a variation to the current plan or as a policy input into the new Territory Plan.



Development applications

As the Planning Bill changes the planning system, development applications made under the Planning and Development Act 2007 will not meet the requirements of the new system. This is because the development assessment process is changing and there will be a new outcomes-focussed Territory Plan, with new planning requirements.

The development application, assessment and approval process under the current Act will need to continue for applications lodged before the current Act ends and the new Act commences:

- Development applications lodged after commencement of the new Act (likely early 2023) will be assessed under the new system.
- Development applications lodged before commencement of the new Act will be assessed under the Planning and Development Act 2007 and the Territory Plan 2008. An applicant may withdraw a development application and lodge a new development application under the new system provided by the new Planning Act.

How development applications will be assessed in transition from 'old' to 'new' system

