

Australian Capital Territory
Legislative Assembly

**Planning (Territory Priority Project)
Amendment Bill 2025**

Amendments to be moved by the Minister for Planning and Sustainable
Development

1

Clause 4

**Section 216, definition of *territory priority project*, proposed new
paragraph (e)**

Page 2, line 15—

insert

(e) a development proposal related to community housing.

2

Proposed new clause 4A

Page 2, line 15—

insert

4A New section 216 (2) and (3)

insert

(2) However, a development proposal mentioned in subsection (1),
definition of *territory priority project*, paragraph (d) or (e) is not a
territory priority project if—

(a) an EIS is required for the proposal under section 105; or

- (b) the development application for the proposal is required to be referred to the heritage council by a regulation made under section 170 (1) (a) that relates to the impact of the development on an Aboriginal object or place.

- (3) In this section:

Aboriginal object—see the *Heritage Act 2004*, section 9.

Aboriginal place—see the *Heritage Act 2004*, section 9.

3

Clause 5

Proposed new section 217C

Page 5, line 11—

insert

217C Meaning of *related to community housing*

- (1) For this Act, a development proposal is *related to community housing* if the development to which the proposal relates—
 - (a) is proposed to be undertaken by, or on behalf of, a registered community housing provider that is an ACNC registered entity; and
 - (b) may facilitate the construction, ongoing operation and maintenance, repairs, refurbishment or replacement of community housing; and
 - (c) is wholly or partly funded by the Territory or the Commonwealth.
- (2) However, a development proposal is not related to community housing if—
 - (a) it involves more than 100 dwellings, including any dwellings not used for community housing; or
 - (b) less than 10% of all dwellings in the development are used for community housing.

(3) In this section:

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

community housing—see the *Housing Assistance Act 2007*, dictionary.

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

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

4

Proposed new clauses 6A to 6G

Page 5, line 14—

insert

6A Section 218 (3)

after

Minister

insert

must

6B Section 218 (3) (a)

omit

may

6C Section 218 (3) (b)

omit

must

6D Section 218 (3) (c)

omit

must

6E New section 218 (3A)

insert

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

6F Section 218 (5), new definitions

insert

Aboriginal object—see the *Heritage Act 2004*, section 9.

Aboriginal place—see the *Heritage Act 2004*, section 9.

6G New section 220A

in chapter 8, insert

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

- (1) The Minister must, as soon as practicable after 1 December 2028, review the operation of the amendments made to this chapter by the *Planning (Territory Priority Project) Amendment Act 2025*.

- (2) The Minister must present a report of the review to the Legislative Assembly before 30 June 2029.
- (3) This section expires on 30 June 2030.

5

Clause 8

Proposed new dictionary definition of *related to community housing*

Page 5, line 20—

insert

related to community housing—see section 217C.
