

ACT Government

# The 2023 Planning System – Heritage Interactions

Heritage Symposium  
August 2024



# New Planning System

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- November 2023
  - New Planning Act
  - New Territory Plan
  - District Strategies
- Key changes:
  - Outcome-based
  - New ‘principles of good planning’ incl Good Consultation Guidelines
  - Expanded strategic planning incl district strategies
  - Expanded and modernised scope reflects other areas of government policy like climate change, wellbeing and environmental policies
  - Outcomes-focused Territory Plan and assessment
  - Design Guides
  - Changes to the development assessment system, e.g. pre-decision advice on DAs and new processes such as 'Territory Priority Projects'
  - Improved transparency and access to information on planning process and decisions.

# Heritage within the new Planning System

## Environmental Impact Assessment

**Environmental Significance  
Opinions**

**Environmental Impact  
Statement**

## Development Assessment

**DA Exemptions**

**Development Application**

- Significant
- Non-significant

# Environmental Impact Assessment

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Where a development may have a significant adverse heritage impact

## Environmental Impact Statement (EIS)

- Where a development is likely to have a significant adverse heritage impact

## Environmental Significance Opinions (ESO)

- Can be obtained to confirm a development is not likely to have a significant adverse impact
- Issued by the Heritage Council

# DA exempt work

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Land management practices undertaken in accordance with Aboriginal tradition

## General exemption criteria

- Development must not contravene the *Heritage Act 2004*.
- Development that impacts heritage registered items or places can only continue with consent from the Heritage Council.

## Types of development that can be exempt

- Internal alterations
- Landscape gardening
- Fences and freestanding walls
- Garages, sheds, gazebos
- Swimming pools
- Temporary structures
- Demolition
- Additions or alterations
- Construction of new single dwellings

# DA process

## 1 DA SUBMISSION



## 2 DA ASSESSMENT 30 to 60 working days

## 3 POST DA DECISION


**Completeness check**

An initial administrative check of the application to confirm completeness.


*This is not a preliminary assessment.*

**Public notification**  



15 to 20 working days



**Entity referral** 

15 to 20 working days


**Assessment by the TPA** 

**NO Significant Development**      **YES Significant Development**


**Applicant addresses entity advice, representations and assessment**  


**Second public notification**  

10 working days

**Second entity referral** 

10 working days

**Assessment by the TPA** 


**In some cases the following steps apply** 


**Further information requested**


Applicant is required to provide additional information to support DA



**Pre-decision advice**

Where proposal does not meet the requirements of the Territory Plan, the applicant may amend DA or request DA be decided in current state


**Applicant provides Further information** 

**Applicant amends DA** 


**Applicant requests DA decision without amendment** 

**Further public notification**  

15 working days



**Further entity referral** 

10 working days




**Assessment by the TPA** 

**DA DECISION**




**Steps that may be required or pursued following DA decision**

**Conditional approval**  




If DA is subject to conditional approval, applicant must satisfy conditions

**Application to amend development approvals**   

Required if proposal changes and is no longer covered by the DA. Further public notification may occur here.

**Reconsideration**   

Applicant requests DA be reconsidered by the TPA. Further public notification may also occur here.

**Appeal**   

Applicant or representor appeals DA decision in court or tribunal.

**KEY**

- Steps occur concurrently
- Mandatory 
- Mandatory (if applicable) 
- Public notification 
- Applicant 

If no further information or amendment required

# Entity advice in the DA process

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- All entity advice is considered.
- A decision-maker is generally only able to approve a DA where it is consistent with entity advice.
- An approval decision can be made contrary to entity advice, but only where very specific criteria are met, and considerations are made. These include:
  - The decision-maker must consider the relevant desired planning outcomes outlined in the Territory Plan.
  - For a proposal requiring an EIS, the decision-maker must consider any reasonable alternate development options.
  - The proposal or project does not involve a protected matter.
  - The decision-maker must be satisfied that acting contrary to the advice will significantly improve the planning outcome to be achieved.

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Questions?

