



ACT
Government

Transition arrangements for common planning processes

Advisory Note 14

Territory Planning Authority
July 2026

Introduction to advisory notes

Advisory notes provide guidance on how particular processes in the ACT planning system will typically occur, how elements of the system work and how considerations will typically be made. These will typically be technical in nature and may cover anything from steps in an assessment and decision-making process to interpreting elements of the statutory planning documents.

Advisory notes in combination with process maps, guides and factsheets, seek to support all stakeholders to better understand and interact with the planning system.

Advisory notes are for the use of all stakeholders, including the development industry when preparing a development proposal or progressing a proposal through the assessment and approvals process, or the general community when commenting on applications and interacting with the planning system.

Advisory notes are prepared by the Territory Planning Authority to cover elements of the *Planning Act 2023* only. These are not intended to cover other processes, such as Building Approvals under the *Building Act 2004*.

Advisory notes may be updated or added to from time to time.

Version history

Version number	Approved by	Date
1.0	A/g Senior Director, DA Services and Support, Statutory Planning Division, EPSDD	24/04/2024
2.0	A/g Senior Director, DA Services and Support, Statutory Planning Division, EPSDD	17/05/2024
3.0	Executive Group Manager, Statutory Planning Division, CED	06/07/2026

Advisory Note 14: Transition arrangements for common planning processes

This advisory note provides guidance the transition arrangements that apply to common planning applications, including various stages of the development application process, that were made or were decided under the previous planning system.

This adds to Advisory Note 10 which advised on the transition arrangements that applied for DAs to be considered under the previous planning system.

Background

The *Planning Act 2023* (the Planning Act) includes a chapter that preserves the operation of certain parts of the legislative scheme under the *Planning and Development Act 2007* (P&D Act) following its repeal. This includes transitional arrangements for the making of a development application (DA), amending an active DA, amending development approval, environmental impact assessments and more.

There are specific transition arrangements that applied to making a DA in order for them to be considered under the repealed P&D Act. Details of these arrangements is available in Advisory Note 10: Substantially Submitted – Transition Arrangements for DAs which is available on the [Resources](#) webpage of the ACT Planning website.

Please note: References to the ‘old planning system’ refers to the repealed P&D Act. References to the ‘new planning system’ refers to the new Planning Act.

Transition arrangements

Development applications

DAs under assessment – including further information requests

A DA under the old planning system will continue until it is *finally decided*. This allows the DA to be assessed, decided, reconsidered and/or appealed to the ACT Civil and Administrative Tribunal (ACAT) under the old planning system, irrespective of how long it takes.

Notably, further information can be requested and provided (i.e. under section 141 of the P&D Act only, noting the time limitations on amending active DAs outlined below) until the DA is decided.

Amending an active DA (S144)

Amending an active DA under section 144 of the P&D Act is limited to the first 6-months of the new planning system.

Specifically, amendments to active DAs under the old planning system could only be accepted if the applicant asked no later than 6 months after the new planning system commenced ([27 May 2024](#)).

In other words, 27 May 2024 was the last day amendments were able to be submitted (i.e. they did not need to pass completeness check) under s144 of the old planning system prior to a decision being made.

Development approval – conditions and timeframe

Development approval continues to be in force until the approval would have ended under the old planning system. This includes any conditions of approval that need to be satisfied.

Development approval timeframe and extensions

Development approval given under the old planning system (including under the transitional arrangements of the Planning Act) continues until the approval would have expired under the old planning system. This includes any extended period outlined in the Notice of Decision or because of an appeal to a court of tribunal.

Development approval under the old planning system may be able to be extended under the Planning Act.

Amending development approval (S197)

If an application to amend development approval was made under section 197 of the P&D Act before 27 November 2023, it will continue to decision irrespective of how long it takes.

If development approval was given under the old planning system, an application to amend the approval:

- Before 27 May 2024 – will be made under the old planning system (section 197 of the P&D Act)
- On or after 27 May 2024 – will be made under the new planning system (section 205 of the Planning Act).

Advice from the National Capital Design Review Panel

If a proponent consulted with the National Capital Design Review Panel (NCDRP) under the old planning system but was yet to submit a DA for the proposal, the NCDRP's previous advice still applies.

For developments that are required to consult with the NCDRP, there is no need to re-consult prior to submitting a DA in the new planning system.

Environmental impact statement (EIS) exemptions

Environmental impact statement (EIS) exemptions have been removed in the new planning system. However, the following transition arrangements will continue to apply which will allow previous EIS exemptions to still be relied upon.

Active EIS exemptions

An EIS exemption that was made under the old planning system will continue to be processed under the previous planning system until it is finalised.

If the EIS exemption is not granted, then an EIS under the Planning Act will be required.

Granted EIS exemptions

If an EIS exemption was granted under the old planning system, including the transitional arrangements, it is considered to be a finalised EIS in the new planning system. The expiry period that applied to the EIS exemption under the P&D Act will continue to apply.

With this, any subsequent DAs in the new planning system that rely on previous EIS exemptions will be significant development under the Planning Act.

Environmental impact statements (EIS)

Active EISs

An EIS that was made under the old planning system will continue to be processed under the previous planning system until it is finalised.

If the EIS is not accepted, then a new EIS application under the Planning Act will be required.

Completed EISs

If an EIS was completed under the old planning system, including the transition arrangements, it is also considered to be a finalised EIS in the new planning system. The expiry period that applied to the EIS under the P&D Act will continue to apply.

Any DAs in the new planning system that rely on previous EISs will be significant development under the Planning Act.

Environmental significance opinions (ESO)

Active ESOs

If an ESO application was made under the old planning system, it will continue to be processed under the old planning system until it is finalised.

If the ESO is not granted, an application for a ESO or EIS scoping document will need to be made under the Planning Act.

Given ESOs

If an ESO was granted under the old planning system, including under the transitional arrangements, it is also considered to be an ESO in the new planning system. The expiry period that applied to the ESO exemption under the P&D Act will continue to apply.

This means that the requirement for an EIS is met through a current ESO and any subsequent DA will not be for significant development (provided the development does not meet any other requirements to be a significant development under the Planning Act).

Expiry of transitional arrangements

The transitional arrangements of the Planning Act, that preserves the operation of certain parts of the legislative scheme under the P&D Act, expire 3 years after the commencement day (**27 November 2026**).

Existing rights to use land, the status of leases and licences in force before commencement day, and the application of certain repealed Acts and provisions will continue to have effect. A transitional provision is repealed on its expiry but continues to have effect after its repeal.

Got questions?

If you have any queries, please contact the DA Gateway team at:

Email: planningenquiries@act.gov.au

Online: <https://services.accesscanberra.act.gov.au/s/forms/land-planning-and-building-enquiry>

Phone: 02 6205 2888