



## Interim effect fact sheet

Changes to the Territory Plan, such as draft variations, can have interim effect for a particular amount of time.

This means that during the period of interim effect individuals or the government cannot do anything that is inconsistent with the Territory Plan:

- if it were changed in accordance with the draft variation, and
- as the Territory Plan currently exists.

### Why have interim effect?

Interim effect is provided for in the Planning and Development Act and is considered on a case by case basis.

Draft variations are placed on interim effect where there is a public benefit for doing so. This is particularly important for key policy initiatives and the introduction of improvements to planning practice in the ACT.

Without interim effect, a rush of development applications prior to the commencement of a plan variation could undermine the intent and effectiveness of the proposed variation.

This could create a speculative environment in which proponents may be compelled or feel pressured to bring forward development proposals ahead of any proposed changes. This can sometimes be fuelled by misinformation about the proposed changes and their perceived implications.

### Examples of interim effect

For draft variations involving a change of zoning, development applications could only be made for development which is assessable (ie not prohibited) in both the proposed and existing zones. If a development is assessable in one zone, but prohibited in the other, then the development application could not be approved.

For draft variations which propose changes to Territory Plan provisions, the same principles apply. In order for a proposed development to comply with both the draft proposed provisions and the current Territory Plan, it would need to demonstrate compliance with the provisions with the higher standards.

For example, if a draft variation proposed increasing a height limit from 2 storeys to 3 storeys, then development application would need to comply with the existing 2 storey limit. Similarly, if a draft variation proposed reducing a height limit from 3 storeys to 2 storeys, then development application would need to comply with proposed 2 storey height limit.

### When does interim effect apply?

Draft variations can be made to have interim effect at the time they are placed on public notification and/or when the draft variation is recommended to the Minister. These two examples are listed in the [Planning and Development Act 2007](#) (The Act). The relevant sections for interim effect at the time of public notification are in section 57(2) and 65 of the Act. The sections for interim effect for when a draft variation is recommended to the Minister are in section 57(4) and 72 of the Act.