

Changes to the Planning and Development Regulation 2008

Information for building certifiers

Changes have been made to the Planning and Development Regulation 2008. The changes were made by the Planning and Development Amendment Regulation 2010 and will be effective from 13th March 2010.

The changes include a number of amendments to **Schedule 1 Exemptions from requirement for development approval.**

A copy of the regulation and the amending regulation can be accessed on the ACT Legislation Register.



ACT Planning &
Land Authority

Easements

Clause 12 has made amendments to section 1.11, Criterion 1 of the general exemption criteria. It is now possible for a part of a building or structure to be located in an easement or proposed easement if the owner of the easement consents in writing. Similarly, a part of a building or structure can be located in a utility infrastructure access or protection space if the utility benefited by the access or space agrees in writing.

Heritage

Clause 15 amends section 1.14, Criterion 4 of the general exemption criteria. Previously, criteria 1.14(a) was that the development must not contravene the Heritage Act 2004. The amendment provides that a development other than for class 10 buildings or structures on heritage places or objects **cannot be exempt**.

Clause 21 ensures maintenance of a heritage listed place or object remains as exempt development.

Exteriors

Clause 18 clarifies that the exemption relating to maintenance of a building or structure in section 1.23 does not apply if section 1.22 applies to the development. Section 1.22 allows certain changes to the exterior refinishing of buildings and structures to be DA exempt.

Public works

Clause 31 expands and refines the exemption criteria for public works and provides for a new exemption for public art. Section 1.90 and new section 1.90A set out the parameters for the exemptions.

Finally, some exemption criteria have been moved to a more appropriate place in Schedule 1. For instance, clause 26 relocates sections 1.55 to 1.58 (as amended) to their own subdivision entitled Other structures. Section 1.77 becomes new section 1.112 and clarifies that the exemption is the subdivision of land under a unit title application under the Unit Titles Act 2001.