



Australian Capital Territory

Planning and Development Amendment Regulation 2009 (No 7)

Subordinate Law SL2009-31

The Australian Capital Territory Executive makes the following regulation under the *Planning and Development Act 2007*.

Dated 22 June 2009.

ANDREW BARR
Minister

JOHN HARGREAVES
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Planning and Development Amendment Regulation 2009 (No 7)*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This regulation amends the *Planning and Development Regulation 2008*.

4 New section 27 (4)

insert

(4) However, an application for a development proposal in the merit track in the following items in schedule 2 is not prescribed for the Act, section 152 (1) (a):

- (a) item 9;
- (b) item 10;
- (c) item 11.

Note The planning and land authority must publicly notify a development application for a proposal mentioned in s (4) in accordance with the Act, s 152 (1) (b).

5 New section 28 (2)

insert

- (2) Despite subsection (1) (b), for an application mentioned in section 27 (4), the period prescribed is 10 working days after the day the application is notified.

6 Section 406 (1) (a)

substitute

- (a) satisfied that the program provides funding for development or other activities—
- (i) in schools; or
 - (ii) in relation to housing; and

7 New section 407 (1)

insert

- (1) The following provisions expire on 30 June 2012:
- (a) section 27 (4);
 - (b) section 28 (2);
 - (c) schedule 2, item 9;
 - (d) schedule 2, item 10;
 - (e) schedule 2, item 11;
 - (f) dictionary, definition of *multi-unit housing*.

8 Schedule 2, new items 9 to 11*insert*

- 9 Building, altering or demolishing a single dwelling or multi-unit housing (each of which is a ***dwelling***) (and carrying out any related earthworks or other constructions work on or under the land) if—
- (a) the building, altering or demolishing is funded completely or partly under 1 or more declared funding programs; and
 - (b) the dwelling is built on a block—
 - (i) leased by the Territory or a territory authority; or
 - (ii) under an agreement with the Territory or a territory authority to transfer the block or part of the block to the Territory or a territory authority once built; and
 - (c) the dwelling is to be—
 - (i) provided by the Territory or a territory authority under an approved housing assistance program under the *Housing Assistance Act 2007*; or
 - (ii) transferred by the Territory or a territory authority to a person to provide community housing within the meaning of the *Housing Assistance Act 2007*.

Note 1 **Multi-unit housing**—see the territory plan (13 Definitions).

Note 2 Some single dwelling developments may be exempt from the requirement for development approval (see sch 1, s 1.100 and s 1.100A).

- 10 Building, altering or demolishing a single dwelling or multi-unit housing (each of which is a *dwelling*) (and carrying out any related earthworks or other constructions work on or under the land) if—
- (a) the building, altering or demolishing is funded completely or partly under 1 or more declared funding programs; and
 - (b) the dwelling is built on a block—
 - (i) leased by a person who provides community housing within the meaning of the *Housing Assistance Act 2007* (a *community housing provider*); or
 - (ii) under an agreement with a community housing provider to transfer the block to the community housing provider once built; and
 - (c) the dwelling is to be provided by a community housing provider for community housing within the meaning of the *Housing Assistance Act 2007*.

Note 1 Multi-unit housing—see the territory plan (13 Definitions).

Note 2 Some single dwelling developments may be exempt from the requirement for development approval (see sch 1, s 1.100 and s 1.100A).

- 11 Building, altering or demolishing a single dwelling or multi-unit housing (each of which is a *dwelling*) (and carrying out any related earthworks or other constructions work on or under the land) if—
- (a) the building, altering or demolishing is funded completely or partly under 1 or more declared funding programs; and
 - (b) the dwelling is built on a block leased by Defence Housing Australia established under the *Defence Housing Australia Act 1987* (Cwlth); and
 - (c) the dwelling is to provide housing under the *Defence Housing Australia Act 1987* (Cwlth).

Note 1 **Multi-unit housing**—see the territory plan (13 Definitions).

Note 2 Some single dwelling developments may be exempt from the requirement for development approval (see sch 1, s 1.100 and s 1.100A).

9 Dictionary, note 2

insert

- territory authority

10 Dictionary, new definition of *multi-unit housing*

insert

multi-unit housing—see the territory plan (13 Definitions).

Endnotes

1 Notification

Notified under the Legislation Act on 23 June 2009.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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