

Planning and Development Amendment Regulation 2020 (No 2)

Subordinate law SL2020–33

made under the

Planning and Development Act 2007, s 426 (Regulation-making power)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Planning and Development Amendment Regulation 2020 (No 2)* (the **amendment regulation**) as made by the Executive. It has been prepared to assist the reader of the amendment regulation and to help inform any debate on it. It does not form part of the amendment regulation and has not been endorsed by the Legislative Assembly.

This statement must be read in conjunction with the amendment regulation. It is not, and is not meant to be, a comprehensive description of the amendment regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Overview of the amendment regulation

The amendment regulation amends schedule 1 of the *Planning and Development Regulation 2008* (the **Regulation**). Schedule 1 of the Regulation provides for types of development that are exempt from requiring development approval under the *Planning and Development Act 2007*.

The amendment regulation proposes changes to development exemptions involving buildings and alterations to buildings on rural leases in the Territory.

Building or altering buildings and structures on rural leases

Changes are made to the exemption for building works carried out on rural leases so that a greater proportion of farm buildings and structures with low impacts can be carried out without requiring a development approval.

Currently, section 1.85 of schedule 1 of the Regulation limits the exemptions for building or structures on rural leases to 100m² in plan area. This unnecessarily disqualifies a range of buildings and structures built on rural lands such as grain silos, sheds and greenhouses, which are typically required to be larger than 100m² in plan area to be functional.

This means that development applications are required for these low impact proposals. This unnecessarily complicates the planning system and contributes to the inefficient allocation of public resources.

Increasing the exemption limit to 216m² for buildings or structures on rural leases will:

- encourage private investment on rural leases that will operate to improve productivity and resilience of the rural sector;
- enable leaseholders to respond to opportunities such as government funding initiatives to build resilience during drought and at the same time improve efficacy of such government expenditures to assist the rural sector; and
- simplify the assessment and approvals process and reduce the regulatory burden for these low impact developments.

Regulatory impact statement

A separate regulatory impact statement has been prepared for this amendment regulation.

Consultation

The changes to exemptions for rural lease developments have been prepared at the request of, and in consultation with, the ACT Rural Landholders' Association. The amendment regulation has also been developed in consultation with the ACT Heritage Council, Environment Protection Authority and the Conservator of Flora and Fauna.

Human rights

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. There are no human rights impacts related to the amendment regulation.

CLAUSE NOTES

Clause 1 **Name of regulation**

This clause provides that the name of the regulation is the *Planning and Development Amendment Regulation 2020 (No 2)*.

Clause 2 **Commencement**

This clause provides that the regulation commences on the day after its notification day.

Clause 3 **Legislation amended**

This clause provides that the regulation amends the *Planning and Development Regulation 2008*.

Clause 4 **Schedule 1, section 1.85 (1), definition of *prescribed general exemption criteria***

This clause corrects a drafting error in section 1.85 (1) by inserting the word *section* before the section number.

Clause 5 **Schedule 1, section 1.85 (2) (a)**

This clause increases the exemption limit from 100m² to 216m² for buildings or structures on rural leases.