

Australian Capital Territory

Planning (General) Amendment Regulation 2024 (No 1)

Subordinate Law SL2024-21

The Australian Capital Territory Executive makes the following regulation under the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18).

Dated 22 August 2024.

Andrew Barr

Chief Minister

Chris Steel

Minister



Australian Capital Territory

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made under the

[Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18%22%20%5Co%20%22A2023-18)

1 Name of regulation

This regulation is the *Planning (General) Amendment Regulation 2024 (No 1)*.

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](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This regulation amends the [Planning (General) Regulation 2023](http://www.legislation.act.gov.au/sl/2023-20).

4 New division 16.1 and division 16.2 heading

insert

Division 16.1 Unclean leaseholds

105A Application—div 16.1

This division applies if—

 (a) a person has made a complaint to the territory planning authority in accordance with the [Act](https://www.legislation.act.gov.au/a/2023-18/), section 414 (Form of complaints); and

 (b) the controlled activity to which the complaint relates is that another person was, is or will be failing to keep a leasehold clean.

105B Investigation of complaint about unclean leasehold

 (1) When investigating a complaint under the [Act](https://www.legislation.act.gov.au/a/2023-18/), section 417, the territory planning authority may undertake any of the following steps:

 (a) view the leasehold from a public place near the leasehold;

 (b) consider whether there are items on the leasehold that can be seen from the public place;

 (c) consider whether the items are of a kind that must be removed to clean up the leasehold;

 (d) consider whether the volume of the items is at a level that must be reduced to clean up the leasehold;

 (e) consider whether the items detract from the use or enjoyment of the surrounding area of the leasehold;

 (f) consider any other matter the territory planning authority considers relevant.

 (2) For subsection (1) (c)—

 (a) items of a kind that must be removed to clean up the leasehold include the following:

 (i) builders spoil;

Example—builders spoil

leftover material from renovations

 (ii) car bodies;

 (iii) furniture;

 (iv) household appliances;

 (v) machinery or parts of machinery;

 (vi) parts of vehicles;

 (vii) scrap material;

 (viii) graffiti, litter or vegetation, if the graffiti, litter or vegetation accompanies an item of a kind that must be removed to clean up the leasehold;

 (ix) unless otherwise permitted under a territory law—shipping containers; and

 (b) items of a kind that do not need to be removed to clean up the leasehold include the following:

 (i) registered vehicles;

 (ii) items stored in an approved structure on the leasehold;

 (iii) items that are permitted under a territory law to be on the leasehold;

Example—item permitted on the leasehold

a shipping container permitted under the [Planning (Exempt Development) Regulation 2023](http://www.legislation.act.gov.au/sl/2023-21)

 (iv) items that are temporarily on the leasehold.

Examples—items temporarily on the leasehold

1 items on the leasehold being stored for an on-site construction project that will be removed at the completion of the project

2 a large waste bin used for the collection of litter that will be removed after the litter has been collected

 (3) In this section:

litter—see the [Litter Act 2004](http://www.legislation.act.gov.au/a/2004-47), section 7.

public place—see the [Litter Act 2004](http://www.legislation.act.gov.au/a/2004-47), dictionary.

105C Referral of complaint to another entity

 (1) If the territory planning authority is required to refer a complaint in accordance with the [Act](https://www.legislation.act.gov.au/a/2023-18/), section 419 (1) (b), the territory planning authority must—

 (a) if the complaint is only about graffiti on a building or other structure on the leasehold—refer the complaint to be dealt with by the administrative unit responsible for administering the [Public Unleased Land Act 2013](http://www.legislation.act.gov.au/a/2013-3); or

 (b) if the complaint is about insanitary conditions on the leasehold—refer the complaint to be dealt with by the administrative unit responsible for administering the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69); or

 (c) if the complaint is about smoke, odour or noise coming from items on the leasehold—refer the complaint to be dealt with by the environment protection authority.

Examples—noise

1 operating heavy machinery on the leasehold which is in a residential area

2 operating machinery on the leasehold after hours

 (2) In this section:

insanitary condition—see the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69), dictionary.

public place—see the [Litter Act 2004](http://www.legislation.act.gov.au/a/2004-47), dictionary.

Division 16.2 Miscellaneous

Endnotes

1 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2 September 2024.

2 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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