



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*.

Dated 22 August 2024.

ANDREW BARR
Chief Minister

CHRIS STEEL
Minister



Australian Capital Territory

Planning (General) Amendment Regulation 2024 (No 1)

Subordinate Law SL2024-21

made under the

[Planning Act 2023](#)

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](#), s 75 (1)).

3 Legislation amended

This regulation amends the *Planning (General) Regulation 2023*.

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](#), 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](#), 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*

- (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*, section 7.

public place—see the *Litter Act 2004*, 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*, 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*; 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*; 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](#), dictionary.

public place—see the [Litter Act 2004](#), dictionary.

Division 16.2 Miscellaneous

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 2 September 2024.

2 Republications of amended laws

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