



Australian Capital Territory

# Planning Legislation Amendment Act 2026

A2026-8

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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Australian Capital Territory

# Planning Legislation Amendment Act 2026

**A2026-8**

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An Act to amend legislation about planning, and for other purposes.

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Planning Legislation Amendment Act 2026*.

### 2 Commencement

This Act commences on the 7th 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 Act amends the following legislation:

- *Planning Act 2023*
- *Planning (Exempt Development) Regulation 2023*
- *Planning (General) Regulation 2023*
- *Recovery of Lands Act 1929*
- *Surveyors Act 2007*.

## Part 2 Planning Act 2023

### 4 Supporting report for draft major plan amendment Section 61

*omit*

draft major planning amendment

*substitute*

draft major plan amendment

### 5 Public consultation—notification and availability of draft major plan amendments etc New section 63 (1A)

*insert*

- (1A) Also, for a draft major plan amendment prescribed by regulation, the territory planning authority must give a copy of the consultation notice to each person prescribed by regulation.

### 6 Section 63 (2)

*omit*

the territory planning authority is not required to publish a major draft amendment if satisfied that

*substitute*

subsections (1) and (1A) do not apply if the territory planning authority is satisfied that

## Part 3 Planning (Exempt Development) Regulation 2023

### 7 Schedule 1, new section 1.38

*in division 1.4.1, insert*

#### 1.38 Single dwellings—step-free access paths

- (1) Designated development for a step-free access path to a single dwelling if the path complies with the Livable Housing Design Standard published by the Australian Building Codes Board, as in force from time to time.

*Note* The Livable Housing Design Standard does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Act](#), s 523 (4) and [Legislation Act](#), s 47 (7)). The standard is accessible at [ncc.abcb.gov.au](http://ncc.abcb.gov.au).

- (2) Section 1.17 (Criterion 7—compliance with other applicable exemption) does not apply to the designated development.

### 8 Swimming pools Schedule 1, section 1.51 (2), definition of *swimming pool*

*substitute*

*swimming pool*—

- (a) means an excavation, structure or vessel that—
- (i) can be filled with water to a depth of more than 300mm; and
  - (ii) is principally used for swimming, wading, paddling or any other human aquatic activity; and
- (b) includes a bathing or wading pool and a spa; but
- (c) does not include a bath or spa bath in a bathroom.

**9** **Single dwellings where declaration authorises minor non-compliance**  
**Schedule 1, section 1.131 (1) (b)**

*substitute*

- (b) for an encroachment under paragraph (a) (iii)—the encroachment would not cause shadowing for more than 3 hours to more than 50% of any habitable room or principal private open space of another block between 9 am and 3 pm on the winter solstice; and

## Part 4 Planning (General) Regulation 2023

### 10 Section 10 heading

*substitute*

### 10 People to be given consultation notice and extension notice—Act, s 63 (1A) and (4) (b)

## Part 5 Recovery of Lands Act 1929

### 11 Warrant of ejectment Section 4

*omit*

his

*substitute*

the magistrate's

### 12 Service of notice Section 8 (d)

*omit*

his

*substitute*

the lessee's

## Part 6 Surveyors Act 2007

### 13 Only surveyors to carry out surveys Section 49, note

*omit*

register-general

*substitute*

surveyor-general

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 18 March 2026.

**2 Notification**

Notified under the [Legislation Act](#) on 15 May 2026.

**3 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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I certify that the above is a true copy of the Planning Legislation Amendment Bill 2026, which was passed by the Legislative Assembly on 6 May 2026.

Clerk of the Legislative Assembly

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