

EXPOSURE DRAFT

(Prepared by Parliamentary Counsel's Office)

Planning and Development Regulation 2006

Subordinate Law SL2006-

The Australian Capital Territory Executive makes the following regulation under the *Planning and Development Act 2006*.

Dated _____ 2006.

Minister

Minister

EXPOSURE DRAFT

(Prepared by Parliamentary Counsel's Office)

Planning and Development Regulation 2006

Subordinate Law SL2006-

made under the

Planning and Development Act 2006

1 Name of regulation

This regulation is the *Planning and Development Regulation 2006*.

2 Commencement

This regulation commences on the day the *Planning and Development Act 2006*, chapter 7 (Development approvals) commences.

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

3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 Exempt development for authorised use—Act, s 132 (2) (b)

- (1) An authorised use of land, or a building or structure on the land, is exempt development.
- (2) However, an authorised use of land, a building or structure is not exempt development if—
 - (a) either—
 - (i) a building, or structure, on the land, is constructed, altered or demolished; or
 - (ii) earthworks or other construction work is carried out on the land; and
 - (b) the construction, alteration, demolition or work—
 - (i) is associated with the use; and
 - (ii) is not exempt from requiring development approval.
- (3) Also, to remove any doubt, if beginning a use is not exempt development, continuing the use is not exempt development.
- (4) In this section:

authorised use, of land, means a use of land (whether continuing, beginning or changing to the use) authorised by a lease, a licence under the Act or a permit under the *Roads and Public Places Act 1937*, whether the authorisation is express or implied.

EXPOSURE DRAFT

**5 Exempt development for use for home occupation—Act,
s 132 (2) (b)**

- (1) If land comprised in a residential lease is used for home occupation, the use is exempt development.
- (2) To remove any doubt, subsection (1) applies whether or not—
 - (a) the residential lease allows home occupation as a use; and
 - (b) the use includes building work.

Endnotes

1 Notification

Notified under the Legislation Act on 2006.

2 Republications of amended laws

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

EXPOSURE DRAFT