Australian Capital Territory

Planning (Exempt Development) Amendment Regulation 2026 (No 1)

Subordinate law SL2026–18

made under the

Planning Act 2023, s523 (Regulation-making power)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Planning (Exempt Development) Amendment Regulation 2026 (No 1)* (the ***amendment regulation***) as made by the Executive. It has been prepared to assist the reader of the amendment regulation and to help inform consideration by the Legislative Assembly and debate on it. It does not form part of the amendment regulation and has not been endorsed by the Legislative Assembly (the ***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 to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Background

Following on from recent policy work that informed the Missing Middle Housing Reforms which led to changes to the Territory Plan through major plan amendment 04, associated updates to the Residential Zones Technical Specifications and Subdivision Technical Specifications, and the introduction of the Missing Middle Housing Design Guide, the City and Environment Directorate (the ***Directorate***) has developed amendments to the *Planning (Exempt Development) Regulation 2023* and the *Planning (Exempt Development) Single Dwelling Housing Development Control Declaration*.

Notably, the amendment regulation gives effect to changes previously announced as part of the Government's ACT Construction Productivity Agenda – Tranche 1 (the ***agenda***). Relevantly, this included changes to expand exempt development for low-impact minor building works and the types of development which can apply for an exemption declaration.

Overview

This regulation amends the *Planning (Exempt Development) Regulation 2023* (the ***regulation***).

The amendment regulation will increase the number of low impact buildings and structures that can bypass the development application (***DA***) process and improve overall efficiency of the territory planning authority. The amendment regulation establishes an expanded exemption declaration process that can be utilised for minor encroachments beyond the current exempt development criteria in prescribed circumstances (refer to defined provisions under clause 9, schedule 1, new part 1.3A).

The amendment regulation also makes a range of minor policy and technical amendments to improve clarity, consistency and usability, including:

- Requiring exempt development to comply with the new mandatory matters development control.
- Expanding the existing exemption declaration process for minor departures from exempt development requirements for defined provisions.
- Improving neighbour notification requirements for certain exempt single dwelling proposals.
- Removing prescriptive height restrictions for certain low impact structures, including skylights, external cooling and water heating services and solar panels, while ensuring these structures do not exceed any relevant solar building envelope.
- Removing prescriptive requirements for external batteries and EV chargers (i.e. capacity and size) to instead rely on product-specific installation requirements and relevant Australian Standards.
- Amending requirements to allow up to 3 driveway crossings on residential leases where only 2 were previously allowed.
- Amending requirements to better facilitate temporary buildings / structures for of site activation where they are not associated with carrying out another development (e.g. food trucks on construction sites).
- Amending requirements to height and setback requirements that will allow more roofed and enclosed Class 10 structures, including garages, to be located closer to the boundary (as currently applies to carports).
- Clarifying that all external decks up to 1m high can include balustrades.
- Amending requirements for poles to include basketball hoops and other poles up to 10m.
- Clarifying changes that allow multiple low impact structures (including sheds and water tanks) to be located within the boundary clearance area with a combined cross-section area of no more than 30m2.
- Amending requirements that clarify the permissible maximum height of retaining walls in boundary clearance areas. This will support development on sloping sites (e.g. in new greenfield areas).
- Amending requirements to allow low impact structures, including swimming pools and clothes lines, on blocks that have frontages to open space boundaries, public reserves or public pedestrian ways when appropriately fenced.
- Amending requirements to provide clearer guidance for home businesses, including clarification on intended parking and vehicle access arrangements, to ensure appropriate outcomes for residents and neighbours.

- Amending the definition of single dwellings under section 1.130 to include dwellings with a party wall (i.e. separately titled duplexed and other Class B units), enabling these single dwelling types to undertake exempt development works under part 1.4 of the regulation.
- Making consequential and technical amendments.

The amendments are intended to improve the operation of the exempt development pathway while maintaining appropriate protections to ensure development does not:

- adversely affect someone other than the proponent;
- more than minimally increase the environmental impact; and
- more than minimally increase the amount of shadowing to a habitable room or principal private open space of another block, between 9am-3pm on the winter solstice.

Regulatory Impact Statement

A regulatory impact statement is not required as the amendment regulation does not impose any appreciable costs on the community, or part of a community under section 34 (1) of the *Legislation Act 2001*.

Further, a RIS is unnecessary, in accordance with section 36 (1)(b) of the *Legislation Act 2001*, as the amendment regulation does not operate to the disadvantage of anyone (other than the Territory or a territory authority or instrumentality) by—

(i) adversely affecting the person's rights; or

(ii) imposing liabilities on the person.

Offences and Penalties

The amendment regulation does not introduce any new offences or penalties.

Consistency with Human Rights

The Standing Committee on Legal Affairs (Legislative Scrutiny Role) (the ***Scrutiny Committee***) terms of reference require consideration of human rights impacts of subordinate legislation, among other matters, to be assessed for its compatibility with the *Human Rights Act 2004* (the ***HRA***).

HRA Section 12 Privacy and reputation has been considered as it relates to the right to not have privacy, family, home or correspondence interfered with unlawfully or arbitrarily. The proposed amendments have been considered in the context of protecting privacy to neighbouring residents. Importantly, the Territory Planning Authority cannot make an exemption declaration unless they are satisfied that the relevant development will not adversely affect someone other than the proponent. While the types of development to which an exemption declaration can be granted has been expanded to all exempt development types, the power to issue the declaration is subject to the same limitations as before the amendment.

The amendment regulation improves usability of the exempt development pathway that is established under the existing planning framework. The amendment regulation aligns with established policy intent and does not impose additional limitations on

individuals engaging in the planning process. While minor adjustments have been made to some exempt development types, these changes have been limited to those which do not

- adversely affect someone other than the proponent;
- more than minimally increase the environmental impact; and
- more than minimally increase the amount of shadowing to a habitable room or principal private open space of another block, between 9am-3pm on the winter solstice.

Human rights impacts have been proportionately considered to enable rights to build, while mitigating adverse impacts to neighbours and the environment.

Consultation

The Directorate engaged with key regulatory and industry groups to discuss the new policy direction. These stakeholders generally support streamlining regulatory processes for low impact buildings and structures and the resulting productivity benefits. The Directorate will continue to work closely with these organisations, interested community members and relevant teams to ensure effective stakeholder engagement and successful implementation.

Climate Impact

This instrument has no negative impact on climate change adaptation, greenhouse gas emissions production or abatement in the ACT. An important limitation of not more than minimally increasing the environmental impact has been set to guide the development of the amendments.

Scrutiny committee principles

The amendment regulation has been developed in accordance with the Scrutiny Committee terms of reference, principles and technical and stylistic standards expected by the Assembly.

CLAUSE NOTES

Clause 1 Name of regulation

This clause provides that the name of the regulation is the *Planning (Exempt Development) Amendment Regulation 2026 (No 1).*

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 (Exempt Development) Regulation 2023*.

Clause 4 Section 7 (3) (b)

This clause substitutes a cross-reference in section 7 to reflect the amended title of schedule 1, section 1.41. The amendment is consequential to changes made elsewhere in the regulation relating to Class 10 buildings and other structures in boundary clearance areas.

Clause 5 New section 14 (1) (d)

This clause inserts a new sub clause allowing the territory planning authority to declare the new mandatory matters development control which prescribe requirements for exempt development that is required to be met in every instance.

The amendment provides the legislative basis for mandatory matters development controls to apply to exempt development.

Clause 6 New schedule 1, section 1.10 (1) (h)

This clause inserts a new exempt development general criterion requiring compliance with section 1.17A (Criterion 8—compliance with mandatory matters).

The amendment ensures all exempt development must comply with the relevant mandatory matters development controls, including:

- height limits;
- number of storeys;
- site coverage; and
- works on single dwellings with party walls.

Clause 7 New schedule 1, section 1.17A

This clause inserts the new general exemption criterion 8 requiring exempt development to comply with any relevant mandatory matters development control prescribed under section 14 (1) (d).

Clause 8 Schedule 1, section 1.18

This clause substitutes section 1.18.

The substituted section now requires information about certain exempt development proposals to now be provided to residents of each adjoining dwelling and adjoining non-residential developments before development commences. Previously, information was only required to be provided to residents of adjoining dwellings only.

The information requirements apply to development under section 1.130 (Compliant single dwellings) and development under section 1.132 (Single dwellings-demolition), except where demolition is urgently required because of a risk to persons, property or the environment.

The section sets out the information that must be provided, including site plans, elevation plans and, where relevant, shadow diagrams.

The territory planning authority may also require additional information to be provided by notice.

The amendment increases transparency and ensures neighbouring residents and adjoining non-residential uses are informed about relevant development proposals.

Clause 9 Schedule 1, new part 1.3A

This clause inserts new part 1.3A Exemption declarations.

The amendment expands the availability of exemption declarations beyond compliant single dwelling development and allows minor non-compliances to be considered for a broader range of exempt development.

The amendment is intended to reduce unnecessary development applications where the departure from an exempt development requirement is minor and low impact.

1.19 Application of new part 1.3A provides that the part applies to exempt development under schedule 1, part 1.4, other than development involving tree damaging activity under section 1.137.

This will provide an accelerated approval pathway for low impact developments and greater flexibility, without requiring a DA.

New section 1.19A Definitions—pt 1.3A inserts definitions for defined provision and exemption declaration, including a requirement that applies to development under schedule 1, part 1.4 or a relevant residential zones—single dwelling housing development control.

New section 1.19B Application for exemption declaration allows a proponent to apply to the territory planning authority for a declaration that development remains exempt despite non-compliance with a defined provision.

New section 1.19C Exemption declarations establishes the process and criteria for deciding applications. This section establishes that the territory planning authority are required to make or refuse an application for an exemption declaration within 10 working days.

The territory planning authority may only grant an exemption declaration if satisfied that:

- the non-compliance is minor;
- the development will not adversely affect another person;
- environmental impacts are no more than minimally increased;
- additional overshadowing impacts are minimal; and
- any applicable neighbour information requirements have been met.

The section also provides a mechanism for requesting additional information and stopping the decision-making period while information is being sought.

New section 1.19D Expiry of exemption declaration provides that an exemption declaration expires three years after it is made.

The new part establishes a practical mechanism for dealing with minor departures from exempt development requirements without requiring a development application.

Clause 10 Schedule 1, sections 1.21 and 1.22

This clause replaces sections 1.21 and 1.22 by combining the prior section, dealing with installation, alteration and removal of low and high impact external doors and windows.

The provision, as amended, promotes flexibility by permitting a broader range of minor works for low and high impact external doors and windows, including:

- increasing the width of an opening by up to 500mm;
- increasing the height of an opening by up to 500mm;
- reducing the size of an opening;
- replacing a door with a window or a window with a door; and
- limited installation of new external doors and windows.

The amendment recognises that these works generally have low planning impacts, while maintaining protections for privacy and neighbouring amenity through setback requirements.

Clause 11 Schedule 1, section 1.23 (1) (b), example 1

This clause omits the example accompanying the roof alteration exemption to a more practicable and realistic example.

The example is amended from changing roofing material from "metal sheet to tile" to changing roofing material from "tile to metal sheet".

The amendment substitutes the example only and does not alter the operation of the exemption.

Clause 12 Schedule 1, section 1.23 (2), note 1

This clause omits a reference to section 1.22.

The amendment is consequential to clause 10.

Clause 13 Schedule 1, section 1.24 (1) (c) (i)

This clause increases the maximum projection permitted street art on buildings and other structures by omitting 30mm and substituting to 100mm.

The amendment accommodates a wider range of decorative finishes and façade treatments.

Clause 14 Schedule 1, section 1.24 (1), example

This clause substitutes the example accompanying the exemption for street art on a building and other structure to include a mural painted on the external wall of a building or on the outside of a sewerage pipe.

This amendment provides additional guidance about the intended operation of the exemption.

Clause 15 Schedule 1, section 1.25, new note

This clause inserts a note directing readers to section 1.134.

The note highlights that rebuilding damaged buildings and structures may be exempt under a separate provision.

Clause 16 Schedule 1, section 1.26 (c) and (d)

This clause simplifies the exemption for roof slope changes.

Existing criteria, including that the change cannot increase gross floor area or volume of an existing attic or create a new attic, are replaced with a single requirement that the alteration must not increase the gross floor area of the building.

This amendment appropriately focuses on elements that would significantly increase the scale of the development and have consequential impacts on other planning considerations, such as parking provision rates.

Clause 17 Schedule 1, section 1.27

This clause amends the exemption to specify that for chimneys, flues and vents to allow 1.5m chimneys, flues and vents in zones (other than residential zones) that are not required to be attached to a roof and not within the boundary clearance area.

The amendment appropriately facilitates chimneys, flues and vents in commercial zones whereby these structures are not always located on a roof of a building (i.e. as part of associated structure at hospital).

Clause 18 Schedule 1, section 1.28 (a)

This clause increases the maximum area permitted for skylights under the exemption by omitting '2m²' and substituting it with '4m²'.

The amendment removes projection above roof requirements to align with the *Building (General) Regulation 2008*, which permits skylights up to $4m^2$ as exempt from building approval (subject to compliance with the National Construction Code).

The amendment expands the scope of development that may be undertaken as exempt development.

Clause 19 Schedule 1, section 1.28 (b)

This clause removes projection above roof requirements to align with the *Building (General) Regulation 2008*, which permits skylights up to $4m^2$ as exempt from building approval (subject to compliance with the National Construction Code).

The amendment ensures consistency with clause 18.

Clause 20 Schedule 1, section 1.30 heading

This clause changes the heading from external cooling and water heating services to external cooling and heating services to reflect the updated definition of service which includes air conditioners, electric hot water heat pumps, evaporative coolers or solar water heaters.

The amendment reflects the broader application of the section.

Clause 21 Schedule 1, section 1.30 (1) (b)

This clause amends the exemption applying to external cooling and heating services mounted on roofs to remove prescriptive height requirements and instead rely on solar building envelope requirements.

The amendment requires roof-mounted equipment to remain within a relevant solar building envelope.

Clause 22 Schedule 1, section 1.30 (1), note

This clause omits a redundant note.

Clause 23 Schedule 1, section 1.30 (3), definition of *service*, paragraphs (a) and (b)

This clause expands the definition of service to include an electric hot water heat pump.

The amendment provides clarification that contemporary electrification technology, including electric hot water heat pumps, are included under this criteria. This aligns with the ACT Government net-zero pathway.

Clause 24 Schedule 1, section 1.31 (1) (c)

This clause increases flexibility by substituting prescriptive height requirements for external photovoltaic panels and instead relies on relevant solar building envelope and relevant overshadowing requirements.

The amended provision does not allow 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.

The amendment increases flexibility in the design and placement of solar panels while continuing to protect reasonable solar access for neighbouring properties.

Clause 25 Schedule 1, section 1.31 (3)

This clause omits a subsection that is no longer required.

Clause 26 Schedule 1, section 1.32 (1) (c) and (d)

This clause omits battery capacity and volume restrictions applying to exempt external batteries.

The amendment removes prescriptive limits and instead relies on compliance with applicable product specifications and installation requirements.

The amendment accommodates evolving battery technologies while maintaining safety requirements through other regulatory frameworks.

Clause 27 Schedule 1, section 1.32 (1), note

This clause omits a redundant note.

Clause 28 Schedule 1, section 1.34

This clause substitutes the exemption for external lighting for designated development.

The provision, as amended, continues to allow area lighting attached to buildings and adds new allowance for external lighting used for landscape gardening or decorative purposes (i.e. lighting up a tree), while promoting suitable flexibility, by allowing external area lighting.

'Area light' is described in this section as 'lighting to assist people to avoid obstacles while moving around the exterior of a building.'

Clause 29 Schedule 1, section 1.35 (1)

This clause amends the exemption for driveways across road verges.

The amendment removes the requirement for written approval for most residential driveway crossings and instead relies on compliance with the relevant Australian/New Zealand Standard.

Written agreement from the relevant director-general of the administrative unit responsible for the *Public Unleased Land Act 2013* is required where development would result in three or more driveway crossings serving a residential lease.

Previously, written agreement was required from the director-general of the administrative unit responsible for municipal services. The amendment clarifies that the relevant director-general is responsible for the *Public Unleased Land Act 2013.*

The amendment reduces administrative requirements for routine works while retaining agreement requirements for more complex access arrangements.

Clause 30 Schedule 1, section 1.37 (1)

This clause broadens the exemption for non-habitable temporary buildings and structures.

The current provision generally applies to temporary buildings associated with another development or an event.

The amendment extends the exemption to non-habitable temporary uses more broadly and facilitates temporary site activation, including examples such as temporary car parks and food outlets associated with a circus.

The amendment also enables the territory planning authority to extend the exemption period where appropriate.

Clause 31 Schedule 1, section 1.41 heading

This clause adds a new section that requires designated development for a temporary, portable or demountable building or other structure (clause 30) to comply with home business requirements included in section 1.136 if that section applies to the development.

The purpose of this amendment is to ensure that if the designated development is conducted as home businesses from residential leases, impacts are suitably managed (i.e. vehicular arrivals).

Clause 32 Schedule 1, section 1.41 heading

This clause substitutes the heading of section 1.41.

The amended heading better reflects the content of the provision.

Clause 33 Schedule 1, section 1.41 (1) and example

This clause substitutes the primary exemption for a class 10 building and other structure within a boundary clearance area.

This clause simplifies the exemption by focusing on the total relevant cross-sectional area of class 10 buildings or structures within the boundary clearance area.

The amendment simplifies calculation of allowable development within boundary clearance areas and improves readability by removing unnecessary complexity from the current provisions.

Clause 34 Schedule 1, section 1.41 (3), definition of *class 10 building or other structure*

This clause clarifies that signs and boundary fences are excluded from the definition of class 10 building or other structure for the purpose of cross-sectional area calculations.

Clause 35 Schedule 1, section 1.41 (3), definition of *relevant cross-section area*

This clause clarifies that relevant cross-sectional area is measured above datum ground level.

Clause 36 Schedule 1, sections 1.42 to 1.44

This clause substitutes three separate exemptions dealing with an enclosed, partially enclosed and unenclosed class 10a building with a single exemption for a class 10a building, other than an external deck or external verandah.

The amendment simplifies a complex set of provisions applying different controls to enclosed, partially enclosed and unenclosed structures.

The amendment retains key controls relating to height, solar envelopes, building line setbacks and finished floor levels, while relying on the new mandatory matters development control for broader development controls such as site coverage.

The amendment is intended to simplify administration and improve usability of the regulation without materially increasing impacts on neighbouring properties.

Clause 37 Schedule 1, section 1.45 (1) (b) to (e)

This clause simplifies the exemption for external decks.

The amendment removes specific balustrade requirements and applies a consistent maximum finished floor level of 1m above finished ground level.

The amendment clarifies that decks and associated balustrades may be located forward of a building line, where permitted by the exemption, and removes unnecessary prescriptive controls.

Clause 38 Schedule 1, section 1.45 (2), definition of *balustrade*

This clause omits the definition of balustrade.

The definition is no longer required as it is intended that all external decks up to 1m high can include balustrades

Clause 39 Schedule 1, section 1.46 (1) (b)

This clause omits plan area requirements applying to verandahs.

The amendment simplifies the exemption, by removing prescriptive plan area requirements.

Clause 40 Schedule 1, section 1.46 (1) (c) (i)

This clause omits height requirements applying to verandahs.

Clause 41 Schedule 1, section 1.46, new note

This clause inserts a note referencing section 1.41.

The note provides guidance that additional requirements apply to class 10 buildings and other structures within 1.5m of side and rear boundaries.

Clause 42 Schedule 1, section 1.47 (b) and (c)

This clause substitutes an existing height requirement.

The amendment provides that the exempt structure must not exceed 1.85m above datum ground level.

Clause 43 Schedule 1, section 1.47 (f)

This clause omits a requirement that is no longer necessary.

Clause 44 Schedule 1, section 1.47, new note

This clause inserts a note referencing section 1.41.

The note provides guidance that additional requirements apply to class 10 buildings and other structures within 1.5m of side and rear boundaries.

Clause 45 Schedule 1, section 1.50

This clause replaces the exemption for retaining walls.

The amendment increases the maximum permitted retaining wall height between a front boundary and building line from 0.4m to not more than 0.8m.

The amendment also clarifies allowable heights within boundary clearance areas and simplifies the previous distinction between different retaining wall types.

The amendment better accommodates sloping sites and aligns more closely with contemporary construction practice while continuing to manage impacts on neighbouring properties.

Clause 46 Schedule 1, section 1.51 (1) (a)

This clause amends the exemption for swimming pools.

The amendment allows swimming pools and associated structures to be located forward of a building line where the front boundary is an open space boundary or a boundary to a reserve or a public pedestrian access way.

Previously swimming pools were not exempt in this scenario unless a courtyard wall was located between a front boundary and a building line, requiring a DA for relatively low impact works.

The intent of the amendment is to recognise that swimming pools in these locations generally have low amenity impacts on neighbouring properties and provide suitable flexibility for affected blocks.

Restrictions on swimming pools within 1.5m of a side boundary or rear boundary for a block continue to apply to all swimming pools.

Clause 47 New section 1.51 (1A)

This clause clarifies that swimming pools forward of a building line where the front boundary is an open space boundary or a boundary to a reserve or a public pedestrian access way does not require a courtyard wall.

This amendment appropriately facilitates development of swimming pools on blocks that have frontages to open space, reserves or public pedestrian accessways without requiring courtyard walls.

It is intended that other relevant fencing requirements related to swimming pools, including Australian/New Zealand Standards, continue to apply in every instance.

Clause 48 Schedule 1, section 1.51 (2), new definition of *reserve*

This clause inserts a definition of *reserve* that is consistent with the *Nature Conservation Act 2014*.

The definition of reserve is relevant where a front boundary is an open space boundary or a boundary to a reserve or a public pedestrian access way.

Clause 49 Schedule 1, sections 1.52 to 1.54

This clause consolidates existing antenna provisions into a single exemption.

The amendment removes distinctions between dish antennas and mast antennas and instead applies a common set of requirements relating to antenna height, diameter, colour and solar building envelopes.

The amendment also expands the exemption for flag poles to apply to poles generally, including structures such as a basketball hoop.

Clause 50 Schedule 1, section 1.55 (a)

This clause removes the maximum storage capacity limit that currently applies to exempt water tanks.

The amendment recognises that planning impacts associated with water tanks are more appropriately regulated through siting and design requirements rather than storage capacity.

Clause 51 Schedule 1, section 1.58 (1)

This clause simplifies the exemption for clothes lines.

The amendment removes prescriptive height and length restrictions and instead focuses on siting requirements.

The amendment also accommodates clothes lines on certain corner blocks where the clothes line is screened by an existing courtyard wall.

The amendment removes unnecessary prescriptive design controls and focuses on visibility from the public realm and streetscape impacts.

Clause 52 Schedule 1, section 1.59 (1) (f)

This clause amends the exemption for shipping containers.

The amendment requires a shipping container to be removed for at least six (6) months before the exemption can be relied on again.

The amendment prevents continuous use through successive exempt periods.

Clause 53 Schedule 1, section 1.70 (2) (a) to (d)

This clause substitutes cross-references to class 10 buildings and other structures provisions following amendments to section 1.41 contained in clause 31-34 of this regulation.

Clause 54 Schedule 1, section 1.74 (1)

This clause amends the equivalent community garden provision dealing with class 10 buildings or other structures in boundary clearance areas.

The amendment mirrors the changes made to section 1.41 in clause 31-34 of this regulation.

Clause 55 Schedule 1, section 1.74 (3), definition of *class 10 building or other structure*

This clause clarifies that signs installed on a community garden and boundary fences are excluded from relevant cross-sectional area requirements for class 10 buildings or other structures.

Clause 56 Schedule 1, section 1.74 (3), definition of *relevant cross-section area*

This clause clarifies that relevant cross-sectional area means the area above datum ground level.

Clause 57 Schedule 1, section 1.115

This clause substitutes the exemption for flag poles on school campuses to apply to poles generally including a basketball hoop.

The amendment expressly allows associated earthworks and construction work and aligns the provision with the general pole exemption inserted by clause 48.

Clause 58 Section 1.130 (4), definition of *residential zones—single dwelling housing development control*

This clause omits the definition of *residential zones—single dwelling housing development control* , as it is now included in the dictionary, as provided for in clause 70.

Clause 59 Section 1.130 (4), definition of *single dwelling*

This clause changes the definition so that single dwellings with a party wall are included within the definition of single dwelling, rather than excluded from it.

The amendment allows single dwellings with a party wall to be considered as compliant single dwellings and to be eligible to undertake exempt development works under part 1.4 of the regulation.

It is noted that the new mandatory matters development control requires that works on single dwellings with a party wall do not impact the structural integrity or demolish the party wall.

The definition of single dwellings for the purposes of demolition in section 1.132 appropriately continues to exclude single dwellings with a party wall.

Clause 60 Section 1.131

This clause omits section 1.131.

The section is no longer required following consequential amendments under clause 9 of this regulation to broaden the scope of minor non-compliances eligible for exemption declarations.

Clause 61 Section 1.134 (4), definition of *residential zones—single dwelling housing development control*

This clause omits the definition of *residential zones—single dwelling housing development control*, as it is now included in the dictionary, as provided for in clause 70.

Clause 62 Schedule 1, section 1.136 (1) (f)

This clause omits a criterion applying to a home business complying with the *Environment Protection Act 1997*.

The amendment simplifies the exemption and removes unnecessary duplication where compliance with other Territory legislation, including the *Environment Protection Act 1997*, remains required under part 1.6 and part 1.13 of the regulation.

Clause 63 Schedule 1, section 1.136 (1) (g)

This clause omits the words "at the lease" to ensure that requirements that the home business does not generate more than 5 vehicle arrivals each day over a period of 7 days includes arrivals to the lease and the surrounding area (i.e. adjoining street).

The amendment appropriately manages impacts of home businesses including to surrounding residents of neighbouring properties.

Clause 64 Schedule 1, section 1.136 (1), new note

This clause inserts a note about compliance with other Territory laws, including the *Environment Protection Act 1997*.

Compliance with other Territory legislation, including the *Environment Protection Act 1997*, remains required under part 1.6 and part 1.13.

Clause 65 Schedule 1, new section 1.139 (1) (a) (iiia)

Clause 64 inserts new section 1.139 (1) (a) (iiia) which appropriately ensures low impact works associated with utility and telecommunication services are captured under the exemptions for designated development.

The amendment recognises that installation and maintenance of utility meters is routine utility infrastructure work with negligible planning impacts and therefore appropriate for exempt development.

Clause 66 Schedule 1, section 1.139 (2) (a) (iv), note

This clause omits a redundant note applying to compliance with the *Environment Protection Act 1997*.

Compliance with other Territory legislation, including the *Environment Protection Act 1997*, remains required under part 1.6 and part 1.13.

Clause 67 Schedule 1, section 1.140 (1) (a) and (b) and (3), definition of *electricity services*

This clause omits specific requirements for electric-powered vehicle charging points, including electricity services described as utility services in the *Utilities Act 2000*, section 6.

This clause removes prescriptive requirements for electric-powered vehicle charging points including height and plan area requirements, instead relying on the relevant Australian/New Zealand Standard and a relevant EV charging points—fire safety development control declared under section 14 (1) (c).

Consequentially, this clause removes the definition of electricity services in this section as it is no longer included following omission of section 1.140(1)(a).

Clause 68 Schedule 1, new section 1.145 (2) (g)

This clause inserts a requirement that development under section 1.145 comply with new section 1.17A (Criterion 8—compliance with mandatory matters) pursuant to clause 7 of this regulation.

The amendment ensures all development mentioned in part 1.4 is required to meet all general exemption criteria under part 1.2.

Clause 69 Dictionary, new definition of *defined provision*

This clause inserts a definition of *defined provision* for the purposes of the expanded exemption declaration framework pursuant to clause 9 of this regulation.

Clause 9 refers to a defined provision as a requirement that applies to development under schedule 1, part 1.4 or a relevant residential zones—single dwelling housing development control.

Clause 70 Dictionary, definition of *exemption declaration*

This clause substitutes the definition of exemption declaration in the dictionary. This amendment is consequential to clause 9, new section 1.19B (1).

Clause 71 Dictionary, new definition of *residential zones—single dwelling housing development control*

This clause relocates the definition of residential zones—single dwelling housing development control to the dictionary and cross-references section 14 (1) (a).

The definition of residential zones—single dwelling housing development control has been omitted under clause 57 and 60.