

Australian Capital Territory

Planning and Development (Essential Works at Affected Residential Premises) Guidelines 2020 (No 2)*

Notifiable instrument NI2020–476

made under the

Planning and Development Regulation 2008, Schedule 1, section 1.17A (Criterion 7A–affected residential premises)

1 Name of instrument

This instrument is the *Planning and Development (Essential Works at Affected Residential Premises) Guidelines 2020 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Guidelines

I make the guidelines at Schedule 1 about development that is essential for health, safety or reasonable living conditions at affected residential premises.

4 Revocation

I revoke the *Planning and Development (Essential Works at Affected Residential Premises) Guidelines 2020 (NI2020-357)*.

Mick Gentleman MLA
Minister for Planning and Land Management
3 August 2020

*Name amended under Legislation Act, s 60

Schedule 1

(see section 3)

GUIDELINES ON DEVELOPMENT ESSENTIAL FOR HEALTH, SAFETY OR REASONABLE LIVING CONDITIONS AT LOOSE-FILL ASBESTOS AFFECTED PREMISES

*Note: these guidelines apply for the assessment of development under the *Planning and Development Act 2007* and *Planning and Development Regulation 2008*.*

1. PURPOSE OF THE GUIDELINES

These guidelines provide guidance to owners of residential premises affected by loose-fill asbestos insulation (affected residential premises) and the general public on the type of development that is considered essential for health, safety or reasonable living conditions and may be undertaken.

2. GUIDING PRINCIPLES AND EXAMPLES FOR ESSENTIAL WORK

The following principles and examples are provided to assist owners of affected residential premises and the general public about the types of development at affected residential premises which are considered essential for health, safety or reasonable living conditions.

2.1. Principles for essential work

1. Development is permitted only where it is necessary to allow lawful occupants to maintain tenable conditions to continue to live in their homes (affected residential premises).
2. Development is permitted only where it is necessary to be undertaken to allow the occupant to remain in the home until mid-2025 (when Government will consider compulsory acquisition actions, as previously announced).
3. Development which is for aesthetic improvement only is not considered essential and is not permitted.
4. Development must be for an essential health, safety or reasonable living conditions, such as for reasons detailed below.
5. Where applicable, proposed development should be supported by written evidence from a relevant professional of the essential need for the work to be undertaken, for example: a health professional or disability access professional.

2.2. Examples

Examples of development which are considered essential for health, safety or reasonable living conditions at affected residential premises may include, but are not limited to, the following:

Health – development that is required to support ongoing health requirements. For example:

- Internal and external alterations itemised within a relevant Australian standard for accessibility or adaptability or the National Construction Code, required to address accessibility or mobility requirements of the occupant including the alteration of door widths, strengthening of the structure to support installation of accessibility features, placement of socket outlets, bench heights, ramps, balustrades and handrails.
- The installation of fixtures recommended for the occupant by a registered health professional, including specific types of light switches, door hardware, taps and showerheads.
- Maintenance, repair and replacement of sanitary facilities and fixtures necessary for washing and hygiene, such as showers, water heaters and toilets.
- Work required to repair the building or maintain the condition of the building in protecting occupants from weather, pests and vermin, including work to prevent or fix damage to structural members and wall floor and/or ceiling linings, caused by storms, mould, mildew, termite attack or vermin.

Safety – development that is required to support safety. For example:

- The installation, maintenance and replacement of security devices such as security cameras and alarms, security screens, bars and door locks or smoke alarms.
- Work to repair structural members and other elements of the building or building systems that may be becoming unsound or unsafe.

Reasonable living conditions – development that is required for reasonable living conditions of the lawful occupants of the premises. For example:

- Maintenance and general repairs to existing structures, fittings and fixtures.
- Installation or replacement of fixtures and fittings installed for space heating and cooling equipment within the home.
- Maintenance, repair or replacement of facilities reasonably required for preparing and cooking food and clothes washing.