



Australian Capital Territory

Planning and Development Amendment Regulation 2009 (No 4)

Subordinate Law SL2009-14

The Australian Capital Territory Executive makes the following regulation under the *Planning and Development Act 2007*.

Dated 20 April 2009.

ANDREW BARR
Minister

KATY GALLAGHER
Minister



Australian Capital Territory

Planning and Development Amendment Regulation 2009 (No 4)

Subordinate Law SL2009-14

made under the

Planning and Development Act 2007

1 Name of regulation

This regulation is the *Planning and Development Amendment Regulation 2009 (No 4)*.

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 and Development Regulation 2008*.

J2009-366

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

4 New sections 405 to 407

insert

405 Meaning of *declared funding program*

In this regulation:

declared funding program means—

- (a) the Commonwealth's *Appropriation (National Building and Jobs) Act (No 2) 2008-2009* (Cwlth); or
- (b) a program declared by the Chief Minister to be a declared funding program under section 406.

406 Declaring programs and developments

- (1) The Chief Minister may declare a program to be a declared funding program if—
 - (a) satisfied that the program provides funding for development or other activities in schools; and
 - (b) the program is administered by the Territory or Commonwealth.
- (2) If the Chief Minister is satisfied that a development or other activity is funded completely or partly by 1 or more declared funding programs—
 - (a) the Chief Minister may make a declaration to that effect; and
 - (b) for this regulation, the development or other activity is taken to be funded completely or partly by 1 or more declared funding programs.
- (3) A declaration under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

407 Expiry

This section, and the following provisions expire on 31 March 2013:

- (a) section 405;
- (b) section 406;
- (c) schedule 2, item 7;
- (d) schedule 2, item 8;
- (e) dictionary, definition of *declared funding program*.

5 Schedule 2, new items 7 and 8

insert

- 7 Building a new building or altering or demolishing an existing building (and carrying out any related earthworks or other construction work on or under the land) if—
- (a) the building is on an existing school campus; and
 - (b) the building is—
 - (i) a class 3 building; or
 - (ii) a class 9b building; and
 - (c) the building, alteration or demolition is funded completely or partly under 1 or more declared funding programs.

Example—class 3 building

dormitory

Examples—class 9b buildings

hall, auditorium, gymnasium, library, classroom

Note 1 Some developments may be exempt from the requirement for development approval (see sch 1, s 1.99C and s 1.99D).

Note 2 **Class**, for a building or structure, means the class of building or structure under the building code (see dict).

Note 3 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- 8 Any of the following activities in relation to an existing school campus (including carrying out any related earthworks or other construction work on or under the land) if the activity is funded completely or partly under 1 or more declared funding programs:
- (a) building or installing an entrance to a school;
 - (b) building or installing a verandah, including a balcony, awning, portico or landing;
 - (c) putting up, attaching or displaying a sign or altering or removing a sign;
 - (d) building or installing playground and exercise equipment;
 - (e) building or installing a fence;
 - (f) building or installing a shade structure;
 - (g) building or installing a covered walkway;
 - (h) building or installing a flag pole;
 - (i) building or installing a water tank;
 - (j) landscape gardening;
 - (k) building or installing a car park;
 - (l) building or installing a bicycle enclosure;
 - (m) building or installing a toilet facility or change room facility;
 - (n) sealing or resealing a driveway;
 - (o) building or installing a demountable or transportable building;

(p) building or installing a class 10b structure.

Examples—class 10b structures

retaining or freestanding wall, mast or antenna, swimming pool.

Note 1 Some developments may be exempt from the requirement for development approval (see sch 1, div 1.3.6A).

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

6 Dictionary, new definition of *declared funding program*

insert

declared funding program—see section 405.

Endnotes

1 Notification

Notified under the Legislation Act on 23 April 2009.

2 Republications of amended laws

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

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