



Australian Capital Territory

Planning and Development (Solar Access) Amendment Regulation 2016 (No 1)

Subordinate Law SL2016-24

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

Dated 18 August 2016.

MICK GENTLEMAN
Minister

ANDREW BARR
Minister

J2016-361

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



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[Planning and Development Act 2007](#)

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1 Name of regulation

This regulation is the *Planning and Development (Solar Access) Amendment Regulation 2016 (No 1)*.

2 Commencement

This regulation commences on a day fixed by the Minister by written notice.

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

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

3 Legislation amended

This regulation amends the *Planning and Development Regulation 2008*.

4 Schedule 1, new section 1.26 (ba)

insert

- (ba) if the skylight is on a block to which a relevant solar building envelope applies—the skylight does not project beyond the relevant solar building envelope; and

5 Schedule 1, section 1.27 (1) (b)

substitute

- (b) if the service is mounted on a roof—
- (i) the distance from the top of the service to the closest point of the roof is not more than 1.5m; and

- (ii) if the service is on a block to which a relevant solar building envelope applies—the service does not project beyond the relevant solar building envelope; and

6 Schedule 1, section 1.27A (1) (b)

substitute

- (b) if the panel is on a block to which a relevant solar building envelope applies—no part of the panel projects beyond the relevant solar building envelope; and
- (ba) if the panel is a protruding panel on a block to which a relevant solar building envelope does not apply—
 - (i) no part of the panel is more than 300mm above the closest point of the roof; or
 - (ii) no part of the panel restricts solar access to another block; and

7 Schedule 1A, new section 1A.10 (1A)

insert

- (1A) This section does not apply if—
 - (a) a relevant solar building envelope applies to the block; and
 - (b) any point of the building or structure extends beyond the relevant solar building envelope (an *encroachment*); and
 - (c) the encroachment is not permitted by a relevant development approval.

8 Schedule 1A, new section 1A.11 (1A)

insert

- (1A) This section does not apply if—
 - (a) a relevant solar building envelope applies to the block; and

- (b) any point of the building or structure extends beyond the relevant solar building envelope (an *encroachment*); and
- (c) the encroachment is not permitted by a relevant development approval.

9 Dictionary, new definition of *relevant solar building envelope*

insert

relevant solar building envelope means—

- (a) for a development of a single dwelling on a block in an estate development plan approved under a development application on or after 5 July 2013—the solar building envelope that applies to the block under the [territory plan](#), Residential Zones—Single Dwelling Housing Development Code; or
- (b) for a development of multi unit housing on a block in an estate development plan approved under a development application on or after 5 July 2013—the solar building envelope that applies to the block under the [territory plan](#), Residential Zones—Multi Unit Housing Development Code.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 29 August 2016.

2 Republications of amended laws

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

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