



Australian Capital Territory

Planning and Development Amendment Regulation 2021 (No 1)

Subordinate Law SL2021-16

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

Dated 29 May 2021.

MICK GENTLEMAN
Minister

ANDREW BARR
Minister



Australian Capital Territory

Planning and Development Amendment Regulation 2021 (No 1)

Subordinate Law SL2021-16

made under the

[Planning and Development Act 2007](#)

1 Name of regulation

This regulation is the *Planning and Development Amendment Regulation 2021 (No 1)*.

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*.

4 New part 3.1AAA

before part 3.1AB, insert

**Part 3.1AAA Prohibited waste facility
development applications**

**20AA Sites that are not waste facilities—Act, s 137F (2), def
waste facility, par (b) (ii)**

- (1) A site, other than an incineration facility, that is used to handle not more than 15kt of waste each year (a *small waste site*) is prescribed.
- (2) To avoid any doubt, subsection (1) is not intended to permit the planning and land authority to accept a development application from an existing small waste site that would, if it were approved, permit an increase in the amount of waste handled each year on the site to more than 15kt.

Note For the [Act, s 137F](#), a site that handles not more than 15kt of waste each year is a prescribed site under s (1) and therefore not a waste facility (see [Act, s 137F \(2\)](#), def *waste facility*, par (b) (ii)). However, if a development application is lodged to increase the amount of waste handled each year on the site to more than 15kt, the site is a waste facility and the application is a prohibited waste development application (see [Act, s 137F \(2\)](#)).

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 5 July 2021.

2 Republications of amended laws

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

© Australian Capital Territory 2021