

Australian Capital Territory

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

Subordinate Law SL2026-18

The Australian Capital Territory Executive makes the following regulation under the *Planning Act 2023*.

Dated 13 November 2026.

ANDREW BARR
Chief Minister

CHRIS STEEL
Minister

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Planning Act 2023

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1 Name of regulation

This regulation is the *Planning (Exempt Development) Amendment Regulation 2026 (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 (Exempt Development) Regulation 2023*.

4 Section 7 (3) (b)

substitute

(b) schedule 1, section 1.41 (Class 10 buildings and other structures in boundary clearance area);

5 New section 14 (1) (d)

insert

(d) mandatory requirements for development mentioned in schedule 1, part 1.4 (***mandatory matters development control***).

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

insert

(h) section 1.17A (Criterion 8—compliance with mandatory matters).

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7 New schedule 1, section 1.17A

in part 1.2, insert

1.17A Criterion 8—compliance with mandatory matters

Development must comply with the mandatory matters stated in a relevant mandatory matters development control declared under section 14 (1) (d).

8 Schedule 1, section 1.18

substitute

1.18 Information about certain development proposals

(1) This section applies in relation to a development proposal for—

(a) development mentioned in section 1.130 (Compliant single dwellings); and

(b) development mentioned in section 1.132 (Single dwellings—demolition) if the development is not required to be carried out urgently to address a risk of death or injury to a person, serious harm to the environment or significant damage to property.

(2) The proponent of the development proposal must take reasonable steps to give the following written information about the proposal to each adjoining occupier of the land the subject of the development proposal:

(a) site plans and elevation plans for the development proposal;

(b) if any point of a building or other structure in the proposal extends beyond any relevant solar building envelope (an ***encroachment***)—shadow diagrams of the encroachment;

(c) any additional information required by the territory planning authority by notice published on the authority website.

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(3) However, the proponent need not give the information to an adjoining occupier if the occupier is the proponent or an agent of the proponent.

(4) The proponent may give the information to an adjoining occupier by leaving it at the occupier's building.

Examples

1 leaving it in the letterbox for each apartment in an apartment building

2 placing it under a door that gives access to the building

(5) In this section:

adjoins—see the Act, section 174.

adjoining occupier, in relation to land the subject of a development proposal, means an occupier of a building on land (other than unleased land) that adjoins the subject land.

Note A proponent may be required to show they have complied with this section for other applications related to the development and building work (see this regulation, s 11 (2) (a), *Building Act 2004*, s 26 (2) (i)) and *Building (General) Regulation 2008*, s 7B (2)).

9 Schedule 1, new part 1.3A

insert

Part 1.3A Exemption declarations

1.19 Application—pt 1.3A

This part applies to development mentioned in part 1.4, other than development mentioned in section 1.137 (Tree damaging etc activity).

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1.19A Definitions—pt 1.3A

In this part:

defined provision, in relation to development, means a requirement that applies to the development under—

(a) this schedule, part 1.4; or

(b) a relevant residential zones—single dwelling housing development control.

exemption declaration, in relation to development—see section 1.19B (1).

1.19B Application for exemption declaration

(1) A proponent of a development proposal may apply to the territory planning authority for a declaration (an ***exemption declaration***) that the development is an exempt development despite non-compliance with a defined provision.

(2) The application must be in the form, and contain the information, required by the territory planning authority by notice on the authority website.

1.19C Exemption declarations

(1) Within 10 working days after the day a proponent makes an application for an exemption declaration, the territory planning authority must—

(a) make an exemption declaration in relation to the development; or

(b) refuse to make an exemption declaration.

Note The territory planning authority must not approve anything that is inconsistent with the territory plan (see Act, s 52).

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(2) The territory planning authority may make an exemption declaration only if satisfied that—

(a) the non-compliance with the defined provision is minor; and

(b) undertaking the development other than in accordance with the defined provision will not—

(i) adversely affect someone other than the proponent; or

(ii) more than minimally increase the environmental impact of the development; or

(iii) more than minimally increase the shadowing to any habitable room or principal private open space of another block between 9 am and 3 pm on the winter solstice; and

(c) if section 1.18 applies to the development—section 1.18 has been complied with.

(3) The territory planning authority may, by written notice, ask the proponent for more information in relation to the application.

(4) The time for deciding the application mentioned in subsection (1)—

(a) stops on the day the authority asks the proponent for the information; and

(b) recommences on the day the proponent gives the information to the authority.

(5) In this section:

adversely affect someone does not include having an impact on a view the person has from a block.

1.19D Expiry of exemption declaration

An exemption declaration expires 3 years after the day it is made.

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10 Schedule 1, sections 1.21 and 1.22

substitute

1.21 Installation, alteration and removal of external doors and windows

(1) Designated development for the installation, alteration or removal of an external door or window in a building on a block if—

(a) the development involves no more than the following:

(i) replacing the door or window with either a door or window without changing the width of the opening in the wall;

(ii) increasing the width of the door or window by not more than 500mm;

(iii) increasing the height of the door or window by not more than 500mm;

(iv) reducing the height or width, or both, of the window or door;

(v) installing a wall instead of the door or window or a part of the door or window; and

(b) no part of the door or window is within—

(i) 1.5m of a side boundary of the block; or

(ii) 3m of a rear boundary of the block; or

(iii) 5.5m of the front boundary of the block; and

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(c) for a low impact installation of a new external door or window—the development involves no more than removing part of a wall and installing a door or window with an external horizontal opening of not more than 2m.

Note Changing the external appearance, material or finish of a building or other structure may be subject to other laws, including heritage laws and energy efficiency provisions of building laws.

(2) In this section:

low impact—the installation of a new external door or window is ***low impact*** if the height of the building's finished floor level, or other trafficable surface, immediately adjacent to the installation is not more than 1m above datum ground level.

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

omit

metal sheet to tile

substitute

tile to metal sheet

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

omit

and s 1.22

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

omit

30mm

substitute

100mm

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14 Schedule 1, section 1.24 (1), example

substitute

Example

a mural painted on the external wall of a building or on the outside of a sewerage pipe

15 Schedule 1, section 1.25, new note

insert

Note For rebuilding damaged buildings and other structures, see s 1.134.

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

substitute

(c) increase the gross floor area of the building.

17 Schedule 1, section 1.27

substitute

1.27 Chimneys, flues and vents

(1) Designated development for a chimney, flue or vent for a building in a residential zone if the chimney, flue or vent—

(a) penetrates, or is attached to, the building's roof; and

(b) does not extend more than 1.5m above the lowest point of the roof where it penetrates, or attaches to, the roof.

Example—chimney that is exempt development

A chimney penetrates a sloping roof. The vertical distance from the top of the chimney to the point where the chimney emerges from the roof's surface, on the downhill side of the chimney, is 1.45m.

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(2) Designated development for a chimney, flue or vent for a building in a zone, other than a residential zone, if—

(a) for a chimney, flue or vent that penetrates, or is attached to, the building's roof—it does not extend more than 1.5m above the lowest point of the roof where it penetrates, or attaches to, the roof; and

(b) in any other case—

(i) the vertical distance from the top of the chimney, flue or vent to the bottom is not more than 1.5m; and

(ii) the chimney, flue or vent is not within 1.5m of a boundary of the block.

18 Schedule 1, section 1.28 (a)

omit

$2m^2$

substitute

$4m^2$

19 Schedule 1, section 1.28 (b)

omit

20 Schedule 1, section 1.30 heading

substitute

1.30 External cooling and heating services

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

substitute

(b) if the service is mounted on a roof—the service does not project beyond any relevant solar building envelope; and

22 Schedule 1, section 1.30 (1), note

omit

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

after

air conditioner,

insert

electric hot water heat pump,

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

substitute

(c) if no solar building envelope applies—the panel does not cause 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; and

25 Schedule 1, section 1.31 (3)

omit

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

omit

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27 Schedule 1, section 1.32 (1), note

omit

28 Schedule 1, section 1.34

substitute

1.34 External lighting

(1) Designated development for—

(a) area lighting on the exterior of a building; or

(b) external lighting for landscape gardening or decorative purposes, other than on the exterior of a building.

(2) In this section:

area lighting means lighting to assist people to avoid obstacles while moving around the exterior of a building.

29 Schedule 1, section 1.35 (1)

substitute

(1) Designated development for a driveway across a road verge for a residential lease if—

(a) the driveway complies with Australian/New Zealand Standard AS/NZS 2890.1:2004 (Parking facilities, Part 1: Off-street car parking) as in force from time to time; and

Note AS/NZS 2890.1:2004 does not need to be notified under the Legislation Act because s 47 (6) does not apply (see Act, s 523 (4)). The standard may be accessed at www.standards.org.au.

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(b) if the construction of the driveway will result in 3 or more driveways across the road verge for the lease—

(i) the director-general of the administrative unit responsible for the *Public Unleased Land Act 2013* has agreed, in writing, to the construction of the driveway; and

(ii) the driveway is constructed in accordance with the agreement.

30 Schedule 1, section 1.37 (1)

substitute

(1) Designated development for a temporary, portable or demountable building or other structure if the building or structure is—

(a) non-habitable; and

(b) for use at an event or for another temporary use; and

(c) removed before the end of the longer of the following periods:

(i) 1 year after the day the designated development for the building or other structure begins;

(ii) if the territory planning authority extends, in writing, the 1-year period—the period as extended.

Examples—temporary buildings at events

car parks or food outlets at a circus

Examples—temporary buildings for other uses

fences and sheds at a construction site

Note For shipping containers, see s 1.59.

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31 Schedule 1, new section 1.37 (2A)

insert

(2A) However, if section 1.136 (Home businesses conducted from residential leases) applies to the development, the development must comply with that section.

32 Schedule 1, section 1.41 heading

substitute

1.41 Class 10 buildings and other structures in boundary clearance area

33 Schedule 1, section 1.41 (1) and example

substitute

(1) Designated development for a class 10 building or other structure in a boundary clearance area of a block if the development will not result in the relevant cross-section area of all class 10 buildings or other structures in the boundary clearance area being more than $30m^2$.

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

substitute

class 10 building or other structure does not include—

(a) a sign installed on land; or

(b) a boundary fence.

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

after

means the area

insert

above datum ground level

36 Schedule 1, sections 1.42 to 1.44

substitute

1.42 Class 10a buildings other than external decks and verandahs

Designated development for a class 10a building, other than an external deck or external verandah, if—

(a) the height of the building is not more than 4m above datum ground level; and

(b) no part of the building extends beyond any relevant solar building envelope; and

(c) the building is behind the building line for the block; and

(d) if the building has a floor—the height of the finished floor level is not more than 1m above finished ground level.

Note For requirements for class 10 buildings and other structures within 1.5m of side and rear boundaries, see s 1.41.

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

substitute

(b) the height of the finished floor level of the deck is not more than 1m above finished ground level.

Note For requirements for class 10 buildings and other structures within 1.5m of side and rear boundaries, see s 1.41.

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

omit

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

omit

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

omit

41 Schedule 1, section 1.46 (1), new note

insert

Note For requirements for class 10 buildings and other structures within 1.5m of side and rear boundaries, see s 1.41.

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

substitute

(b) the structure is not higher than 1.85m above datum ground level; and

43 Schedule 1, section 1.47 (f)

omit

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44 Schedule 1, section 1.47, new note

insert

Note For requirements for class 10 buildings and other structures within 1.5m of side and rear boundaries, see s 1.41.

45 Schedule 1, section 1.50

substitute

1.50 Retaining walls

(1) Designated development for a retaining wall on a block if—

(a) any part of the retaining wall that is between a front boundary and the building line for the block is not more than 0.8m, measured from the top of the wall to the lowest adjacent finished ground level; and

(b) any part of the retaining wall that is within 1.5m of a side or rear boundary of the block is not more than 0.4m, measured from the top of the wall to the lowest adjacent finished ground level; and

(c) any part of the retaining wall that is in any other area on the block is not more than 1.2m, measured from the top of the wall to the lowest adjacent finished ground level.

Note For requirements for class 10 buildings and other structures within 1.5m of side and rear boundaries, see s 1.41.

(2) Despite subsection (1) (b), any part of the retaining wall that is within 1.5m of a side or rear boundary of the block may be more than 0.4m but not more than 0.8m, measured from the top of the wall to the lowest adjacent finished ground level if—

(a) the retaining wall is the only class 10 building or other structure (other than a boundary fence) that has any part of it within 1.5m of the boundary; or

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(b) section 1.41 (Class 10 buildings and other structures in boundary clearance area) applies to the retaining wall.

(3) In this section:

retaining wall means a wall, or that part of a wall, that retains earth above or below datum ground level or both.

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

substitute

(a) no part of the pool, or an associated structure, is—

(i) if there is a courtyard wall forward of a building line for the block—between a front boundary and the courtyard wall; or

(ii) in any other case—between a front boundary and a building line for the block; and

(aa) no part of the pool, or an associated structure, is within 1.5m of a side boundary or rear boundary for the block; and

47 Schedule 1, new section 1.51 (1A)

insert

(1A) Subsection (1) (a) does not apply if the front boundary is an open space boundary or a boundary to a reserve or a public pedestrian access way.

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

insert

reserve—see the *Nature Conservation Act 2014*, section 169.

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49 Schedule 1, sections 1.52 to 1.54

substitute

1.52 Antennas

(1) Designated development for an antenna on a block if—

(a) the antenna is a receiving antenna only or an antenna that can send and receive a signal; and

(b) if the antenna is mounted on the ground—the height of the antenna is not more than 6m above datum ground level; and

(c) if the antenna is mounted on a building—

(i) no part of the antenna is more than 2m above the highest point of the building; and

(ii) the antenna does not project beyond any relevant solar building envelope; and

(d) the diameter of the antenna is not more than 1.55m; and

(e) the antenna's colour matches the colour of the adjacent building or is the colour of the antenna as manufactured.

Note For requirements for class 10 buildings and other structures within 1.5m of side and rear boundaries, see s 1.41.

(2) In this section:

antenna includes the support structures for the antenna.

1.53 Flag poles and other poles

(1) Designated development for building or installing a flag pole or other pole if the height of the pole is not more than 10m above finished ground level.

Note A flag pole or other pole in an existing school campus may also be exempt under s 1.115 (Schools—flag poles and other poles).

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(2) In this section:

flag pole includes a lanyard, flag or other item associated with a flag pole.

pole includes any item attached to the pole.

Example

basketball hoop

50 Schedule 1, section 1.55 (a)

omit

51 Schedule 1, section 1.58 (1)

substitute

(1) Designated development for a clothes line on a block if no part of the clothes line is—

(a) if there is a courtyard wall forward of a building line for the block—between a front boundary and the courtyard wall; or

(b) in any other case—between a front boundary and a building line for the block.

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

after

removed

insert

for at least 6 months

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

substitute

(a) section 1.41 (Class 10 buildings and other structures in boundary clearance area);

(b) section 1.42 (Class 10a buildings other than external decks and verandahs);

54 Schedule 1, section 1.74 (1)

substitute

(1) Designated development for a class 10 building or other structure in a boundary clearance area if the development will not result in the relevant cross-section area of all class 10 buildings or other structures in the boundary clearance area being more than $30m^2$.

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

substitute

class 10 building or other structure does not include—

(a) a sign installed on a community garden; or

(b) a boundary fence.

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

after

means the area

insert

above datum ground level

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57 Schedule 1, section 1.115

substitute

1.115 Schools—flag poles and other poles

(1) Designated development for building or installing a flag pole or other pole (and carrying out any related earthworks or other construction work on or under the land) if the height of the pole is not more than 10m above existing ground level.

(2) In this section:

flag pole includes a lanyard, flag or other item associated with a flag pole.

pole includes any item attached to the pole.

Example

basketball hoop

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

omit

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

omit

does not include

substitute

includes

60 Section 1.131

omit

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

omit

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

omit

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

omit

at the lease

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

insert

Note Other territory laws, including the *Environment Protection Act 1997*, must be complied with (see s 1.6 and s 1.13).

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

after the note, insert

(iiia) installing or maintaining a meter for a utility service; or

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

omit

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

omit

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

insert

(g) section 1.17A (Criterion 8—compliance with mandatory matters).

69 Dictionary, new definition of *defined provision*

insert

defined provision, in relation to development, for schedule 1, part 1.3A (Exemption declarations)—see schedule 1, section 1.19A.

70 Dictionary, definition of *exemption declaration*

substitute

exemption declaration, in relation to development, for schedule 1, part 1.3A (Exemption declarations)—see schedule 1, section 1.19B (1).

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

insert

residential zones—single dwelling housing development control—see section 14 (1) (a).

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Schedule 1 Technical amendments

(see s 3)

[1.1] Schedule 1, section 1.1, definition of *built-up urban area*

omit

Explanatory note

This amendment omits a definition in line with current legislative practice.

[1.2] Schedule 1, section 1.13 (4), definition of *heritage register*, note

omit

www.environment.act.gov.au

substitute

www.act.gov.au/environment

Explanatory note

This amendment updates a website address.

[1.3] Schedule 1, section 1.91 (1) (c)

omit

municipal services

substitute

the *Public Unleased Land Act 2013*

Explanatory note

This amendment updates a reference to an administrative unit.

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

[1.4] Schedule 1, section 1.93 (1) (a)

omit

municipal services

substitute

the *Environment Protection Act 1997*

Explanatory note

This amendment updates a reference to an administrative unit.

[1.5] Schedule 1, section 1.101, definition of *young child*

omit

Explanatory note

This amendment omits a definition in line with current legislative practice.

[1.6] Schedule 1, section 1.102 (3), new definition of *young child*

insert

young child—see the *Children and Young People Act 2008*, section 733 (3).

Explanatory note

This amendment inserts a definition in line with current legislative practice.

[1.7] Schedule 1, section 1.140 (3), new definition of *built-up urban area*

insert

built-up urban area—see the *Urban Forest Act 2023*, section 8.

Explanatory note

This amendment inserts a definition in line with current legislative practice.

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

[1.8] Dictionary, definitions of *built-up urban area* and *young child*

omit

Explanatory note

This amendment omits definitions in line with current legislative practice.

Endnotes

1 Notification

Notified under the Legislation Act on 19 November 2026.

2 Republications of amended laws

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

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