

EXPLANATORY MEMORANDUM

PLANNING AND DEVELOPMENT AMENDMENT BILL 2009 (No. E080-1)

(Introduced by Mr Hyde, MLA)

Part 1 – Preliminary

Clauses 1 and 2

Provide, respectively, for the short title and commencement of the Act.

Part 2 – Amendments to the *Planning and Development Act 2005*

Clause 3. Act Amended

This identifies the Act amended by this Part.

Clause 4. Section 223 amended

The penalties in section 223 have been increased to \$500 000 and the daily penalty to \$25 000.

Clause 5. Section 223A inserted

Section 223A has been inserted to create a 5 year moratorium period on development. Contravention of an Order under Part 13 of the *Planning and Development Act 2005* leads to the development moratorium period being placed on the property.

Section 214 of the Planning and Development Act already provides for an owner to carry out repair work in certain circumstances. This section applies where a development has been undertaken in contravention of a planning scheme, interim development order or in contravention of planning control area requirements. No additional provisions have been included in the Amendment Bill.