



AUSTRALIAN CAPITAL TERRITORY

## **Buildings (Design and Siting) (Amendment) Act 1994**

**No. 25 of 1994**

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### **An Act to amend the *Buildings (Design and Siting) Act 1964***

*[Notified in ACT Gazette S93: 31 May 1994]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

1. This Act may be cited as the *Buildings (Design and Siting) (Amendment) Act 1994*.

#### **Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

#### **Principal Act**

3. In this Act, “Principal Act” means the *Buildings (Design and Siting) Act 1964*.<sup>1</sup>

#### **Application of Part VI of Land Act**

4. Section 6 of the Principal Act is amended—

- (a) by omitting from subsection (1) “a proposal for”;
- (b) by omitting from paragraphs (1) (a) and (b) “commencement of any”; and

- (c) by omitting from subsection (2) “proposed”.

### **Insertion**

5. After section 6 of the Principal Act the following section is inserted:

#### **Approval of external design and siting**

“6AAA. Notwithstanding section 6, where—

- (a) building work has been carried out on a parcel of land in the circumstances mentioned in paragraph 46 (1) (a) of the *Building Act 1972*; and
- (b) the Building Controller has, in relation to that building work, given a notice under subsection 46 (1) of that Act;

the Authority shall not approve an application by or on behalf of the owner of the parcel of land under section 226 of the applied Part unless the Authority is satisfied, on reasonable grounds, that the external design and siting of the building work complies with the relevant external design and siting criteria set out in the Plan.”.

#### **Power of Minister to determine fees**

6. Section 9 of the Principal Act is amended by omitting “proposals for”.

#### **Renumbering of provisions**

7. (1) The amended Act is amended as provided by this section.

(2) The sections of the amended Act are renumbered in a single series so that they bear consecutive Arabic numerals.

(3) Any provision of the amended Act that refers to a section of that Act that has been renumbered by subsection (2) is amended by omitting that reference and substituting a reference to the section as so renumbered.

(4) A reference in a provision of another law of the Territory made before the commencement of this section (whether or not that provision has commenced), or in any instrument or document, to a section of the amended Act that has been renumbered by subsection (2) shall (except as regards the operation of the section before it was so renumbered) be construed as a reference to that section as so renumbered.

(5) In this section, “amended Act” means the Principal Act as amended by sections 4 to 6 (inclusive).

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**NOTE**

1. Reprinted as at 31 January 1994.

*[Presentation speech made in Assembly on 14 April 1994]*

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