

**1994**

**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY**

**BUILDINGS (DESIGN AND SITING) REGULATIONS (AMENDMENT)**

**EXPLANATORY MEMORANDUM**

**Circulated by the Authority of Bill Wood MLA  
Minister for the Environment, Land and Planning**

## General Outline

These regulations amend the Buildings (Design and Siting) Regulations (the Regulations).

The *Buildings (Design and Siting) Act 1964* (the Act) provides for the control of any development involving any aspect of the external design and siting of buildings.

Section 3 of the Act defines the term "external design". It sets out what works require design and siting approval. It also provides that if works are prescribed, they are not included within the term and as such are not subject to design and siting approval.

The amending regulations list works which are not subject to design and siting approval. These works are of a minor or routine nature and it is considered that persons should be able to proceed to carry out the work without the proponent applying to the ACT Planning Authority, for approval. It is also intended to continue to exempt public works for which funding has been authorised.

## Clause Notes

### Clauses 1 and 2 - Commencement and Principal Regulations

Clauses 1 and 2 are machinery clauses that provide for the commencement of the Regulations and specify the Principal Regulations.

### Clause 3 - Interpretation

Clause 3 amends Regulation 2 of the Principal Regulations. Regulation 2 defines terms for the purposes of the Principal Regulations.

The terms are required to clarify their meaning for the purposes of specifying what are prescribed works.

### Clause 4 - External design - prescribed works

Clause 4 amends Regulation 2A of the Principal Regulations. Regulation 2A prescribes works which then, for the purposes of section 3 of the Act, do not fall within the definition of 'external design'.

Regulation 2A is amended to provide that prescribed works are works

- for which funding has been authorised before 1 May 1994 from revenues, loans and other money received by the Territory ;
- specified in Schedule 3, being works not subject to design and siting approval ;

- specified in Schedule 4, where the proposed work conforms with guidelines or standards adapted by the Authority ; and
- specified in Schedule 5, where the proposed work relates to a development that is the subject of an approved implementation plan.

**Clause 5                      -                      Schedule**

Clause 5 amends the Principal Regulations by adding further Schedules for the purposes of the Regulations.