

1992

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

BUILDINGS (DESIGN AND SITING) (AMENDMENT) BILL (No.2) 1992

EXPLANATORY MEMORANDUM

Circulated by the Authority of the Minister for the Environment, Land and Planning

Bill Wood MLA

BUILDINGS (DESIGN AND SITING) (AMENDMENT) BILL (N0.2) 1992

This Bill amends the *Buildings (Design and Siting) Act 1964* ('the Design and Siting Act') to allow for the making of regulations for exemption of a proposal for the external design and siting of a building from the provisions of the *Land (Planning and Environment) Act 1991* ('the Land Act') relating to approvals and orders.

OUTLINE

The Buildings (Design and Siting) Act 1964 provides for the control of the external design and siting of buildings in the Territory. Part VI of the Land Act applies to applications under the Design and Siting Act by virtue of section 6 of the Design and Siting Act. Section 14 of the Design and Siting Act provides for the making of regulations for the purposes of the Act, however legal advice it that the provisions of section 14 are not sufficient to extend to exempting proposals from Part VI ('the applied Part') of the Land Act.

FINANCIAL IMPLICATIONS

Existing provisions of the Design and Siting Regulations exempt proposals for the external design and siting of buildings on residential land from fees unless the proposal requires public notification. Buildings and structures intended to be granted exemption from Design and Siting approval would presently escape fee charges, or in a few cases would attract the minimum charge of about \$150. It would appear, on the basis of experience since the system was introduced on 16 July 1992 that any loss of revenue from foregoing these fees will be considerably outweighed by savings in administering applications under Part VI of the Land Act.

MAIN AMENDMENTS

Clause 4 - Exemption of proposals for external design and siting from Part VI of the Land Act

Section 14 of the Act provides that the Executive may make regulations not inconsistent with the Act prescribing matters required, permitted, necessary or convenient to be prescribed for carrying out or giving effect to the Act. Clause 4 amends section 14 to provide that the Executive can make regulations to exempt a proposal for the external design and siting of a building from the application of all or any of the provisions of Part VI of the Land Act. Part VI of the Land Act applies to the Design and Siting Act by virtue of specific provisions previously inserted into section 6 of the Design and Siting Act.

FORMAL AND TECHNICAL MATTERS

Clauses 1, 2 and 3

Clauses 1 and 2 provide for the citation and the commencement of the Bill.

Clause 3 provides for the interpretation of the Bill.