



Australian Capital Territory

Buildings (Design and Siting) Regulations¹ (Amendment)

Subordinate Law No. 16 of 1993²

The Australian Capital Territory Executive makes the following Regulation under the *Buildings (Design and Siting) Act 1964*.

Dated 30 March 1993.

BILL WOOD
Minister

TERRY CONNOLLY
Minister

Substitution

Regulation 3 of the Buildings (Design and Siting) Regulations is repealed and the following regulations and schedules are substituted:

Prescribed period—subsection 230 (4) of the applied Part

“3. (1) For the purposes of subsection 230 (4) of the applied Part, the prescribed period in respect of an application for approval to conduct an activity specified in Column 2 of an item in Schedule 1 is—

- (a) where paragraph 229 (1) (a) or (b) of the applied Part need not be complied with in relation to the application and the Authority has not, under subsection 232 (1) of the applied Part, required the applicant to give notice of the application—the period specified in Column 3 of that item;
- (b) where paragraph 229 (1) (a) or (b) of the applied Part need not be complied with in relation to the application and the Authority has, under subsection 232 (1) of the applied Part, required the applicant to give notice of the application—the period equal to the aggregate of the period specified in Column 3 of that item and 4 weeks;
- (c) where paragraphs 229 (1) (a), (b) and (c) of the applied Part apply in respect of an application and the Authority has not, under subsection 232 (1) of the applied Part, required the applicant to give notice of the application—the period specified in Column 4 of that item; or
- (d) where paragraphs 229 (1) (a), (b) and (c) of the applied Part apply in respect of an application and the Authority has, under subsection 232 (1) of the applied Part, required the applicant to give notice of the application—the period equal to the aggregate of the period specified in Column 4 of that item and 4 weeks.

“(2) The period specified by subregulation (1) in respect of an application for approval to conduct an activity commences on the day on which the application is lodged with the Authority pursuant to paragraph 226 (1) (d) of the applied Part.

Prescribed period—subsection 235 (1) of the applied Part

“4. For the purposes of subsection 235 (1) of the applied Part, the prescribed period in respect of an application for approval to conduct an activity specified in Column 2 of an item in Schedule 2 is—

- (a) where paragraph 229 (1) (b) of the applied Part need not be complied with in relation to the application—the period specified in Column 3 of that item commencing on the day on which the application is forwarded to the concurring authority pursuant to paragraph 229 (1) (c) of the applied Part; or

- (b) in any other case—the period specified in Column 4 of that item commencing on the day on which the application is forwarded to the concurring authority pursuant to paragraph 229 (1) (c) of the applied Part.

Prescribed period—subsection 237 (1) of the applied Part

“5. For the purposes of subsection 237 (1) of the applied Part, the prescribed period is—

- (a) where notice of the making of the application is published in a daily newspaper under paragraph 229 (1) (b) of the applied Part—the period of 21 days commencing on the date of publication of the notice; or
- (b) in any other case—the period of 42 days commencing on the day on which the application is lodged with the Authority pursuant to paragraph 226 (1) (d) of the applied Part.

Prescribed period—subsection 246 (3) of the applied Part

“6. For the purposes of subsection 246 (3) of the applied Part, the prescribed period is 14 days commencing on the day on which the Authority gives the concurring authorities the notice under subsection 246 (1) of the applied Part.

Prescribed period—subsection 256 (6) of the applied Part

“7. For the purposes of subsection 256 (6) of the applied Part, the prescribed period is 21 days commencing on the day on which the Authority receives the application under subsection 256 (1) of the applied Part.

Exemption of activities from application of the applied Part

“8. (1) The applied Part does not apply in respect of the external design and siting on a parcel of land of a building that is a prescribed building within the meaning of section 6AA of the *Building Act 1972*—

- (a) if the building is to be a letterbox—wherever it is proposed to be erected on the parcel of land; or
- (b) in any other case—unless the building is to be built—
 - (i) between a front boundary and a building line;
 - (ii) less than 1.8 metres from a side boundary; or
 - (iii) less than 4 metres from a rear boundary;of the parcel of land.

“(2) In this regulation—

‘building line’ has the same meaning as in the Plan;

‘front boundary’ has the same meaning as in the Plan;

‘rear boundary’ means any boundary the line of which does not meet the line of a front boundary;

‘side boundary’ means any boundary the line of which meets the line of a front boundary.

Exemption of activities from application of certain provisions of the applied Part

“9. (1) Sections 229 and 276 of the applied Part do not apply in respect of the external design and siting of a building where—

- (a) the building will comply with the requirements of the Plan relating to the siting of buildings and their measurable or quantifiable physical characteristics;
- (b) the building is to be constructed by, or for, a government agency or community organisation for the purpose of providing a shelter for persons with urgent or special accommodation needs;
- (c) the building is to be erected on land that is defined land within the meaning of Subdivision D of Division 3 of Part II of the Land Act and the building will comply with the purposes, principles and policies specified in the Plan for the development of that land; or
- (d) the building is a sign which will comply with the requirements of the Plan relating to the external design and siting of buildings.

“(2) Sections 229 and 276 of the applied Part do not apply in relation to an application for approval for the external design and siting of a building where—

- (a) an application for approval of the external design and siting of the building was made to the Interim Territory Planning Authority or the Territory Planning Authority before 15 July 1992; or
- (b) an application for approval of the external design and siting of the building was, before 15 July 1992, to be deemed to have been made to the Interim Territory Planning Authority or the Territory Planning Authority by virtue of subsection 9 (1) of the Act.

“(3) In this regulation—

‘community organisation’ means a body corporate that—

- (a) has as its principal purpose the provision of a service, or a form of assistance, to persons living or working in the Territory;
- (b) is not carried on for the pecuniary profit or gain of its members; and
- (c) does not hold a Club Licence under the *Liquor Act 1975*;

‘government agency’ means an administrative unit of the Public Service or a body (whether incorporated or not) established for a public purpose by or under a law of the Territory.

SCHEDULE 1

Regulation 3

PRESCRIBED PERIOD—SUBSECTION 230 (4) OF THE APPLIED PART

Column 1 Item	Column 2 Activity	Column 3 Prescribed period (in weeks) when full public notice is not required	Column 4 Prescribed period (in weeks) when full public notice is required
1	Design and siting of a detached building to be erected on a parcel of land leased for residential purposes only under a lease that does not permit the erection of more than one dwelling-house on the land	4	9
2	Design and siting of a building to be erected on a parcel of land leased for residential purposes only, being a parcel of land on which 2 self-contained dwellings may be erected	8	10
3	Design and siting of a sign	4	9
4	Design and siting of a building not referred to in item 1, 2, 3 or 4	8	9

SCHEDULE 2

Regulation 4

PRESCRIBED PERIOD—SUBSECTION 235 (1) OF THE APPLIED PART

Column 1 Item	Column 2 Activity	Column 3 Prescribed period (in weeks) when full public notice is not required	Column 4 Prescribed period (in weeks) when full public notice is required
1	Design and siting of a detached building to be erected on a parcel of land leased for residential purposes only under a lease that does not permit the erection of more than one dwelling-house on the land	3	7
2	Design and siting of a building to be erected on a parcel of land leased for residential purposes only, being a parcel of land on which 2 self-contained dwellings may be erected	6	7
3	Design and siting of a sign	3	7
4	Design and siting of a building not referred to in item 1, 2, 3 or 4	6	7"

NOTES

1. Reprinted as at 30 April 1991. See also Subordinate Law No. 32, 1992.
2. Notified in the ACT Gazette on 2 April 1993.