



Australian Capital Territory

Buildings (Design and Siting) Regulations¹ (Amendment)

Subordinate Law No. 43 of 1993²

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

Dated 12 November 1993.

BILL WOOD
Minister

TERRY CONNOLLY
Minister

Commencement

1. (1) Regulations 1, 2, 4 and 5 commence on the day on which they are notified in the *Gazette*.

(2) Regulation 3 commences on 1 December 1993.

Principal Regulations

2. In these Regulations, “Principal Regulations” means the Buildings (Design and Siting) Regulations.

Insertion

3. After regulation 2 of the Principal Regulations the following regulation is inserted:

External design—prescribed works

“2A. For the purpose of the definition of ‘external design’ in section 3 of the Act, prescribed works are works for which funding has been authorised before 1 January 1994 from revenues, loans and other money received by the Territory.”.

Insertion

4. After regulation 8 of the Principal Regulations the following regulation is inserted:

Dwelling applications—notification

“8A. (1) Paragraphs 229 (1) (a) and (b) of the applied Part do not apply to an application for external design and siting approval in respect of a dwelling where the Authority has notified the applicant that notice of the making of the application is to be given to the lessee of each adjoining property.

“(2) For the purposes of subregulation (1), a notice of the making of an application shall be required to be in a form approved by the Authority.

“(3) An application is to be taken to have been withdrawn if the applicant fails to comply with a requirement of the Authority under subregulation (1) within a time specified in the notice given by the Authority, or within such further time as is notified in writing by the Authority to the applicant.

“(4) The applicant shall pay the cost of a notice given in accordance with a requirement of the Authority under subregulation (1).

“(5) In this regulation—

‘dwelling’—

- (a) has the same meaning as in the Plan; and
- (b) without limiting the generality of that meaning—includes a carport or garage for the use of the occupant of a dwelling within the meaning of paragraph (a);

‘lessee’ has the same meaning as in the Land Act.”.

Exemption from notification and review requirements

5. Regulation 9 of the Principal Regulations is amended—

- (a) by omitting subregulation (1) and substituting the following subregulation:

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

- (a) in the case of a building—the external design and siting of the building meets the applicable requirements referred to in paragraph 3.1 of the relevant land use policy in Parts B1 to B5 (inclusive) and B7 to B15 (inclusive) of the Plan;
- (b) in the case of a sign—the external design and siting of the sign meets the applicable requirements in Part C3 of the Plan; or
- (c) in the case of works on defined land—the works are to be carried out for or on behalf of the Territory.”; and

- (b) by omitting subregulation (3) and substituting the following subregulation:

“(3) In this regulation—

‘defined land’ means land identified in the Plan for the purposes of Subdivision D of Division 3 of the Land Act;

‘works’ means—

- (a) any works affecting—

- (i) the appearance of, or works for or in connection with the construction or provision of, a structure; or
- (ii) in the case of the construction of a channel, tunnel or the provision of gas, water, sewerage or electrical services—works for the excavation, construction or installation of the channel or tunnel, or those services; or

- (b) any excavation of, or other modification to, a parcel of land, other than an excavation (not being

an excavation for the purpose of the construction of the building) or any other modification to the landscape of the parcel of land on which the building is built or is proposed to be built, that would significantly alter the topography of the land.”.

NOTES

1. Reprinted as at 30 April 1993.
2. Notified in the ACT Gazette on 15 November 1993.