

AUSTRALIAN CAPITAL TERRITORY

BUILDINGS (DESIGN AND SITING) ORDINANCE 1964

EXPLANATORY MEMORANDUM

No. 20 of 1964

In the past, under administrative arrangements, the Proper Authority has referred all applications to the National Capital Development Commission for its approval as to external design and siting of proposed buildings. The new Ordinance has been made to give legislative effect to existing arrangements by conferring on the National Capital Development Commission certain powers under the laws of the Territory regarding approval of external design and siting aspects of new buildings and additions or alterations to existing buildings. There will, therefore, now be a legislative basis for the oversight of design and siting by the National Capital Development Commission in exercising its responsibility as the Canberra Planning Authority.

The Ordinance will apply to buildings in the City Area and the Minister is empowered to extend by Regulation the application of the Ordinance to areas outside the City Area if he is satisfied that such action is desirable for carrying out the Commission's policies with respect to the planning and development of Canberra.

The Ordinance empowers the Commission to grant, either absolutely or subject to conditions, or to refuse applications for approval of proposals with respect to the external design and siting of buildings and of alterations to existing buildings.

Where a permit has not been obtained in respect of the construction of or alteration to a building under the Canberra Building Regulations and where the person concerned lodges an objection to a "stop" notice served by the Proper Authority it is provided that the Canberra Building Review Committee should not make an order upholding an objection to a notice unless the approval of the National Capital Development Commission with respect to the external design and siting of the building has first been obtained. It is also provided that the Canberra Building Review Committee is not to revoke a notice or give any directions to a person lodging an objection to such a notice if either course of action would result in the external design or siting of a building or alteration being otherwise than as approved by the Commission.

The Proper Authority is not to approve the design of a proposed building or alteration under the Canberra Building Regulations unless the Commission has first approved the proposals with respect to the external design and siting of the building or alteration. The Proper Authority may refuse an application for an approval for a permit under the Canberra Building Regulations by reason of the external design or

siting of a proposed building or alteration if he is satisfied that it is necessary in the interest of health or safety of persons or property or in order to prevent contravention of the Building Regulations or of some other law or the terms and conditions of a lease or tenancy granted by the Commonwealth.

The Commission is to have full access to plans and specifications submitted to the Proper Authority for approval and all applications to the Proper Authority are to be deemed to be applications to the Commission. The Proper Authority may require applicants to submit further plans and specifications or information if the Commission considers that plans and specifications are inadequate for the purposes of approvals.

The Ordinance will establish a Design and Siting Review Committee consisting of the following members :—

- (a) a Chairman;
- (b) a member of the National Capital Planning Committee; and
- (c) a person representing the Royal Australian Institute of Architects.

The members are to be appointed by the Minister who may also appoint deputies of the Chairman and members. Members and deputies are to hold office for a period not exceeding three years, provided that a member or his deputy may be removed from office if he becomes bankrupt, resigns, becomes incapable of performing his duties or ceases to be a member of the National Capital Planning Committee or the Royal Australian Institute of Architects, as the case may be. Members and deputies are to be eligible for reappointment and are to be paid such fees and allowances as the Minister determines. The deputies of the two members referred to in (b) and (c) above must also be members of the National Capital Planning Committee and the Royal Australian Institute of Architects respectively.

A person is not to be eligible for appointment as a member representing the Royal Australian Institute of Architects or his deputy unless the person is a member of the Institute and his name is included on a panel of five names submitted by the Institute. If the Institute does not furnish a panel of five names within the time specified by the Minister or, in any case in which the Minister considers that there are special circumstances justifying the appointment or reappointment of a person not included in a panel of names submitted by the Institute, the Minister may appoint such a person.

A member of the Committee or his deputy is not eligible to act as a member in any matter coming before the Committee in which he is, either directly or indirectly, financially interested and, in such a case the Minister may appoint another person as a Committee member in that matter.

The Committee is to have power to review decisions of the Commission. An application for such review is to be made within fourteen days of a decision having been given. The Committee may hear evidence and direct the Commission to grant approvals or vary conditions and the Committee may specify the manner in which applications for approval by the Commission are to be amended.

A decision of a majority of the members of the Committee is to be deemed to be a decision of the Committee and the Commission is to give effect to the Committee's directions.