

1992

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

BUILDINGS (DESIGN AND SITING) REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

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

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BUILDINGS (DESIGN AND SITING) REGULATIONS (AMENDMENT)

These regulations amend the *Buildings (Design and Siting) Regulations* to allow for the exemption of certain buildings and structures from the provisions of the *Land (Planning and Environment) Act 1991* ('the Land Act') relating to approvals and orders. Part VI of the Land Act applies to the approval of design and siting proposals by virtue of section 6 of the *Buildings (Design and Siting) Act 1964* ('the Design and Siting Act').

OUTLINE

The Design and Siting Act provides for the control of the external design and siting of buildings in the Territory. Section 14 of the Design and Siting Act provides for the making of regulations for the exemption of a proposal for the external design and siting of a building, either absolutely or subject to conditions, from the application, of all or any of the provisions of the Land Act.

The regulations prescribes the classes of buildings to be exempt from design and siting approval, and in certain cases, classes of buildings which would otherwise be prescribed buildings, but which are to remain subject to design and siting approval.

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 \$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.

MAIN AMENDMENTS

Regulation 3 - Exemption from Part VI of the Land Act

Regulation 3 repeals Regulation 2 of the Principal Regulations and substitutes a new Regulation 2 and a new Regulation 3. The new Regulation 3 provides that a building is not subject to the approvals and orders provisions of Part VI of the Land Act as they apply to the external design and siting of buildings, if the building is a prescribed

building for the purposes of section 6AA of the *Building Act 1972*.

Sub-paragraph 3(1)(b) excludes from the exemptions provided under Paragraph 3(1) any building proposed to be built between the front property boundary and the front building line, or within prescribed distances from side and rear boundaries.

Sub-regulation 3(2) defines certain terms for the purposes of Regulation 3(1).

FORMAL AND TECHNICAL MATTERS

Regulations 1, 2 3 and 4

Regulation 1 defines "Principal Regulations".

Regulation 2 provides for the regulations to commence on the day on which the amendments to the *Building Act 1972* to exempt prescribe buildings from building control also commence.

Regulation 3 repeals the existing Regulation 2 which specified areas outside of the City Area to which the Design and Siting Act applied under a previously repealed section of the Act.

The new Regulation 4 repeals the Schedule to the Regulations which, for the purposes of the repealed Regulation 2, described Oaks Estate, the Village of Hall and the Village of Tharwa.