



Australian Capital Territory

## **Buildings (Design and Siting) Regulations<sup>1</sup> (Amendment)**

**Subordinate Law No. 46 of 1995<sup>2</sup>**

---

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

Dated 11 December 1995.

GARY HUMPHRIES  
Minister

KATE CARNELL  
Minister

---

### **Commencement**

**1.** These Regulations commence on the day on which they are notified in the *Gazette*.

**Principal Regulations**

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

**Insertion**

3. After regulation 7 of the Principal Regulations the following regulation is inserted:

**Extensions of time for the purposes of the applied Part**

“7A. (1) Where—

- (a) application is made under section 226 of the applied Part for approval to conduct an activity specified in Column 2 of an item in Schedule 1; and
- (b) the applicant will only be able to undertake the activity if he or she obtains approval to conduct a controlled activity within the meaning of the Land Act, being an activity for which the applicant has made application for approval under section 226 of the Land Act but for which approval has not been granted;

the period prescribed under regulation 3 in respect of the first-mentioned application is extended by—

- (c) the period prescribed for the purposes of subsection 230 (4) of the Land Act in respect of the second-mentioned application; and
- (d) any extension of the period mentioned in paragraph (c) prescribed under the Land Act.

“(2) Where—

- (a) application is made under section 226 of the applied Part for approval to conduct an activity specified in Column 2 of an item in Schedule 1;
- (b) the applicant for approval applies to the Authority under subsection 228 (1) of the applied Part for a part of any copy of the application under section 226 to be excluded from being made available to the public or for public inspection;
- (c) the Authority, under subsection 228 (2) of the applied Part, refuses to approve the application under subsection 228 (1); and
- (d) the Authority receives notification pursuant to subsection 27 (11) of the *Administrative Appeals Tribunal Act 1989* that the applicant has made application to the Tribunal for a review of the decision of the Authority under subsection 228 (2) of the applied Part;

the period prescribed under regulation 3 in respect of the application under section 226 is extended by a period equal to the period commencing on the day on which the Authority receives the notice under subsection 27 (11) of the *Administrative Appeals Tribunal Act 1989* and ending on the day on which the proceedings in the Tribunal are concluded.

“(3) Where—

- (a) application is made under section 226 of the applied Part for approval to conduct an activity specified in Column 2 of an item in Schedule 1; and
- (b) the Authority, pursuant to subsection 233 (1) of the applied Part requires the applicant to furnish further information relating to the application;

the period prescribed under regulation 3 in respect of the application is extended by a period equal to the period commencing on the day on which the Authority gives the applicant the notice under subsection 233 (1) of the applied Part and ending on—

- (c) the day on which the applicant furnishes the Authority with the information required by the notice; or
- (d) the day on which the applicant is required to comply with the notice;

whichever occurs first.

“(4) Where—

- (a) application is made under section 226 of the applied Part for approval to conduct an activity specified in Column 2 of an item in Schedule 1; and
- (b) the relevant Minister, or the Environment Minister, pursuant to section 113 of the Land Act, directs the applicant to prepare a preliminary assessment of the environmental impact of conducting the activity;

the period prescribed under regulation 3 in respect of the application is extended by a period equal to the period commencing on the day on which the relevant Minister or the Environment Minister gives the applicant the notice under section 113 of the Land Act and ending on the day 42 days after the day on which the applicant submits the preliminary assessment to the Environment Minister.

“(5) Where—

- (a) application is made under section 226 of the applied Part for approval to conduct an activity specified in Column 2 of an item in Schedule 1; and
- (b) the Authority, pursuant to paragraph 236 (a) of the applied Part, directs an Assessment to be made about any aspect of the application;

the period prescribed under regulation 3 in respect of the application is extended by a period equal to the period commencing on the day on which the Authority directs the Assessment to be made and ending on the day on which the report referred to in section 131 of the Land Act relating to the Assessment is completed.

“(6) Where—

- (a) application is made under section 226 of the applied Part for approval to conduct an activity specified in Column 2 of an item in Schedule 1; and
- (b) the Authority, pursuant to paragraph 236 (b) of the applied Part, establishes a panel to conduct an Inquiry into an aspect of the application;

the period prescribed under regulation 3 in respect of the application is extended by a period equal to the period commencing on the day on which the Authority establishes the panel and ending on the day on which the report of the panel’s findings and recommendations are laid before the Legislative Assembly pursuant to subsection 141 (1) of the Land Act.

“(7) Where application is made under section 226 of the applied Part for approval to conduct an activity specified in Column 2 of an item in Schedule 1, the period prescribed under regulation 3 in respect of the application may be extended by any period agreed in writing by the Authority and the applicant.

“(8) Where—

- (a) application is made under section 226 of the applied Part for approval to conduct an activity specified in Column 2 of an item in Schedule 1;
- (b) the Authority has, pursuant to paragraph 229 (1) (c) of the applied Part, forwarded a copy of the application to a concurring authority; and
- (c) the Authority, after forwarding the copy of the application under paragraph (b), requires the applicant, pursuant to subsection 233

(1) of the applied Part, to furnish further information relating to the application;

the period prescribed under regulation 4 in respect of the application is extended by a period equal to the period commencing on the day on which the Authority gives the applicant the notice under subsection 233 (1) of the applied Part and ending on—

- (d) the day on which the applicant furnishes the Authority with the information required by the notice; or
- (e) the day on which the applicant is required to comply with the notice;

whichever occurs first.”.

### **Schedule 1**

4. Schedule 1 to the Principal Regulations is amended by omitting the activity specified in column 2 of item 4 and substituting the following activity:

Development of land involving any aspect of external design and siting not referred to in item 1, 2 or 3

### **Schedule 2**

5. Schedule 2 to the Principal Regulations is amended by omitting the activity specified in column 2 of item 4 and substituting the following activity:

Development of land involving any aspect of external design and siting not referred to in item 1, 2 or 3

### **Application**

6. Regulation 7A and Schedules 1 and 2, as amended by these Regulations, apply in relation to an application for approval to conduct a development of land involving any aspect of external design and siting lodged on or after 15 July 1992.

---

**NOTES****Principal Regulations**

1. Reprinted as at 8 February 1995.

**Notification**

2. Notified in the ACT Gazette 19 December 1995.

© Australian Capital Territory 1995