



Australian Capital Territory

Buildings (Design and Siting) Regulations¹ (Amendment)

Subordinate Law No. 9 of 1995²

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

Dated 31 December 1994.

BILL WOOD
Minister

TERRY CONNOLLY
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.

Interpretation

3. Regulation 2 of the Principal Regulations is amended by inserting the following definitions:

- “ ‘approved building’ means a building that is the subject of an approval granted under section 230 of the applied Part;
- ‘approved implementation plan’ means an implementation plan approved under section 9 of the Act;
- ‘carpark’ means an area of land available for use by the public, whether or not on the payment of money, for the parking of motor vehicles, and includes—
 - (a) the entrances to, the exits from and the passageways in such an area; and
 - (b) the area of land that is situated between the entrances to and the exits from such an area and a public street and that is used for access to the area;
- ‘Civic’ means the area the precincts of which are shown in figure 1 of Part B2A of the Plan;
- ‘development condition’ has the meaning given by Appendix VI of the Plan;
- ‘group centre’ means an area the precincts of which are shown in a figure in Part B2C of the Plan;
- ‘public land’ means land that is public land within the meaning of Division 5 of Part V of the Land Act;
- ‘street furniture’ includes fixed benches, fixed garbage bins, parking meters, street lights, street signs, guard rails, protective rails and planter boxes;
- ‘town centre’ means an area the precincts of which are shown in a figure in Part B2B of the Plan.”.

External design—prescribed works

4. Regulation 2A of the Principal Regulations is amended by omitting all the words after “prescribed” and substituting—

“works are—

- (a) works for which funding has been authorised before 1 May 1994 from revenues, loans and other money received by the Territory;
- (b) works specified in Schedule 3;
- (c) works specified in Schedule 4 where the proposed work conforms with guidelines or standards adopted by the Authority; and
- (d) works specified in Schedule 5 where the proposed work relates to a development that is the subject of an approved implementation plan.”.

Schedule

5. The Principal Regulations are amended by adding at the end the Schedules set out in the Schedule to these Regulations.

SCHEDULE

Regulation 5

SCHEDULE 3

Paragraph 2A (b)

WORKS NOT SUBJECT TO DESIGN AND SITING APPROVAL

- Subsurface works within a road reserve or easement;
- Subsurface works associated with a culvert or storm water structure;
- Works relating to footpaths within a road reserve or pathway reserve;
- Surfacing roads, cycle ways and carparks;
- Works relating to signs, lines, traffic signals and other traffic management devices (other than roundabouts, slow points and road closures) used for pedestrian and vehicle control;
- Flood mitigation measures involving surface regrading and associated erosion protection and landscaping;
- Playground development or improvements;
- Fencing along a common boundary and behind the front building line provided the fence is less than 1.8 metres high above natural ground level;
- Building a retaining wall not more than 1.2 metres high and situated at least 1.5 metres from a side or rear boundary;
- Changing the external material or finish of a building provided the change would not significantly affect the appearance of the building;
- Variation of the roof pitch provided the variation is not greater than 2°;
- Installation of a chimney, flue or vent extending not more than 1.5 metres above the surface of a roof;
- Resiting an approved building by not more than 150 millimetres except where the approval specified that the building be built adjacent to a boundary;
- External switchboards;
- External security lighting;
- Minor site servicing relating to domestic connections;
- Portable or demountable buildings or structures erected for a specific event or project which are to be removed at the end of a period of time;
- Temporary structures;
- Mobile generators;

SCHEDULE—continued

- External repainting of dwelling houses (unless subject to development conditions);
- Domestic landscaping (unless subject to Appendix III.2 of the Plan);
- Works relating to decks, external stairs and landings not more than 0.4 metres above natural ground level.

SCHEDULE 4

Paragraph 2A (c)

**WORKS NOT SUBJECT TO APPROVAL WHERE PROPOSED
WORK CONFORMS WITH GUIDELINES OR STANDARDS
ADOPTED BY THE AUTHORITY**

- Bus stops (marker, pad and seat if provided) within road corridors;
- Bus shelters (other than in Civic, town centres and group centres);
- Street and traffic route lighting;
- Parking and public area lighting;
- Tree and shrub planting and removal in areas of unleased Territory Land;
- Tree and shrub planting and removal in road reservations and carparks;
- Grassing of unleased Territory Land (other than in Civic, town centres and group centres);
- Minor landscape works (tree, shrub and ground cover planting, grassing, paving, minor earthworks, minor drainage works, batter treatment, irrigation, erosion control) in unleased Territory Land, road reservations and carparks and to the surrounds of public buildings (other than in Civic, town centres and group centres), if no area of remnant native grassland greater than 0.5 hectare is affected;
- Interpretive and directional signs on public land;
- Lighting columns;
- Recycling centres (other than in Civic, town centres and group centres);
- Street furniture on unleased Territory Land.

SCHEDULE—continued**SCHEDULE 5**

Paragraph 2A (d)

**WORKS NOT SUBJECT TO APPROVAL WHERE PROPOSED
WORK RELATES TO A DEVELOPMENT THE SUBJECT OF AN
IMPLEMENTATION PLAN**

Street furniture;

Grassing of unleased Territory Land;

Grassing of road reserves and off-street parking areas;

Pathways in unleased Territory Land (eg concrete, bitumen or unit paving);

Minor landscape works (tree, shrub and ground cover planting, grassing, paving, minor earthworks, minor drainage works, batter treatment, irrigation, erosion control) in unleased Territory Land, road reservations and carparks and to the surrounds of public buildings, if no area of remnant native grassland greater than 0.5 hectare is affected;

Bus shelters.

NOTES**Principal Regulations**

1. Reprinted as at 31 January 1994.

Notification

2. Notified in the ACT Gazette on 8 February 1995.