



AUSTRALIAN CAPITAL TERRITORY

## **Interim Planning (Consequential Amendments) Act 1990**

**No. 60 of 1990**

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### **An Act to amend various Acts in consequence of the *Interim Planning Act 1990***

*[Notified in ACT Gazette S98: 24 December 1990]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

**1.** This Act may be cited as the *Interim Planning (Consequential Amendments) Act 1990*.

#### **Commencement**

**2. (1)** Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) Section 3 commences on the day specified as the end of the transition period under the *Australian Capital Territory (Planning and Land Management) Act 1988* of the Commonwealth in the Proclamation of the Governor-General under section 57 of that Act.

**Schedule—consequential amendments**

3. The Acts specified in the Schedule are amended as set out in the Schedule.

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**SCHEDULE**

Section 3

**AMENDMENTS OF ACTS**

***Building Act 1972***

**Subsection 5 (1) (definition of “Interim Authority”)—**

Omit the definition.

**Subsection 5 (1)—**

Insert the following definition:

“ ‘Territory Planning Authority’ means the Australian Capital Territory Planning Authority;”.

**Paragraph 31 (1A) (b)—**

Omit “Interim”, substitute “Territory Planning”.

**Subsections 31 (1B) and (3)—**

Omit “Interim” (wherever occurring), substitute “Territory Planning”.

**Subsection 31A (1)—**

Omit “Interim”, substitute “Territory Planning”.

**Paragraphs 43 (1) (f) and 46 (1) (e)—**

Omit “Interim”, substitute “Territory Planning”.

***Buildings (Design and Siting) Act 1964***

**Section 3 (definition of “Interim Authority”)—**

Omit the definition.

**Section 3—**

Insert the following definition:

“ ‘Territory Planning Authority’ means the Australian Capital Territory Planning Authority;”.

**Subsection 6 (1)—**

Omit “Subject to this Act, the Interim”, substitute “The Territory Planning”.

**Paragraph 6 (1) (a)—**

Add at the end “and”.

**Paragraph 6 (1) (b)—**

Omit “Interim Authority; and”, substitute “Territory Planning Authority”.

**Paragraph 6 (1) (c)—**

Omit the paragraph.

**Subsections 6 (2) and (3)—**

Omit “Interim” (wherever occurring), substitute “Territory Planning”.

**Paragraph 6 (3) (a)—**

Omit the paragraph, substitute the following paragraph:

“(a) the Plan established pursuant to the *Interim Planning Act 1990* or, if such a plan is not established, or contains no provision in relation to the relevant land, an NCDC policy within the meaning of Part X of the *Australian Capital Territory (Planning and Land Management) Act 1988* of the Commonwealth; or”.

**Section 7—**

Omit “Interim”, substitute “Territory Planning”.

**Subparagraph 8 (a) (i)—**

Omit “Interim”, substitute “Territory Planning”.

**Subsections 9 (1), (2) and (3), 10 (1) and 11 (1) and (2)—**

Omit “Interim”, substitute “Territory Planning”.

***City Area Leases Act 1936*****Paragraph 11A (2) (b)—**

Omit all the words after “inconsistent”, substitute:

“with—

- (i) the Plan established pursuant to the *Interim Planning Act 1990*;
- (ii) the National Capital Plan within the meaning of the *Australian Capital Territory (Planning and Land Management) Act 1988* of the Commonwealth; or
- (iii) if either of those plans is not established, or if neither of them contains any provision in relation to the relevant land—an NCDC policy within the meaning of that Commonwealth Act”.

***Nature Conservation Act 1980*****Paragraph 52C (2) (e)—**

Omit the paragraph.

**Section 52C—**

Add at the end the following subsection:

“(3) The Conservator shall not prepare a plan of management which is inconsistent with—

- (a) the Plan established pursuant to the *Interim Planning Act 1990*;
- (b) the National Capital Plan within the meaning of the *Australian Capital Territory (Planning and Land Management) Act 1988* of the Commonwealth; or
- (c) if either of those plans is not established, or if neither of them contains any provision in relation to the relevant land—an NCDC policy within the meaning of that Commonwealth Act.”.

***Electricity and Water Act 1988***

**Section 7—**

Repeal the section, substitute the following section:

**Effect of the Territory Plan, the National Capital Plan and of NCDC policies**

“7. The Authority shall not do any act, or authorise the doing of any act, which is inconsistent with—

- (a) the Plan established pursuant to the *Interim Planning Act 1990*;
- (b) the National Capital Plan within the meaning of the *Australian Capital Territory (Planning and Land Management) Act 1988* of the Commonwealth; or
- (c) if either of those plans is not established, or if neither of them contains any provision in relation to the relevant land—an NCDC policy within the meaning of that Commonwealth Act.”.

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**NOTES ABOUT SECTION HEADINGS**

1. On the day on which the *Building Act 1972* is amended by this Act, the heading to section 31A of that Act is omitted and the following heading substituted:  
**Review of decisions of the Territory Planning Authority**
2. On the day on which the *Buildings (Design and Siting) Act 1964* is amended by this Act, the heading to section 6 of that Act is omitted and the following heading substituted:  
**Powers of the Territory Planning Authority**

*[Presentation speech made in Assembly on 29 November 1990.]*