

1990
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

**Interim Planning (Consequential
Amendments) Bill 1990**

A BILL

FOR

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

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

Short title

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

15863/90 (T68/90)—Cat. No.

145/27.11.1990

2 *Interim Planning (Consequential Amendments) No. , 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. 5

Schedule—consequential amendments

3. The Acts specified in the Schedule are amended as set out in the Schedule. 10

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".

SCHEDULE—continued

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) 1988 Act* 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.

SCHEDULE—continued

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.”.

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