

1991

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

INTERIM PLANNING (AMENDMENT) BILL 1991

EXPLANATORY MEMORANDUM

**Circulated by the authority of the Minister for the Environment, Land and
Planning**

Bill Wood MLA

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Outline

The Interim Planning (Amendment) Bill 1991 ('the Bill') amends the *Interim Planning Act 1990*, referred to in the Bill as the Principal Act.

The Principal Act provides for the establishment of a Territory Plan and details the procedure for making and varying the Territory Plan.

Part III, Division 3 of the Principal Act, in particular, provides for approval of a draft Plan by the Executive and consideration of the Plan by the Legislative Assembly. Where a draft Plan is placed before the Executive for approval the Executive may either approve the Plan or return the draft Plan to the Planning Authority together with written directions. These may include directions to revise, defer or withdraw the Plan.

A Plan which has been approved by the Executive is required, within 6 sitting days of its approval, to be laid before the Assembly, where it may be rejected by the Assembly.

There is no provision in the Principal Act for the Executive to withdraw its approval of a draft Plan once that approval has been given.

The amendments will remedy this situation and provide the Executive with a power to revoke its approval of a Plan at any time before the Plan is laid before the Assembly.

The Bill will also amend provisions of the Principal Act dealing with the 'defined period' during which the Territory, Executive, a Minister or a Territory Authority may not do any act which would be inconsistent with the draft Plan.

The interpretation of 'defined period' will be amended to include a period which commences on the date a draft Plan variation is notified in the Gazette under section 13 and terminates at the expiration of the day before the date the Executive revokes its approval of the variation.

Revenue/cost implications

The Bill has no revenue or cost implications.

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Formal clauses

Clauses 1 and 2 are formal requirements. They refer to the short title of the Bill, once enacted, and the definition of the Principal Act.

Interim effect of draft Plan variations

Clause 3 amends section 9 of the Principal Act to provide an additional definition of the term 'defined period'.

During a defined period the provisions of section 9 of the Act may operate to prevent the Territory, the Executive, a Minister or a Territory Authority from performing an act which would be inconsistent with the Territory Plan or a draft variation of the Plan.

Clause 3 of the Bill amends section 9 so that a 'defined period', commencing on the date a draft Plan variation is notified in the Gazette under section 13, would be terminated at the expiration of the day before the date the Executive revokes its approval of the variation.

Executive Powers

Clause 4 amends section 19 by inserting new subsections 19(3) and 19(4). Section 19 of the Principal Act specifies the powers the Executive has to deal with draft Plans submitted for approval. Section 19 provides that the Executive may approve a draft plan or return a draft plan to the ACT Planning Authority.

Proposed subsection 19(3) enables the Executive to revoke its approval of a Plan at any time before such a Plan is laid before the Legislative Assembly.

Proposed subsection 19(4) provides for notice of a revocation to be published in the Gazette and requires that such a notice shall include, in the case of a Plan variation, the effect of section 9 in relation to the revocation of the approval.