

1991

The Legislative Assembly for the Australian
Capital Territory

Interim Planning (Amendment) Bill (No. 2) 1991

EXPLANATORY MEMORANDUM

Circulated by Authority
of NORM JENSEN MLA

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OUTLINE

1. This amendment to the Interim Planning Act 1991 is designed to ensure that the provisions for disallowance of variations to the Territory Plan are to be applied in the same way as the same provisions in the Land (Planning and Environment) Bill 1991.
2. The amendment also repeals Division 4 of Part III of the Principal Act because the legislation as proposed does not provide for any consultation or consideration by the Assembly or its Committees after the identification and gazettal of an area of defined land has been made.
2. It is considered that the community and the Assembly should also have a role when the detailed planning for the format of development in an area identified as "defined land" is being prepared. This can be achieved by treating all variations, including the final implementation plan for an area, in the same way.
3. Section 6 of the Bill amends section 12 of the Principal Act to require the Territory Planning Authority (the Authority) to also consult with and consider any recommendations of the proposed draft variations by the Minister for Urban Services in relation to matters concerning traffic management and safety and Australian Capital Territory Electricity and Water (ACTEW) when preparing any variations to the Plan. This is a similar requirement to that already in place for the Conservator of Wildlife. The amending Bill will also require that these reports and recommendations, including the reasons for the recommendations, are put into the draft variations.
4. The Bill requires that all documentation and reports prepared for the Executive are to be passed to an appropriate Legislative Assembly Standing Committee. The Executive will also not be able to sign any variations to the plan until the appropriate Committee has reported on the proposal.
5. Section 7 of the Bill will require the Authority to prepare a written report on the various submissions received rather than just a summary of each submission required under the Parent Act.
6. It is also proposed that the amendment should apply to all variations to the Plan laid before the Assembly but not disposed of by the Assembly before the commencement of the ACT.
7. Provisions of the Bill are detailed in the attachment.

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CLAUSE NOTES

Clause 1: Short Title

The legislation may be referred to as the *Interim Planning (Amendment) Act No.2 1991*.

Clause 2: Principal Act

The Principal Act is the *Interim Planning Act 1990*.

Clause 3: Interpretation

This clause reflects the addition of the two additional parties listed in section 12 which are to be consulted by the Authority in preparing a draft variation to the Plan.

Clause 4: Object

The repeal of Division 4 Part III by section 11 of this Bill makes paragraph (3)(c) unnecessary.

Clause 5: Application

This clause is a consequence of the repeal of Division 4 Part III in relation to "defined land".

Clause 6: Substitution

This requires the Authority to obtain and consider any recommendations submitted by the Minister for Urban Services in relation to traffic management and safety issues. A report is also to be submitted by the Australian Capital Territory Electricity and Water Authority (ACTEW). This section also requires that reasons for the recommendations are to be submitted.

Clause 7: Submission of draft Plan to Executive

- 7(a) This reflects the amendment made to section 12 for a written report rather than just a summary of each submission without comments as is currently required.
- 7(b) This requires the Executive to submit a copy of the draft plan background papers and reports submitted to it by the Authority as required by subsection 18(1) to an appropriate Assembly Committee.

Clause 8: Executive Powers

This requires the Executive to take note of any recommendations by a Legislative Assembly Committee in relation to any draft plan, background papers and reports submitted to the Committee in accordance with subsection 18(1).

Clause 9: Consideration of Plan by Legislative Assembly

This section replaces the current disallowance provisions and replaces them with those proposed in the *Land (Planning and Environment) Bill 1991*.

Within 5 sitting days of its approval, the Plan variation is to be laid before the Assembly together with such documents as this clause requires. If not laid before the Assembly within 5 sitting days, the Plan variation does not come into effect.

If a motion to reject a Plan variation, or part of a Plan variation, is given in the Assembly, and that motion has not been called on or has been called on and moved but not withdrawn or otherwise

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disposed of, the Plan variation is deemed to have been rejected and, under subclause 22(7), does not come into effect.

Where a Plan variation, or a provision of it, has not been rejected, notice of the commencement of the Plan variation is to be given in the Gazette.

If the whole of a Plan variation is rejected, the Minister is required to publish a notice in the Gazette to that effect.

If only part of a Plan variation is rejected, the Minister is to notify the commencement of the remaining provisions in the Gazette.

The Minister will make the Plan or relevant portions of the Plan available for public inspections or purchase.

Clause 10: Commencement

This section has been inserted to reflect the changes made by the amendments to section 22 of the Principal Act by Clause 9.

Clause 11: Repeal

This clause repeals the Division 4 Part III of the Principal Act which refers to "defined land". This part of the Parent Act has been deleted because of the desire to ensure that the final stage of the development of an area and the implementation of an outline policy plan is subjected to the same examination by the Assembly as a normal variation to the Plan.

Clause 12: Application

This clause ensures that any variation to the Territory Plan before the Legislative Assembly at the time of the commencement of this Bill, but not finally disposed of, is affected by the provisions of this Bill.