



Australian Capital Territory

# Planning and Development (Transitional) Amendment Regulation 2010 (No 1)

**Subordinate Law SL2010-34**

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The Australian Capital Territory Executive makes the following regulation under the *Planning and Development Act 2007*.

Dated 9 August 2010.

ANDREW BARR  
Minister

MS JOY BURCH  
Minister

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**1 Name of regulation**

This regulation is the *Planning and Development (Transitional) Amendment Regulation 2010 (No 1)*.

**2 Commencement**

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This regulation amends the *Planning and Development Regulation 2008*.

**4 New section 411**

*insert*

**411 Modification of Act, ch 15—Act, s 429**

- (1) The Act, chapter 15 is modified by schedule 21.
- (2) This section, and schedule 21, expire on 31 March 2013.

**5 New schedule 21**

*insert*

**Schedule 21 Modification of Act**

(see s 411)

**[21.1] Section 431**

*omit*

and section 467

*substitute*

, section 467 and section 468

**[21.2] Section 467 (4)**

*omit*

**[21.3] New section 468**

*insert*

**468 Transitional—draft plans of management**

- (1) This section—
  - (a) applies if—
    - (i) a draft plan of management was prepared under the repealed Act; and
    - (ii) immediately before commencement day the Minister had not approved the draft plan under the repealed Act, section 204 (1) (a) (Minister’s powers); but
  - (b) does not apply if the draft plan was withdrawn under the repealed Act, section 204 (2) (b).
- (2) The draft plan of management is taken to have been prepared under this Act.
- (3) If, in preparing the draft plan of management—
  - (a) the draft plan complied with the repealed Act, section 196 (Content), the plan is taken to have complied with this Act, section 319 (Content of plans of management); and

- (b) the conservator of flora and fauna complied with the repealed Act, section 197 (Preparation), the proponent of the draft plan is taken to have complied with this Act, section 320 (Preparation of plans of management); and
- (c) an environmental assessment was done or a report of an inquiry was made under the repealed Act, section 199 (Environmental assessments and inquiries), the assessment or report is taken to be a strategic environmental assessment or a planning report under this Act, section 322 (Planning reports and SEAs—draft plans of management); and
- (d) the conservator of flora and fauna complied with the repealed Act, section 199 (Environmental assessments and inquiries), the proponent of the draft plan is taken to have complied with this Act, section 322 (Planning reports and SEAs—draft plans of management); and
- (e) the conservator of flora and fauna complied with the repealed Act, section 200 (Public consultation), the proponent of the draft plan is taken to have complied with this Act, section 323 (Public consultation about draft plans of management); and
- (f) the draft plan was revised under the repealed Act, section 201 (Revision), the plan is taken to have been revised under this Act, section 324 (Revision of draft plans of management); and
- (g) the conservator of flora and fauna complied with the repealed Act, section 202 (Submission to Minister), the proponent of the draft plan is taken to have complied with this Act, section 325 (Giving draft plans of management to Minister); and

- (h) the draft plan was given to and considered by a Legislative Assembly committee under the repealed Act, section 203 (Consideration of plan of management by Legislative Assembly committee), the plan is taken to have been given to and considered by a Legislative Assembly committee under this Act, section 326 (Consideration of draft plans of management by Legislative Assembly committee); and
- (i) the Legislative Assembly committee made a recommendation under the repealed Act, section 203 (Consideration of plan of management by Legislative Assembly committee), the recommendation is taken to have been made by the committee, under this Act, section 326 (Consideration of draft plans of management by Legislative Assembly committee); and
- (j) the Minister considered the recommendation made by the Legislative Assembly committee under the repealed Act, section 204 (Minister's powers), the Minister is taken to have considered the recommendation under this Act, section 327 (2) (Minister's powers on receiving draft plans of management); and
- (k) the Minister referred the draft plan to the conservator of flora and fauna under the repealed Act, section 204 (1) (b) (Minister's powers), the draft plan is taken to have been referred to the proponent of the draft plan under this Act, section 327 (3) (b) (Minister's powers on receiving draft plans of management); and
- (l) a deferral was notified under the repealed Act, section 204 (2) (Minister's powers), the deferral is taken to have been notified under this Act, section 327 (4) (Minister's powers on receiving draft plans of management); and



- (m) the conservator of flora and fauna complied with the repealed Act, section 205 (Referral back to conservator), the proponent of the draft plan is taken to have complied with this Act, section 328 (Referral of draft plans of management to proponent); and
  - (n) the draft plan was deferred and revived under the repealed Act, section 206 (Notice of revival of deferred draft plan of management), the draft plan is taken to have been revived under this Act, section 329 (Notice of revival of deferred draft plans of management).
- (4) This Act applies in relation to the draft plan of management—
- (a) as if a reference in the draft plan to the *Land (Planning and Environment) Act 1991* or the Land Act were a reference to this Act; and
  - (b) as if a reference to schedule 1 of the *Land (Planning and Environment) Act 1991* or the Land Act were a reference to this Act, schedule 3; and
  - (c) as if a reference to section 197 of the *Land (Planning and Environment) Act 1991* or the Land Act were a reference to this Act, section 320 (Preparation of plans of management); and
  - (d) as if a reference to part 4 of the *Land (Planning and Environment) Act 1991* or the Land Act were a reference to this Act, chapter 8 (Environmental impact statements and inquiries); and
  - (e) with any necessary change and any change prescribed by regulation.
- (5) In this section:
- draft plan of management*** includes a draft variation of a plan of management.

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## Endnotes

**1 Notification**

Notified under the Legislation Act on 12 August 2010.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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