

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**DRAFT VARIATION NO.64 TO THE TERRITORY PLAN:**

**B2 COMMERCIAL LAND USE POLICIES - LOCAL CENTRES (PART B2D)**

**REPORT NO.30**

**OF THE**

**STANDING COMMITTEE ON PLANNING AND ENVIRONMENT**

**AUGUST 1997**

*STANDING COMMITTEE ON PLANNING AND ENVIRONMENT*

**Resolution of appointment of the Standing Committee on Planning and Environment:**

[that] a Standing Committee on Planning and Environment [be established] to examine matters related to planning, land management, transport, commercial development, industrial and residential development, infrastructure and capital works, science and technology, the environment, conservation, heritage, energy and resources...

[And that the committee] inquire into and report on matters referred to [it] by the Assembly or matters that are considered by the committee to be of concern to the community.

[Further, that] if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed consideration of a report on draft Plan variations referred pursuant to Section 25 of the *Land (Planning and Environment) Act 1991* or draft Plans of Management referred pursuant to Section 203 of the *Land (Planning and Environment) Act 1991*, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation.

*Minutes of Proceedings* (Third Assembly) No.1 Thursday 9 March 1995, amended 22 June 1995

***Committee Membership***

Mr Michael Moore MLA (Chair)

Ms Roberta McRae, OAM MLA (Deputy Chair)

Ms Lucy Horodny MLA

Mrs Louise Littlewood MLA

Secretary: Mr Rod Power

## ***Background***

1. Sections 25 and 26 of the *Land (Planning and Environment) Act 1991* require the Executive to refer draft Variations to the Territory Plan to an appropriate committee of the Legislative Assembly for report, and for the Executive to then have regard to the committee's recommendations before approving any Variation. The Standing Committee on Planning and Environment is the appropriate committee to consider such draft Variations.

2. On 6 February 1997 the Minister for the Environment, Land and Planning referred draft Variation No.64 to the committee: *B2 Commercial Land Use Policies - Local Centres (Part B2D)*. The draft Variation was an important component of the Government's retail policy entitled *Striking a Balance*. The committee reported on this retail policy in November 1996 in Report No.20 *Further Retail Policy Measures to Maintain Diversity in the A.C.T. Retail Market*.

## ***Consideration by the committee***

3. On 7 February 1997 the committee considered draft Variation No.64 and requested a briefing by officials. The briefing took place on 11 February and three days later members agreed on the content of a Statement about the draft Variation which the Chair made to the Assembly on 18 February.

4. The Statement expressed concern about the extent of consultation undertaken by officials in preparing the draft Variation. Also, the Statement expressed the committee's view that the draft Variation should not be endorsed until the guidelines for the assessment of development proposals were finalised.

5. The Government subsequently revised the draft Variation and instituted another round of public consultation. The Minister forwarded the revised draft Variation to the committee on 28 July 1997 and the committee adopted this report on 8 August 1997.

## ***Purpose of the revised draft Variation***

6. The revised draft Variation proposes to:

- broaden the uses permitted under Industrial trades to allow for uses such as electrical and lawn mower repairs;
- take into account the recent amendments to the *Land (Planning and Environment) Act 1991* by omitting Clause 7 of the original draft Variation (dealing with exemptions from notification and third party appeals);
- recognise that a Local Centre can be redeveloped for a range of uses including Home businesses, Guest House, Veterinary hospital, Community (including Training rooms and various church uses), Local office and Light industry uses, provided that convenience retailing remains reasonably accessible to the local population; and

- protect commercial space at viable centres, in the case of residential redevelopment.

7. The revised draft Variation incorporates guidelines to be used by officials in ‘the interpretation and application of the new polices for development in local centres’.

### ***Consideration by the committee***

8. The committee appreciates the fact that the revised draft Variation and the associated guidelines were put out to community comment. In particular, the committee considers that the draft Variation is greatly strengthened by the inclusion of the guidelines.

9. The committee is aware that the draft Variation, once implemented, has the potential to lead to significant changes in local centres. However, members consider the effort to guide and constrain those changes is warranted - given the serious, even critical, problems facing many of Canberra’s local shopping centres. In short, members ‘are sympathetic to the objectives of the draft Variation’.<sup>1</sup>

### ***Recommendation***

10. *The committee endorses the draft Variation to the Territory Plan No.64: B2 Commercial Land Use Policies - Local Centres (Part B2D).*

### ***Postscript***

11. The *Land (Planning and Environment) Act 1991* requires the A.C.T. Executive to have regard to any recommendation contained in a report of an appropriate committee of the Legislative Assembly before approving a draft Variation to the Territory Plan. If it does approve a draft Variation following the committee’s report, the Executive must table its decision within five sitting days of approval.

12. A further five sitting days is then provided for any Member of the Assembly to move that the Variation be rejected in whole or in part. Any such motion must be dealt with by the Assembly within five sitting days.

13. If a Variation is not rejected by the Assembly, the A.C.T. Planning Authority (now the Planning & Land Management Group of the Department of Urban Services) will publish a notice in the *Gazette* specifying the date of commencement of the Variation.

Michael Moore MLA  
Chair

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<sup>1</sup> Statement by the Chair on behalf of the committee, 18 February 1997

8 August 1997