

**Draft Variation No. 190 to the Territory Plan
Hannah Park (part block 1 section 332
Fadden and blocks 16 & 17 section 226
Gowrie**

Report No 8

Standing Committee on Planning & the Environment

August 2002



Committee membership

Mrs Vicki Dunne, MLA (Chair)

Ms Katy Gallagher, MLA (Deputy Chair)

Ms Roslyn Dundas, MLA

Secretary: Derek Abbott

Administration: Judy Moutia

Resolution of appointment

- (1) (f) a Standing Committee on Planning and Environment to examine matters related to planning and land management, conservation and heritage, transport services and planning, environment and ecological sustainability. ...
- (3) 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 204 of the *Land (Planning 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, publication and circulation.

Minutes of Proceedings, No 2, Tuesday 11 December 2

Terms of reference

Section 25 of the *Land (Planning and Environment) Act 1991* states:

25 Consideration by a Legislative Assembly Committee

The Executive shall, within 28 days of receiving a draft plan variation under section 24, refer -

- (a) the draft plan variation; and
- (b) the documents referred to in subsection 24(1) that relate to the draft plan variation;

to an appropriate committee of the Legislative Assembly together with a request that the committee report on the draft plan to the Legislative Assembly.

Table of contents

Summary of recommendations.....	iv
1. Introduction	1
2. Draft Variation 190.....	1

Recommendations

The committee recommends that draft variation 190 be endorsed by the Legislative Assembly.

1. Introduction

The *Land (Planning and Environment) Act 1991*

1.1. The *Land (Planning and Environment) Act 1991* (the Act) provides for a Territory Plan (the Plan) to “set out the planning principles and policies”¹ for the ACT. The objective of the plan is to ensure that the planning and development of the Australian Capital Territory provides an “ecologically sustainable, healthy, attractive, safe and efficient environment”² for the people of the Territory.

1.2. The Plan includes both a Written Statement, setting out general planning principals and more specific land use policies, and a map. The Act places conditions on development or land use within designated areas to meet the principles prescribed for that land on the Plan.

1.3. Land use requirements change over time and the Act sets in place a regime by which the stipulated land use can be altered or varied. Proposals to vary the Plan are prepared by the Territory planning authorities and are known as draft variations. Draft variations are required to be the subject of community consultation. There can be a number of versions of a draft variation depending on the consultation program.

1.4. After public consultation a draft variation, incorporating any amendments made as a result of public comment, and associated papers, is referred by the ACT government to the appropriate committee of the Legislative Assembly for the Australian Capital Territory. The Standing Committee on Planning and Environment is the committee established by the Fifth Assembly to do this.

1.5. The Act does not place any requirements on the committee’s consideration of the draft variation but does require the Government to consider any recommendation that the committee may make in relation to the “draft plan variation, background papers and reports submitted”³. The committee’s reports inform not only the Government but also all Members of the Assembly on the committee’s deliberations and provide a context for the Assembly to consider the Government’s approved variation.

2. Draft Variation No 190

2.1. This draft variation seeks to amend the Territory Plan to create a public park in the suburbs of Fadden and Gowrie. The Land Use Policy on the area subject to the proposed variation will be changed from Residential to Urban Open Space. This change in designation will result in the management of the land under a plan developed by the Conservator of Flora and Fauna for the ACT which will deal with essential conservation issues.

¹ *Land (Planning and Environment) Act 1991*(the Land Act), section 7 (2).

² *ibid.*, section 7 (1).

³ *op.cit.*, the Land Act, section 26(2).

2.2. The creation of this park fulfils a long-standing undertaking by the government of the ACT.

Public consultation

2.3. Draft variation 190 was released for public comment in May 2002, with a closing date for responses of 1 July 2002. Only two submissions were received both of which supported the proposal. The Conservator of Flora and Fauna supports the proposal while the National Capital Authority and the ACT Heritage Council made no comment on it.

2.4. Given the nature of the proposal and the lack of concerns raised through the consultation process the committee did not seek further public comment on it.

Discussion

2.5. One submission, while broadly supportive of the proposal did raise the question of poor drainage on the site of the proposed park. The committee notes the response from PALM that once the variation is approved the area will become the responsibility of Canberra Urban Parks and that this issue will be dealt with when construction commences.

2.6. The committee supports this proposal and therefore recommends that draft variation 190 be endorsed by the Legislative Assembly.

Vicki Dunne MLA

Chair