

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

*DRAFT VARIATION TO THE TERRITORY PLAN
FOR
LYNEHAM SECTION 67 BLOCK 1 PART (YOWANI GOLF CLUB)*

**REPORT NO.32 OF THE STANDING COMMITTEE ON PLANNING,
DEVELOPMENT AND INFRASTRUCTURE**

NOVEMBER 1994

STANDING COMMITTEE ON PLANNING, DEVELOPMENT AND INFRASTRUCTURE

On 27 March 1992 (at the commencement of the Second Assembly) the Legislative Assembly established a Standing Committee on Planning, Development and Infrastructure to 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 relating to planning, land management, transport, economic development, commercial development, industrial and residential development, infrastructure and capital works, science and technology.

The Assembly also authorised the Committee to 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, if the Assembly is not sitting when the Committee completes 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 and Environment) Act 1991*.

Committee Membership

Mr Wayne Berry (Chairman)

Mr Tony De Domenico (Deputy Chairman)

Mr Greg Cornwell

Ms Annette Ellis

Ms Helen Szuty

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, Development and Infrastructure is the appropriate committee to consider such draft Variations.

2. In November 1994 the Minister for the Environment, Land and Planning, Mr Bill Wood MLA, referred the draft Variation and background papers relating to Lyneham Section 67 Block 1 Part (Yowani Golf Club) to the Committee. The purpose of the Variation is to vary the existing Land Use Policy for part of the Yowani Golf Club from "Restricted Access Recreation" to "Residential", with the land being subject to the 'Defined Land' provisions of the *Land (Planning and Environment) Act 1991*.

Consideration by the Committee

3. The Committee was briefed on the draft Variation by officials of the ACT Planning Authority and the Wildlife and Conservation Unit of the ACT Parks and Conservation Service on Friday 18 November and Friday 25 November 1994.

4. The Committee notes the recommendation of the Conservator of Wildlife (shown in the draft Variation papers) that:

Should it become necessary in the context of developing a strategy for protection of the species, I recommend that surveys be undertaken to determine the presence of the nationally vulnerable striped legless lizard (*Delmar impar*) in the native grassland areas before any development takes place.

5. At the meeting on 18 November 1994, the Committee expressed its dismay at being told very late in the process of considering draft Variations about concerns for native fauna (such as the legless lizard). Subsequently, the Committee received correspondence from the proponent that a field survey of legless lizards on site would take place during December 1994.

6. In view of concerns about the long-term preservation of the legless lizard [see this Committee's report No.31 *Draft Variation to the Territory Plan Relating to the Gungahlin Town Centre*], the Committee considers it prudent to defer consideration of the draft Variation until the results of the survey are known.

7. In addition, the Committee expresses its concern about the full impact of the proposal on traffic management issues in the area. The Committee notes the following comment about this matter in the 'Development Principles and Policies' to apply to the site:

Local area traffic management works shall be undertaken as part of the development of the site ... [and that] the final scope of works to be undertaken will be subject to a detailed assessment of access options.

8. The above comment indicates that traffic management issues have not been resolved satisfactorily at this stage and that further study is required. The Committee would have liked time to go into the traffic implications of the proposal in more detail. This would have involved the Committee hearing from local residents.

9. However, it is not possible for the Committee to take this action within the short time available before expiration of the statutory disallowance period applying to a draft Variation in the Legislative Assembly. That is to say, Members of the Committee are conscious of the fact that they would need to make a recommendation on this draft Variation before the first sitting day of the next sitting period (Tuesday 29 November 1994) if the Government was to lawfully have sufficient time to respond to the Committee's report and table its response in the Legislative Assembly to allow sufficient time for any Member to move disallowance [see the following section of this report sub-titled *Postscript* for further amplification]. Were the Committee to table its report after 29 November 1994, then the Government's response would have to lie on the table of the Assembly for consideration by the new Assembly to be elected on 18 February 1995.

10. In view of the unresolved environment and traffic issues relating to the draft Variation, the Committee acknowledges that it is not in a position to make a decision in support of the draft Variation before Tuesday 29 November 1994.

Recommendation

11. *The Committee advises the Legislative Assembly that it is unable to proceed with the draft Variation before the statutory disallowance period expires (in relation to the current Legislative Assembly), due to uncertainty about the significance of the site for the nationally vulnerable striped legless lizard (Delmar impar) and to uncertainty about the full impact of the proposal on traffic management issues in the area (which would require the Committee to consult directly with local communities).*

Postscript

12. The *Land (Planning and Environment) Act 1991* requires the ACT Executive to have regard to the recommendations of the Standing Committee on Planning, Development and Infrastructure before approving any draft Variation to the Territory Plan.

13. A Variation, together with the background papers and other documents, must be tabled in the Legislative Assembly within five sitting days of approval by the Executive. 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.

14. If a Variation is not rejected by the Assembly, the ACT Planning Authority will publish a notice in the *Gazette* specifying the date of commencement of the Variation.

Wayne Berry MLA
Chairman

25 November 1994