

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

***DRAFT VARIATION TO THE TERRITORY PLAN FOR FYSHWICK
SECTION 30 BLOCK 15 (JIM MURPHY'S MARKET CELLARS)***

**REPORT NO.26 OF THE STANDING COMMITTEE ON PLANNING,
DEVELOPMENT AND INFRASTRUCTURE**

APRIL 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

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.

On 18 March 1994 the Minister for the Environment, Land and Planning, Mr Bill Wood MLA, referred the draft Variation and background papers relating to the draft Variation for Fyshwick Section 30 Block 15 to the Committee. The Variation proposes to change the land use policy to increase to 1200m² the permissible area from which the sale of beverages, including alcohol, can be conducted. The draft Variation also proposes to permit the sale of perfumes, arts and crafts (including jewellery).

Consideration by the Committee

The Committee considered the draft Variation at its meeting on Friday 29 April 1994. The Committee was briefed on the draft Variation by staff of the ACT Planning Authority.

Recommendation

The Committee endorses the Variation to the Territory Plan for Fyshwick Section 30 Block 15 subject to the substitution of the word 'may' for the first 'shall' in the section dealing with Land Use Restrictions, so that it now reads: 'Except that on Block 15 Section 30 the range of goods offered for sale may also include alcohol, perfumes, arts and crafts (including jewellery), provided that the gross floor area used for the display and sale of alcoholic beverages shall not exceed 1200m²'..

Postscript

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.

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.

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
29 April 1994