



Legislative Assembly for the Australian Capital Territory

**Draft Variation to the Territory Plan No.98 relating to
water use and catchment policies**

Report No.18 of the Standing Committee on Urban Services

February 1999

On 28 April 1998 the Legislative Assembly for the Australian Capital Territory resolved to establish a general purpose standing committee, called the Standing Committee on Urban Services, to inquire into and report on:

planning and lease management, road and transport services, housing and housing assistance, government purchasing and public utilities purchasing, electricity industry and regulation, construction industry policy, parks and forests, private sector employment inspectorate, building services, environment, heritage and municipal services and any other matter under the responsibility of the portfolio minister.

Also on the same day, the Legislative Assembly resolved:

If the Assembly is not sitting when the Standing Committee on Urban Services 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, circulation and publication.

Minutes of Proceedings (Fourth Assembly) No.2, 28 April 1998

Committee Membership

Mr Harold Hird MLA (Chair)
Mr Dave Rugendyke MLA (Deputy Chair)
Mr Simon Corbell MLA (appointed on 25 June 1998, replacing
Mr Wayne Berry MLA)

Secretary: Mr Rod Power

Background

1. Section 25 of the *Land (Planning and Environment) Act 1991* requires the government to refer each 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.
2. Section 26 of the Land Act states that ‘the Executive shall have regard to any recommendations’ of the appropriate Assembly committee.
3. The Standing Committee on Urban Services is the ‘appropriate’ committee in the Fourth Assembly.
4. On 9 November 1998 the Minister for Urban Services, Mr Smyth MLA, referred to this committee the draft Variation and background papers relating to draft Variation No.98: *Water use and catchment policies—Part C2 of the Territory Plan Written Statement*.

The draft Variation

5. The draft Variation proposes to amend the schedules at Part C2 of the Water Use and Catchment Policies to allow for:
 - inclusion of new ponds in the Schedules
 - updating the purposes for which water may be used and the prescribed environmental values to bring the categories into line with the more detailed purposes in the *ACT Water Quality Guidelines*
 - abstraction of water from urban streams to provide a second class water supply
 - correct several minor matters.

Consideration by the committee

6. On 12 February 1999 the committee was briefed on the draft Variation by government officials from PALM and Environment ACT. The committee found this briefing very helpful.

Recommendation

7. The committee endorses draft Variation to the Territory Plan No. 98: *Water use and catchment policies—Part C2 of the Territory Plan Written Statement*.

Postscript

8. The *Land (Planning and Environment) Act 1991* requires the ACT 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.

9. 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.

10. If a Variation is not rejected by the Assembly, the ACT 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.

Harold Hird MLA
Chair

12 February 1999