



Legislative Assembly for the ACT

STANDING COMMITTEE ON PLANNING AND
ENVIRONMENT

Review of Draft Management Plan for Urban Open Space and
Public Access Sportsgrounds in The Gungahlin Region

MARCH 2007

Committee membership

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Resolution of appointment

On 7 December 2004 the ACT Legislative Assembly agreed by resolution to establish general purpose standing Committees:

- (1) The following general purpose standing committees be established and each committee 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: ...

- (e) a Standing Committee on Planning and Environment to examine matters related to planning, public works and land management, conservation and heritage, transport services, and environment and ecological sustainability.

....¹

The Assembly also agreed that if the Assembly is not sitting when the Standing Committee on Planning and Environment had completed consideration of a report on draft plan variations or draft plans of management referred to the Committee by the Minister under 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, publication and circulation.²

¹ Legislative Assembly of the ACT, *Minutes of Proceedings*, No. 2, 7 December 2004, pp 12–16

² Legislative Assembly of the ACT, *Minutes of Proceedings*, No. 2–7 December 2004, pp12–16

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SUMMARY OF RECOMMENDATIONS

RECOMMENDATION 1

2.3 The Committee recommends that the Minister request that the Department of Territory and Municipal Services amend the *Draft Plan of Management for Urban Open Space and Public Access Sportsgrounds in the Gungahlin Region* (2006), so that it refers to, and is consistent with the *Service Charter for ACT Sportsgrounds*.

RECOMMENDATION 2

2.6 The Committee recognises the challenges created by drought in managing sportsgrounds and commends the ACT Government for its responses to date. The Committee recommends that the ACT Government continue its efforts to diversify the water resources it relies on for irrigating sportsgrounds in the ACT.

RECOMMENDATION 3

2.7 The Committee recommends that the *Draft Plan of Management for Urban Open Space and Public Access Sportsgrounds in the Gungahlin Region* (2006) be amended to better acknowledge the role of stakeholders in the management of sportsgrounds and urban open space in the ACT.

RECOMMENDATION 4

2.8 The Committee recommends that the Minister ensure that the *Draft Plan of Management for Urban Open Space and Public Access Sportsgrounds in the Gungahlin Region* (2006) is updated before he approves it.

1 INTRODUCTION

- 1.1 On 15 December 2006 the Committee was referred a copy of the *Draft Plan of Management for Urban Open Space and Public Access Sportsgrounds in the Gungahlin Region* (2006), together with a report on public consultation. It is a requirement of the *Land (Planning and Environment) Act 1991 (ACT)* that the Minister refer a draft plan of management to the appropriate committee of the Legislative Assembly within 7 days of receiving it, together with a copy of a written report about the conservator's consultation with the public and other stakeholders about the draft, and other documents relating to the draft plan that were given to the Minister.³ The statutory provisions governing the preparation of management plans for public land are reproduced at Appendix A.
- 1.2 Under the *Land (Planning and Environment) Act 1991 (ACT)* the Minister has to consider any recommendation made by this Committee concerning the draft plan before he approves it, or refers the draft to the conservator together with written directions that:
- further specified consultation occur;
 - specified revisions be considered;
 - the plan be later resubmitted after a specified date or the happening of a specified event, or that
 - the draft be withdrawn.⁴
- 1.3 Any deferral or withdrawal of the draft plan must be notified in a notifiable instrument made under the *Legislation Act 2001 (ACT)*.⁵
- 1.4 The draft plan had been released as a consultation draft in 2005.⁶ Its revision and updating was delayed by departmental restructures affecting the

³ section 203

⁴ section 204

⁵ sub-section 204(2)

⁶<http://www.parksandplaces.act.gov.au/policiesandpublications/plansofmanagement/gungahlinplanofmanagement>, accessed 23 March 2007

Department of the Territory and Municipal Services and its predecessor agencies or part-agencies.⁷

- 1.5 The Planning and Development Bill 2006 (ACT), which is expected to be passed by the Legislative Assembly in 2007, possibly with amendments, does not propose major changes to these statutory procedures in the provisions of the 2006 Bill. Relevant provisions are at Appendix B.

Conduct of review

- 1.6 The Committee discussed the draft plan on 13 February 2007 and invited the Minister for Tourism, Sport and Recreation, Mr Andrew Barr, and officials from the Department of the Territory and Municipal Services (TaMS) to a public hearing on 20 March 2007. The Minister was unavailable due to Cabinet meetings.
- 1.7 The Committee visited Canberra Boys Grammar School on 21 February 2007 to inspect the installation of an underground watering system – the Kapillary Irrigation Sub Surface Systems (KISSS) manufactured and installed by Irrigation and Water Technologies Pty Ltd.⁸
- 1.8 In 2006 two members of the Committee, Mr Gentleman MLA and Ms Porter AM MLA, had inspected the trial installation of the KISSS system at the Rosary School in Watson.

Key issues raised during the public hearing on 20 March 2007⁹

Administrative arrangements

- 1.9 The Executive Director of Environment and Recreation in TaMS,

⁷ The Hansard transcript of the public hearing is accessible at <http://www.hansard.act.gov.au/hansard/2005/comms>.

⁸ See www.kiss.net.au

⁹ ACT Legislative Assembly 2007, Proof Transcript of Evidence, 20 March 2007, p2, The Hansard transcript of the public hearing is accessible at <http://www.hansard.act.gov.au/hansard/2005/comms>.

Mr Hamish McNulty, advised the Committee that TaMS is now responsible for all the maintenance and booking for use of all public sports fields which are not part of a school precinct or campus; that is most of the sportsgrounds in Canberra. The Department of Education is responsible for playing fields that are part of school campuses and are generally used as part of the playground for the school. These tend not to be irrigated for use as sports ovals except with manual watering systems. They are also not normally available for weekend and after-school use by sports clubs and other organisations, unless there is a management agreement in place with the school which enables TaMS to use them as a community facility.

Irrigation systems

- 1.10 Mr McNulty explained that the irrigation system TaMS currently uses is one of the most efficient watering systems available as the Control system.¹⁰ attached to it measures on each of the facilities the evaporation rate and the type of turf used and then determines when it needs to irrigate. It has been recognised Australia wide as one of the most efficient irrigation systems.
- 1.11 Actew had also taken the system into account when negotiating with TaMS the impact of water restrictions on the irrigation of sportsgrounds, and this resulted in TaMS not having to close more sportsgrounds under stage 3 water restrictions, and to reduce by 35% potable water use. No sportsgrounds have been allowed 'to die' in Gungahlin due to the water restrictions. One oval had been turned off at Nicholls, but had been turned back on again in response to a request from the community.
- 1.12 About 24 hectares of sportsgrounds, or about 48 sportsgrounds in north Canberra, including 9 hectares at Southwell Park, and 15 hectares in Campbell, Reid, Ainslie and O'Connor, were being irrigated with treated effluent which is transported along a main pipe from Fyshwick.
- 1.13 Mr McNulty told the Committee that there are constraints on expanding the use of recycled water for sportsground irrigation. Although recycled water is

¹⁰ See Dr R. Stirzaker, CSIRO Land and Water, 'Saving water on Sports Ovals in Canberra', <http://www.fullstop.com.au/HTMLfiles/v2/100_PublishedPapers/300_Reports/020_Sportsgrounds/SportsgroundIrrign4p.pdf>

available from the lower Molonglo treatment plant, it can only be transported by tanker. Tankers are expensive and unsuitable for sportsground irrigation because if they are driven on the grounds they compact the surface and may destroy the sprinklers.

- 1.14 Mr McNulty advised the Committee that bore water was also currently not a viable alternative water source for sportsground irrigation as there is an insufficient volume of bore water available to water sportsgrounds. There was also a moratorium in place for the granting of new water licences.
- 1.15 At least two non-government schools and TaMS are investigating the suitability of the KISSS underground irrigation system. Its manufacturer says it can deliver a 75% water saving over conventional sprinkler irrigation systems, and a 60% reduction compared with a drip-line system, because it substantially reduces the evaporation that normally affects surface irrigation systems. The advantages the company claims for this system include:
 - more uniform soil wetting with less pooling, run-off and weed growth
 - maximised soil absorption of moisture
 - wetting over a larger area than with conventional watering systems
 - slower drying of the soil because of reduced evaporation
 - priority wetting of dry areas because of capillary wetting action, and
 - less twisting and blockages of the drip pipes due to the use of a geotextile sheath, plastic tapes and films, enabling the company to give a 10-year guarantee on the pipes.
- 1.16 The company advised the Committee that the KISSS system had been developed over a 10 year period of research involving CSIRO, Charles Sturt University and the University of Queensland. The installation cost for the system is about \$6 per square metre, but it also involves removing or not using irrigation systems that are already in place, so it would be a very expensive exercise to cross to the new system for all of Canberra's sportsgrounds.
- 1.17 Some of the issues under investigation include the types of turf that can be effectively watered with the KISSS system, the impact of different soil types, and the suitability of the system for the application of fertilisers and for seed germination. It was particularly important to assess whether the system

could be used on sportsgrounds which were heavily used for sports for most of the year and which did not use cooch grass. Cooch is a runner grass which browns quickly during winter and does not wear well under winter sports. So as a turf type for sportsgrounds it was not well suited to Canberra's climate.

- 1.18 Fertiliser application requires surface watering, even in only temporarily, and this would require additional investment if the KISSS system were to be installed.
- 1.19 Ms Marriage, Director, Sport & Recreation Services, TaMS, advised the Committee that TaMS officials would be visiting some of the facilities that have installed the KISSS system to verify the testimonials provided by the company.
- 1.20 TaMS had also finalised its *Service Charter for ACT Sportsgrounds* which, amongst other things, specifies the servicing arrangements that TaMS has with sports clubs in the ACT. This Service Charter is expected to be accessible on the TaMS website by the end of April 2007.
- 1.21 Ms Marriage acknowledged the 'huge impact' that the drought was having on the management of sportsgrounds, and that it would become more of a challenge if a higher level of water restrictions were to be imposed.

Availability of sportsgrounds

- 1.22 Ms Marriage advised the Committee that TaMS assesses the availability of sportsgrounds in demographic terms. There were about 40 playing fields in Gungahlin in early 2007 but the figure varied depending on the configurations used in the calculations. This was about 2½ hectares in the Palmerston neighbourhood oval, 2½ hectares in the Ngunnawal neighbourhood oval, 7½ at the Nicholls district playing field, and 7½ in the Amaroo district playing field. A neighbourhood oval was also being tendered for construction at Harrison, which would be about a 2½-hectare facility.
- 1.23 Citing a Gungahlin sport and recreation task force report of October 2005, Ms Marriage advised the Committee that the provision of sportsgrounds was assessed across the regions by population. Ms Marriage advised that access

per head of population was a common criterion used by local councils because age profiles in suburbs and regions can change quite rapidly and sportsground planning may be for 30 years hence. Ms Marriage advised that the hectares of sportsground per thousand people in Gungahlin was about 0.7, compared with the Woden-Weston Creek area of about 1.35 per thousand people. The figure for Tuggeranong is about one sportsground per thousand people, and Belconnen is 1.4. But in any event sports clubs tended to play across Canberra. If TaMS became aware that some sportsgrounds in the older suburbs were not being used often, watering on that oval might be reduced.

Water sensitive urban design

- 1.24 In response to questions from the Chair, Mr McNulty advised the Committee that TaMS had been looking at different ways of treating run-off water in urban open space. Both public and private sector developers had put forward proposals for water efficiency measures such as irrigating street trees and plantings on the side of roads with run-off. Other more elaborate proposals include storing water for re-use on irrigation on ovals. But TaMS had to assess the maintenance costs of such mechanisms so that the value of the investment was not lost over time due to poor maintenance.
- 1.25 Mr McNulty noted that the ACT Government had recently received funding from the Commonwealth under the Australian Water Fund for a project that essentially involves replacing concrete-lined channels with more natural water bodies, like wetlands, as had been done at the David Street wetland O'Connor. Water stored in such form could possibly be used to irrigating sportsgrounds.

2 COMMITTEE COMMENTS

- 2.1 The Committee appreciates the cooperation received from TaMS in its consideration of the draft plan. The Committee considers it to be a high quality document, and its comments are correspondingly minor.
- 2.2 The Committee was impressed with the serious consideration that TaMS is giving to improving sportsground irrigation in the ACT. The Committee appreciated the effort that was made to ensure that the Committee understood the issues raised by potential new watering systems such as the KISSS system. The Committee regards TaMS as a responsive service provider, and is concerned that stakeholders be able to share that perception. Therefore the Committee is concerned that the Minister should recommend that the plan be amended to refer to the *Service Charter for ACT Sportsgrounds* and is made consistent with its commitments.

RECOMMENDATION 1

- 2.3 **The Committee recommends that the Minister request that the Department of Territory and Municipal Services amend the *Draft Plan of Management for Urban Open Space and Public Access Sportsgrounds in the Gungahlin Region (2006)*, so that it refers to, and is consistent with the *Service Charter for ACT Sportsgrounds*.**
- 2.4 The Committee notes that some further minor updating of the draft plan is necessary. For example Map 29 on p70 should include the Urban Open Space in Crace. Similarly, references in the draft plan to the *Land (Planning and Environment) Act 1991 (ACT)* could be helpfully annotated with a reference to the *Planning and Development Act 2007 (ACT)* as the former Act is expected to be replaced with the latter in 2007.
- 2.5 The Committee appreciates that when TaMS officials discussed the draft plan with the Committee, cooperation with sports clubs was often referred to. The Committee considers, therefore, that the draft plan should be amended to include points of contact for further information and for making complaints. Web addresses should also be included (see for example the *ACT Government Community Engagement Manual: Your Guide to Engaging with the Community*,

p.2). It could be beneficial to list the contact information for sports clubs, the Ginninderra Catchment Group, Park Care groups and other 'Friends of...' groups, to facilitate engagement and community building.

RECOMMENDATION 2

- 2.6 **The Committee recognises the challenges created by drought in managing sportsgrounds and commends the ACT Government for its responses to date. The Committee recommends that the ACT Government continue its efforts to diversify the water resources it relies on for irrigating sportsgrounds in the ACT.**

RECOMMENDATION 3

- 2.7 **The Committee recommends that the *Draft Plan of Management for Urban Open Space and Public Access Sportsgrounds in the Gungahlin Region* (2006) be amended to better acknowledge the role of stakeholders in the management of sportsgrounds and urban open space in the ACT.**

RECOMMENDATION 4

- 2.8 **The Committee recommends that the Minister ensure that the *Draft Plan of Management for Urban Open Space and Public Access Sportsgrounds in the Gungahlin Region* (2006) is updated before he approves it.**

Mr Mick Gentleman MLA

Chair

March 2007

APPENDIX A: Current legislative requirements

Land (Planning and Environment) Act 1991 (ACT)

Subdivision 5.7.4 Plans of management

196 Content

A plan of management includes—

- (a) a description of the area of public land to which it applies; and
- (b) how the relevant management objectives mentioned in section 195 (1) are to be implemented or promoted in that area.

197 Preparation

- (1) The conservator must prepare a draft plan of management for an area of public land as soon as practicable after the area is identified as such in the plan.
- (2) In preparing a draft plan of management, the conservator must consider any recommendation submitted by the authority.

198 Variations

- (1) The conservator may prepare a draft variation of a plan of management in the same way as a draft plan of management.
- (2) This subdivision applies to a draft variation of a plan of management as if it were a draft plan of management.

199 Environmental assessments and inquiries

- (1) At the written request of the conservator, or on his or her own initiative, at any time before a draft plan of management is approved under section 204 (a), the Minister may—
 - (a) direct that an assessment be made; or
 - (b) establish a panel to conduct an inquiry; about any aspect of the draft plan.
- (2) In preparing or revising a draft plan of management, the conservator must consider any relevant assessment or the report of any relevant inquiry.

200 Public consultation

- (1) This section applies to a draft plan of management for an area of public land if—

- (a) no corresponding preliminary draft plan of management for that area has been notified under section 19; or
 - (b) if such a preliminary draft has been so notified—the first mentioned draft plan of management differs significantly from that preliminary draft.
- (2) The conservator must make copies of a draft plan of management to which this section applies available to an appropriate committee of the Legislative Assembly.
 - (3) The conservator must make copies of a draft plan of management to which this section applies available for public inspection during office hours at the places specified in a written notice prepared by the conservator.
 - (4) A notice under subsection (3) must include a statement inviting people to submit written comments about the draft plan of management to the conservator at a specified address and within a specified period of not less than 21 days from the date of the notice.
 - (5) A notice under subsection (3) is a notifiable instrument.
- Note* A notifiable instrument must be notified under the Legislation Act.
- (6) The conservator must also publish the notice in a daily newspaper.

201 Revision

The conservator may revise a draft plan of management—

- (a) in consideration of any written comments received from any person about the draft plan; or
- (b) to correct any formal error.

202 Submission to Minister

The conservator must submit a draft plan of management (as revised under section 201) to the Minister for approval, together with—

- (a) a written report setting out the issues raised in any written comments submitted to the conservator in relation to the draft; and
- (b) a written report about the conservator's consultation with the public and with any other person or authority about the draft.

203 Consideration of plan of management by Legislative Assembly committee

If the conservator submits a draft plan of management to the Minister under section 202, the Minister must, within 7 days of receiving the draft plan give—

- (a) a copy of the draft plan; and

- (b) a copy of the reports mentioned in section 202 (a) and (b) relating to the draft plan; and
- (c) all other documents relating to the draft plan submitted to the Minister by the conservator;

to an appropriate committee of the Legislative Assembly.

204 Minister's powers

- (1) On receipt of a draft plan of management submitted under section 202 or section 205 for approval, the Minister must consider any recommendation relating to the draft by a committee of the Legislative Assembly that considers the draft under section 203 and—
 - (a) in writing, approve a plan of management in the form in which the draft is submitted; or
 - (b) refer the draft to the conservator together with any of the following written directions:
 - (i) to conduct further specified consultation;
 - (ii) to consider any revision suggested by the Minister;
 - (iii) to revise the draft in a specified way;
 - (iv) to defer, in writing, until a specified date or the happening of a specified event, the resubmission of the draft to the Minister;
 - (v) to withdraw the draft in writing.
- (2) The following are notifiable instruments:
 - (a) a deferral directed under subsection (1) (b) (iv);
 - (b) a withdrawal directed under subsection (1) (b) (v).

Note A notifiable instrument must be notified under the Legislation Act.

205 Referral back to conservator

If the Minister refers a draft plan of management to the conservator under section 204 (1) (b), the conservator must—

- (a) comply with the Minister's directions; and
- (b) if the Minister gives a direction under section 204 (1) (b) (i) or (ii)—if the conservator considers appropriate, revise the draft plan; and
- (c) revise the draft to correct any formal error; and
- (d) resubmit the draft plan of management (as revised) to the Minister for approval together with a written report about the conservator's compliance with the Minister's directions and about any revision of the draft under paragraph (c).

206 Notice of revival of deferred draft plan of management

- (1) If the conservator defers a draft plan of management as directed under section 204 (1) (b) (iv) (Minister's powers), on the day stated in the deferral, or as soon as possible after the event mentioned in the deferral, the conservator must prepare a written notice stating that the draft plan of management is revived.
- (2) A notice is a notifiable instrument.
Note A notifiable instrument must be notified under the Legislation Act.
- (3) The conservator must also publish the notice in a daily newspaper.

207 Notification, presentation, disallowance and date of effect

- (1) A plan of management, as approved by the Minister under section 204, is a disallowable instrument.
Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
- (2) The Legislation Act, chapter 7 (Presentation, amendment and disallowance of subordinate laws and disallowable instruments) applies to a plan of management as if each reference in that chapter to 6 sitting days were a reference to 5 sitting days.
- (3) Subject to any disallowance under the Legislation Act, chapter 7, the plan of management commences—
 - (a) on the day after the 5th sitting day after the day it is presented to the Legislative Assembly under that chapter; or
 - (b) if the plan provides for a later date or time of commencement—on that date or at that time.

APPENDIX B: Proposed legislative requirements

Planning and Development Bill 2006 (ACT)

Part 10.4 Plans of management for public land

312 Meaning of *proponent*—pt 10.4

In this part:

proponent means—

- (a) for a draft plan of management for an area of public land—the custodian of the land; or
- (b) for a draft variation of a plan of management for an area of public land—
 - (i) the custodian of the land; or
 - (ii) if the draft variation was prepared by the conservator of flora and fauna—the conservator of flora and fauna.

313 Content of plans of management

A plan of management must include—

- (a) a description of the area of public land to which it applies; and
- (b) how the management objectives for the area are to be implemented or promoted in the area.

314 Preparation of plans of management

- (1) The custodian for an area of public land must prepare a draft plan of management for the area as soon as practicable after the area is identified as public land in the territory plan.
- (2) The custodian for an area of public land may prepare a draft plan of management for the area if the custodian considers the existing plan of management is outdated.
- (3) In preparing a draft plan of management for an area, the custodian for the area must consider any comment by the planning and land authority or the conservator of flora and fauna in relation to the area or the draft plan.

Note If the draft plan of management does not incorporate any comments by the planning and land authority or the conservator, an explanation of why must be given to the Minister (see s 319).

315 Variations of plans of management

- (1) The custodian for an area of public land, or the conservator of flora and fauna, may prepare a draft variation of a plan of management in the same way as a draft plan of management.
- (2) However, the conservator of flora and fauna must not prepare a draft variation of a plan of management for an area of public land unless the conservator has consulted the custodian for the area.
- (3) This part applies to a draft variation of a plan of management as if it were a draft plan of management.

316 Planning reports and SEAs—draft plans of management

- (1) At any time before a draft plan of management is approved under section 321 (3) (a), the Minister may direct that a planning report or strategic environmental assessment be completed for any aspect of the draft plan.
- (2) The Minister may act under subsection (1) after receiving a written request from the conservator of flora and fauna or on the Minister's own initiative.
- (3) In preparing or revising a draft plan of management, the proponent must consider any relevant planning report or strategic environmental assessment.

317 Public consultation about draft plans of management

- (1) This section applies to a draft plan of management (the *final draft plan*) for an area of public land if—
 - (a) no preliminary draft plan of management for the area has been notified under section 62; or

Note A preliminary draft plan of management for an area would be notified under section 62 as a background paper to a territory plan variation (see s 57, def *background papers*).

 - (b) if a preliminary draft plan of management has been notified under section 62—the final draft plan differs significantly from the preliminary draft plan.
- (2) The proponent of the final draft plan must make copies of the final draft plan available—
 - (a) to an appropriate committee of the Legislative Assembly; and
 - (b) for public inspection during office hours at the places stated in a written notice (the *public inspection notice*) prepared by the proponent.

- (3) The public inspection notice must invite people to give written representations about the draft plan of management to the proponent at a stated address by not later than the end of a stated period of not less than

15 working days after the date the notice is notified under the Legislation Act.

- (4) The public inspection notice is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (5) The proponent of the final draft plan must also publish the public inspection notice in a daily newspaper.

318 Revision of draft plans of management

The proponent of a draft plan of management may revise the draft plan—

- (a) after considering any written representations received about the draft plan; or
- (b) to correct any formal error.

319 Giving draft plans of management to Minister

The proponent of a draft plan of management for an area of public land must give the draft plan (whether revised under section 318 or otherwise) to the Minister for approval, together with—

- (a) a written report setting out the issues raised in any written comments given to the proponent in relation to the draft plan; and
- (b) if the planning and land authority or conservator of flora and fauna made comments in relation to the area or the draft plan and the draft plan does not incorporate the comments—a written explanation of why the draft plan does not incorporate the comments; and
- (c) a written report about the proponent's consultation with the public and with anyone else about the draft plan.

320 Consideration of draft plans of management by Legislative Assembly committee

- (1) This section applies if the Minister is given a draft plan of management under section 319.
- (2) Not later than 5 working days after the day the Minister receives the draft plan of management, the Minister must give the following to an appropriate committee of the Legislative Assembly:
 - (a) a copy of the draft plan;
 - (b) a copy of the reports mentioned in section 319 relating to the draft plan.

321 Minister's powers on receiving draft plans of management

- (1) This section applies if the Minister receives a draft plan of management given for approval under section 319 or section 322.

- (2) The Minister must consider any recommendation relating to the draft plan of management made by a committee of the Legislative Assembly under section 320.
- (3) The Minister must—
 - (a) in writing, approve the plan of management in the form given; or
 - (b) refer the draft plan to the proponent of the draft together with 1 or more of the following written directions:
 - (i) to conduct further stated consultation;
 - (ii) to consider any revision suggested by the Minister;
 - (iii) to revise the draft in a stated way;
 - (iv) to defer giving the draft to the Minister again until a stated date or the happening of a stated event;
 - (v) to withdraw the draft in writing.

Note A plan of management approved by the Minister is a disallowable instrument (see s 324).

- (4) The following are notifiable instruments:
 - (a) a deferral of a draft plan of management by the proponent of the draft plan in accordance with a direction under subsection (3) (b) (iv);
 - (b) a withdrawal of a draft plan of management by the proponent of the draft plan in accordance with a direction under subsection (3) (b) (v).

Note A notifiable instrument must be notified under the Legislation Act.

322 Referral of draft plans of management to proponent

If the Minister refers a draft plan of management to the proponent of the draft plan under section 321 (3) (b), the proponent must—

- (a) if the Minister gives a direction under section 321 (3) (b) (i)—comply with the Minister’s directions; and
- (b) if the Minister gives a direction under section 321 (3) (b) (ii) or (iii)—revise the draft plan if the proponent considers appropriate; and
- (c) revise the draft to correct any formal error; and
- (d) submit the draft plan of management (as revised) to the Minister for approval together with a written report about—
 - (i) the proponent’s compliance with the Minister’s directions; and
 - (ii) any revision of the draft under paragraph (c).

323 Notice of revival of deferred draft plans of management

- (1) This section applies if—

- (a) the proponent of a draft plan of management defers the draft plan as directed under section 321 (3) (b) (iv) (Minister's powers on receiving draft plans of management); and
- (b) either—
 - (i) the day stated in the deferral for revival of the draft plan arrives; or
 - (ii) the event mentioned in the deferral for revival of the draft plan happens.
- (2) The proponent of the draft plan of management must prepare a notice, on the day stated in the deferral, or as soon as possible after the event mentioned in the deferral, stating that the draft plan is revived.
- (3) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.
- (4) The proponent of the draft plan of management must also publish the notice in a daily newspaper.

324 Plans of management—notification, presentation, disallowance and date of effect

- (1) A plan of management approved by the Minister under section 321 is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
- (2) Subject to any disallowance under the Legislation Act, chapter 7, the plan of management commences—
 - (a) on the day after the 6th sitting day after the day the plan is presented to the Legislative Assembly under that chapter; or
 - (b) if the plan provides for a later date or time of commencement—on the later date or time.

325 Review of plans of management

- (1) This section applies if there is a plan of management for an area of public land.
- (2) The custodian of the land must—
 - (a) review the plan of management at least once every 10 years; and
 - (b) if satisfied that the plan of management is no longer appropriate for the land—prepare a draft variation of the plan of management for the land (see s 315).