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Legislative Assembly for the ACT: 2005 Week 7 Hansard (21 June) . . Page.. 2093..

Mr Quinlan, on behalf of **Mr Corbell**, presented the following papers:

Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approvals, together with background papers, copies of the summaries and reports, and copies of any direction or report required—

Variation No 244 to the Territory Plan—Duffy part Block 2 Section 56—Stromlo Settlement, dated 5 May 2005 .

Variation No 151 to the Territory Plan—Coree Block 5—Uriarra Rural Village, dated 31 May 2005.

Mr Hargreaves presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Adoption Act—Adoption (Fees) Determination 2005—Disallowable Instrument DI2005-70 (LR, 19 May 2005).

Agents Act—Agents Amendment Regulation 2005 (No 1)—Subordinate Law SL2005-10 (LR, 27 May 2005).

Health Act—Health (Fees) Determination 2005 (No 1)—Disallowable Instrument DI2005-72 (LR, 26 May 2005).

Heritage Act—

Heritage (Council Chairperson and Deputy Chairperson) Appointment 2005 (No 1)—Disallowable Instrument DI2005-63 (LR, 28 April 2005).

Heritage (Council Members) Appointment 2005 (No 1)—Disallowable Instrument DI2005-62 (LR, 28 April 2005).

Hotel School Act—Hotel School Acting Appointment 2005—Disallowable Instrument DI2005-76 (LR, 2 June 2005).

Land (Planning and Environment) Act—

Land (Planning and Environment) (Further Rural Lease Grant Conditions) Determination 2005 (No 1)—Disallowable Instrument DI2005-74 (LR, 30 May 2005).

Land (Planning and Environment) Criteria for Direct Grant of Leases (Small Parcels of Contiguous Land) Determination 2005—Disallowable Instrument DI2005-67 (LR, 9 May 2005).

Magistrates Court Act—Magistrates Court (Litter Infringement Notices) Amendment Regulation 2005 (No 1)—Subordinate Law SL2005-9 (LR, 5 May 2005).

Mental Health (Treatment and Care) Act—

Mental Health (Treatment and Care) Mental Health Facility Approval 2005 (No 1)—Disallowable Instrument DI2005-77 (LR, 6 June 2005).

Mental Health (Treatment and Care) Mental Health Facility Approval 2005 (No 2)—Disallowable Instrument DI2005-78 (LR, 6 June 2005).

Nature Conservation Act—Nature Conservation (Special Protection Status) Declaration 2005 (No 1)—Disallowable Instrument DI2005-64 (LR, 5 May 2005).

Occupational Health and Safety Act—Occupational Health and Safety (Sexual Services Industry) Code of Practice 2005 (No 1)—Disallowable Instrument DI2005-68 (LR, 10 May 2005).

Public Sector Management Act—Public Sector Management Amendment Standard 2005 (No 5)—Disallowable Instrument DI2005-71 (LR, 19 May 2005).

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MAY 2005

LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY

VARIATION NO.244 TO THE TERRITORY PLAN – DUFFY PART
BLOCK 2 SECTION 56 STROMLO SETTLEMENT

TABLING STATEMENT

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Minister for Planning
Mr Simon Corbell MLA

2.

Mr Speaker, Variation number 244 proposes to implement the recommendations of the Shaping Our Territory: Sustainability Study by amending the land use policy for Part Block 2 Section 56 Duffy from Plantation Forestry to Residential. This change will give former residents the opportunity to return to the settlement. To allow for a mixture of public and private housing and retain the village character, the Variation provides for the development of up to 40 dwellings on the site.

The Variation applies a Defined Land Overlay to allow for any necessary adjustments in response to detailed planning. Development will need to be consistent with the principles and policies included in the Variation.

To protect the landscape setting and provide for recreation use, the remainder of the site will be included in the Hills Ridges and Buffer Areas Policy.

The draft variation was released for public comment on 19 June 2004, with comments closing on 9 July 2004. A total of 16 written submissions were received during that period. These submissions primarily expressed support for rebuilding the destroyed dwellings with only two opposing the reconstruction of the settlement. A number of detailed revisions were made to the variation as a result of the consultation process.

In its Report No.5 of April 2005 the Standing Committee on Planning and Environment made seven recommendations in relation to the Variation.

The Committee's first recommendation supported the rebuilding of the Stromlo settlement and most of the general and detailed planning principles specified in the Variation. However, the Committee considered that sustainability principles should take precedence over heritage considerations. In particular, the Committee did not support the retention of the existing road pattern, cottages and other items of heritage significance in situ and considered that the detailed design and siting principle relating to the status of heritage requirements should be deleted. The Committee also recommended relocating the surviving dwellings to the ACT Bushfire Memorial site so they would not constrain the capacity of the village to be a world class example of sustainability.

Determining heritage significance and its implications is a matter for the ACT Heritage Council and is now made in accordance with the ACT Heritage Act 2004. This Act works in parallel with other statutory planning documents. Under the heritage legislation, the preparation and assessment of heritage requirements is the responsibility of the Council. The ACT Planning and Land Authority considers the Council's advice in determining development applications and is obliged to ensure that the impact on heritage significance is avoided or minimised. In view of the new legislative arrangements, the principle Indicating status of heritage

requirements has been deleted. However, the heritage significance of the settlement contributes to its social capital and needs to be recognised particularly in terms of the three cottages the villagers fought so hard to save and which they still occupy. In recognising that sustainability and heritage values can have compatible goals, ACT Housing proposes to retrofit the remaining houses so those existing tenants are not disadvantaged.

The third recommendation of the Committee was for the Chief Minister to seek independent advice on solar energy aspects such as optimal block size, shape and settlement layout and to maximise solar benefits in the Village. The detailed principles in the Variation state that blocks should be orientated to maximize solar access and meet the ACT Energy Guidelines. A notation has been added to the Variation to clarify that the block layout in the Outline Plan is indicative and may be amended to provide for better solar access outcomes. This can be achieved through the tender process, by requiring implementation plans and tender documents to address energy solutions.

The Committee's fourth recommendation was to investigate the option of using photovoltaics on some or all of the houses and accessing the Commonwealth Governments rebate program. However, there are alternative energy options to be considered such as gas and passive solar. It will be up to the tender process to identify cost effective energy solutions, and it may be that photovoltaics are considered appropriate at that time.

The Committee's fifth recommendation related to requirements for outdoor lighting for the settlement through the use of appropriate down lighting and can be addressed at the implementation stage.

The sixth recommendation related to removing references to 'low, transparent front fences' and 'gravel driveways' from the design and siting principles of the Variation. These references respond to ACT Heritage Council comments concerning the rural character of the settlement. They are not mandatory and will be subject to the advice of the Council.

The final recommendation relating to footpaths and pathways can be addressed through the tender process and requirements in the Implementation Plan.

Mr Speaker, I now table Variation to the Territory Plan number 244.

