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MR STANHOPE (continuing):

exemptions until April 2006. The additional time will allow the cooperation groups to address the remaining differences between Australian and New Zealand laws and regulations. The states and territories endorsed the changes to the TTMRA special exemptions by gazetting the regulations in their respective gazettes or, in the ACT, by notifying the instrument on the ACT legislation register.

Paper

Mr Stanhope presented the following paper:

ACT Criminal Justice-Statistical Profile-December quarter 2004.

Territory plan-variation No 246

Papers and statement by minister

MR CORBELL (Molonglo-Minister for Health and Minister for Planning): For the information of members, I present the following papers:

Land (Planning and Environment) Act, pursuant to subsection 29 (1)-Approval of Variation No 246 to the Territory Plan-Changes to Residential Area Specific Policy Overlays-Suburb of Downer, dated 15 March 2005, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

I ask for leave to make a statement in relation to the papers.

Leave not granted.

Standing orders-suspension

Motion (by **Mr Corbell**) proposed:

That so much of the standing orders be suspended as would prevent Mr Corbell making a statement.

MR SMYTH (Brindabella-Leader of the Opposition) (3.46): It has been a tradition of this place for the last 15 years or so that, when members seek leave to make a statement, leave is granted. It seems that, since the advent of majority government, Mr Corbell has determined that that leave, that courtesy, shall not be shown to this side of the house. Indeed, the number of occasions in the last couple of weeks-

MR SPEAKER: Mr Smyth, come to the point of the motion for the suspension of standing orders which is before us.

MR SMYTH: The point is that Mr Corbell seeks leave to make a statement. He made a statement earlier in the week that courtesy should be shown, but that courtesy is not being shown to this side of the house. Both sides of this house have work to do and a large proportion of that work depends on

leave that is granted by the house. On the majority of occasions in the past 15 years, the Liberal Party has granted leave to whomever has wanted to make a statement. We have seen a change, particularly since

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MRS DUNNE (continuing):

comprehensively to show. He has failed to show courtesy, which is why we opposed his application today for leave. If he wants leave, he will have to work for it in the same as the rest of us.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Territory plan-Variation No 246

Papers and statement by minister

MR CORBELL (Molonglo-Minister for Health and Minister for Planning): Draft variation No 246 proposes to change the territory plan map to remove the A10 residential core area specific policy overlay from sections 34, 35, 37, 38, 39 and 40 of Downer. It also proposes to add B12-increased density development-area specific policy over section 39 and blocks 36 to 49 of section 34.

The variation was released for public comment on 13 August 2004, with comments closing on 3 September 2004. Five written submissions were received during that period. The issues raised were considered in preparing the final variation. No revisions were made to the variation as a result of the consultation process.

In report 4 of this year, the Standing Committee on Planning and Environment made two recommendations in relation to the draft variation. The committee's first recommendation was that draft variation 246 be agreed to. This recommendation is supported. The committee's second recommendation was that, when the proposed Tree Protection Act has commenced, an assessment take place as to whether Blackett Street should be declared a tree management precinct for the duration of any urban renewal in the area in response to variation 246.

Environment ACT have advised that transitional arrangements will see the progressive lifting of tree management precinct status from all suburbs, except those areas considered to need ongoing protection. Further consultation will be undertaken as part of this process and reaffirmation of this recommendation would then be appropriate.

The report also contained dissenting remarks by Mr Seselja. Mr Seselja's comments related to the application of the A10 residential core area overlay in Downer, specifically the omission of section 34, blocks 1 to 35, with Mr Seselja claiming that this would seem to be inconsistent with the Canberra spatial plan. Mr Seselja suggested that the authority and residents of Downer revisit the issue of the correct zoning as he saw it in this area.

A task of the neighbourhood planning process was to best fit the territory plan's residential core areas. This involved recognising that a neighbourhood may contain features that are highly valued by a significant number of residents. Sometimes modifying the core area is justified to ensure that the broader policy aims can be achieved whilst respecting the local area conditions.

After considerable negotiations with the Downer neighbourhood and key stakeholders, the bed and breakfast accommodation provided by a variety of businesses on Northbourne Avenue was recognised as contributing significantly to the character of the neighbourhood. As a result, the authority agreed to retain and encourage this function.

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MR CORBELL (continuing):

To achieve this, blocks 1 to 35 of section 34 have been identified as suburban as opposed to residential core areas. I commend the variation to the Assembly.

Papers

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64-

Drugs of Dependence Act-Drugs of Dependence Regulation 2005-Subordinate Law SL2005-3 (LR, 4 March 2005).

Emergencies Act-Emergencies (Bushfire Council Members) Appointment 2005-Disallowable Instrument DI2005-24 (LR, 7 March 2005).

Health Professions Boards (Procedures) Act-Health Professions Boards (Procedures) Psychologists Board Appointment 2005 (No. 1)-Disallowable Instrument DI2005-14 (LR, 3 March 2005).

Heritage Act-Heritage Regulation 2005-Subordinate Law SL2005-5 (LR, 8 March 2005).

Public Place Names Act-

Public Place Names (Bruce) Determination 2005 (No. 1)-Disallowable Instrument DI2005-23 (LR, 3 March 2005).

Public Place Names (Dunlop) Determination 2005 (No. 1)-Disallowable Instrument DI2005-20 (LR, 3 March 2005).

Public Place Names (Watson) Determination 2005 (No. 1)-Disallowable Instrument DI2005-22 (LR, 3 March 2005).

Road Transport (Driver Licensing) Act, Road Transport (General) Act, Road Transport (Public Passenger Services) Act, Road Transport (Safety and Traffic Management) Act and Road Transport (Vehicle Registration) Act-Road Transport Legislation (Hire Cars) Amendment Regulation 2005 (No. 1)-Subordinate Law SL2005-4 (LR, 7 March 2005).

Road Transport (General) Act-

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No. 3)-Disallowable Instrument DI2005-30 (LR, 7 March 2005).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No. 4)-Disallowable Instrument DI2005-29 (LR, 4 March 2005).

Road Transport (General) (Public Passenger Services Licence and Accreditation Fees) Determination 2005 (No. 1)-Disallowable Instrument DI2005-27 (LR, 8 March 2005).

Road Transport (General) (Refund and Dishonoured Cheque Fees) Determination 2005-Disallowable Instrument DI2005-25 (LR, 7 March 2005).

Road Transport (Public Passenger Services) Act-Road Transport (Public Passenger Services) Exemption 2005 (No. 1)-Disallowable Instrument DI2005-28 (LR, 8 March 2005).

Small Business Commissioner Act-Small Business Commissioner Appointment 2005 (No. 1)-Disallowable Instrument DI2005-16 (LR, 2 March 2005).

Asbestos task force

Ministerial statement

MS GALLAGHER (Molonglo-Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial

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MR GENTLEMAN (continuing):

Whilst the extension of the Mount Mugga Mugga nature reserve is very good and we endorse it, we question the greenfields development that is taking place in east O'Malley. Having noted that it is isolated in a sense from the rest of the suburb and certainly from the amenities of shopping centres and so on, it will increase the movement of cars into and out of that area. I could not get any assurances from the developer that there will be amenities within the development so that people do not have to jump into their cars every time they want to buy a carton of milk, but I was told that it was probably not likely.

I am very concerned that, while we are conserving a bit more of the grassy woodlands that are endangered, we are losing quite a lot of it, remembering as well the poisoning of the trees last year by persons unknown then and still unknown, even though it is nearly a year later. I am also concerned that, whilst significant trees are being earmarked for retention, there has not been any consideration given to understorey species and, of course, trees of their own are not an ecosystem.

I am concerned that there will be a net impact on greenhouse gas emissions. I am also concerned that these new houses, which will be very expensive houses-it is an elite estate; another one-are not going to be subject to any energy efficiency or water conservation conditions. I am especially concerned, having seen yesterday both major parties in the Assembly combine to defeat the possibility that those people who could well afford to introduce those particular standards in their houses be made to do so.

Question resolved in the affirmative.

MR SPEAKER: I acknowledge the presence in the gallery of a former member of the Assembly, Mr Bill Wood.

Report 4

MR GENTLEMAN (Brindabella) (11.30): I present the following report:

Planning and Environment-Standing Committee-Report 4-*Draft Variation to the Territory Plan No 246-Changes to Residential Area Specific Policy Overlays-Suburb of Downer*, dated 16 February 2005, including a dissenting report, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to move a motion authorising the report for publication.

Leave granted.

MR GENTLEMAN: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MR GENTLEMAN: I move:

That the report be noted.

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