

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

***VARIATION TO THE TERRITORY PLAN TO AMEND FORMAL
ERRORS***

**REPORT NO.15 OF THE STANDING COMMITTEE ON PLANNING,
DEVELOPMENT AND INFRASTRUCTURE**

AUGUST 1993

Resolution of Appointment

'The following general purpose standing committees be established 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...

'a Standing Committee on Planning, Development and Infrastructure to examine matters related to planning, land management, transport, economic development, commercial development, industrial and residential development, infrastructure and capital works, science and technology.'

'if the Assembly is not sitting when the Standing Committee on Planning, Development and Infrastructure 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 204 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 and circulation.'

Minutes of Proceedings, Second Assembly, 27 March 1992

Committee Membership

Mr David Lamont (Presiding Member)
Mr Trevor Kaine (Deputy Presiding Member)
Mr Tony De Domenico
Ms Annette Ellis
Ms Helen Szuty

Secretary: Mr Rod Power

VARIATION TO THE TERRITORY PLAN TO AMEND FORMAL ERRORS

Background

1. 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.
2. On 8 August 1993 the Minister for the Environment, Land and Planning, Mr Bill Wood MLA, referred the draft Variation and background papers relating to the correction of formal errors in the Territory Plan documents tabled in the Legislative Assembly on 16 June 1993. The Minister's covering letter referred to the fact that the Executive agreed to the draft Variation being submitted without the ACT Planning Authority seeking public comment on the corrections.
3. The Minister's letter also noted that the Executive hoped to be in a position to gazette the corrections, if endorsed by the Committee and passed by the Assembly, at the same time as the Territory Plan is gazetted. To meet this deadline, the Committee is required to promptly consider the draft Variation.

Consideration by the Committee

4. The Committee acknowledges that the community's interest is served by such a coincidence of gazettal dates, since the formal corrections apply to the Territory Plan and make it a more comprehensive document. The Committee therefore considered the draft Variation at its meeting on 13 August 1993.
5. The Committee notes that a formal error is defined in the *Land (Planning and Environment) Act 1991* as a clerical error, an error arising from an accidental slip or omission, or a defect of form. The Committee notes the assurance of the Chief Planner that each of the amendments to the Plan included in the draft Variation is a formal error within the meaning above and that none of the amendments constitute an amendment to the policies or principles set out in the approved Plan.
6. Notwithstanding these assurances, the Chief Planner advised the Committee of further minor corrections identified since the original document was prepared. The Committee worked through both these changes and the original document.
7. The Committee accepted the changes as put forward by the Chief Planner. The Committee notes that the Chief Planner will need to formally go back to the Minister with a fully corrected document prior to the Government's response to this report of the Committee being tabled in the Legislative Assembly.

Recommendation

8. *The Committee endorses the Variation as amended.*

Postscript

9. The *Land (Planning and Environment) Act 1991* requires the ACT Executive to have regard to the recommendations of this Committee before approving any draft variation to the Territory Plan.
10. 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.
11. 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.

David Lamont MLA
Presiding Member
13 August 1993