

Australian Capital Territory

Planning and Development (Canberra Urban Lakes and Ponds) Land Management Plan 2022

Disallowable instrument DI2022–10

made under the

Planning and Development Act 2007, s 328 (Land management plan—Minister’s approval and notification)

EXPLANATORY STATEMENT

Division 10.4.2 of the *Planning and Development Act 2007* (the **Act**) requires the preparation of a draft land management plan for public land and approval by the Minister for Planning and Land Management.

Specifically, section 321 of the Act requires the custodian of an area of public land to prepare a draft land management plan for the area. In preparing the draft plan, the custodian is required to consult with the Conservator of Flora and Fauna and the planning and land authority (see section 321 (2) of the Act).

In accordance with section 323 of the Act, the draft Canberra Urban Lakes and Ponds Land Management Plan (the **draft plan**) was put out for public consultation from 21 February 2021 to 11 September 2021. Under section 324 of the Act, the custodian prepared a report on public consultation which was published on the YourSay website. Submissions received during public consultation were considered and appropriate revisions made to the draft plan.

The draft plan was also provided to the Conservator of Flora and Fauna and the planning and land authority for comment, as required by section 321 of the Act.

Under section 324 (2) of the Act, the draft plan was then provided to the Minister for approval. As required by section 325 of the Act, the draft plan was referred to the Standing Committee on Planning, Transport and City Services (the **Committee**) on 22 February 2021. The Committee did not undertake a public inquiry and instead made its own comments on the draft plan and tabled its report into the draft plan, which included six recommendations, on 20 August 2021.

The Minister tabled a response to the Committee’s report on 15 November 2021 in accordance with section 327 (3) of the Act.

This instrument was approved by the Minister under section 327 (3) of the Act. A draft land management plan approved by the Minister under section 327 (3) (a) of the Act is a land management plan (see section 328 (1) of the Act). A land management plan is a disallowable instrument (see section 328 (2) of the Act).

The instrument revokes the current *Plan of Management for Canberra's Urban Lakes and Ponds* (the **current plan**), which was approved by the *Land (Planning and Environment) Plan of Management Approval 2001* (DI2001-173). DI2001-173 was repealed by section 248 (2) of the Act; however, under transitional arrangements in section 467 of the Act, the current plan is taken to be a land management plan under the Act.

Objective of this instrument

The objective of this instrument is to provide a land management plan for Canberra's urban lakes and ponds under division 10.4.2 of the Act. As set out below, the land management plan meets the content requirements outlined in section 320 of the Act.

Land Management Plan for Canberra's urban lakes and ponds

The plan for Canberra's urban waterbodies identifies the area to which the plan applies and describes how the management objectives for the area are to be implemented or promoted.

Specifically, the plan sets out the following management objectives:

1. The framework guiding the management of Canberra's urban waterbodies in a manner responsive to a range of environmental and community values
2. Communicate management intentions associated with managing Canberra's urban waterbodies
3. Document the management vision, core values and services for Canberra's urban waterbodies
4. Complement other associated plans and strategies
5. Provide performance indicators to monitor the implementation of the plan.

The management objectives are to be implemented or promoted by setting out the primary and ancillary uses envisaged for Canberra's urban waterbodies, the management strategy to be put in place and a list of activities allowed at each waterbody.

Regulatory Impact Statement

A regulatory impact statement is not required as this instrument does not impose appreciable costs on the community or a part of the community (see section 34 (1) of the *Legislation Act 2001*). Further, the plan for Canberra's urban waterbodies does not operate to the disadvantage of anyone by adversely affecting their rights or imposing liabilities on the person (see section 36 (1) of the *Legislation Act 2001*).

Human Rights

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference requires consideration of human rights, among other matters. In this case, no human rights are impacted.