

Australian Capital Territory

Planning and Development (Plan Variation No 285) Notice 2008

Notifiable instrument NI2008–123

made under the

Planning and Development Act 2007

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 285) Notice 2008*.

2 Plan Variation No 285

On 25 March 2008, the Minister approved a draft of the attached plan variation under s 76 (3).

Jacqui Lavis
Delegate for the
Planning and Land Authority
18 April 2008



ANNEXE A

FINAL VARIATION

Planning and Development Act 2007

Variation to the Territory Plan No. 285

Block 17 Section 102
Symonston

Changes to NUZ1 Broadacre
Zone Development Table
April 2008



Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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1. EXPLANATORY STATEMENT

1.1 Background

The Variation proposes to add Block 17 Section 102 Symonston to the Broadacre Zone Development Table Figure 7 Symonston Area 'b' to permit Mobile home park use on the site, as identified in Section 2 of this document.

Block 8 Section 97 Symonston, known as Narrabundah Long Stay Caravan Park (NLCP) was transferred to the Commissioner for Housing under instrument in 1987. The arrangement was formalised and a Crown Lease for Block 8 Section 97 Symonston was granted to the Commissioner for Housing on 9 November 1999. The purpose of the lease was for a Caravan Park and Camping Ground for maximum of 102 caravan sites, the area of the land being 9.379 hectares.

The Commissioner for Housing transferred the lease for the subject site to Koomarri Association ACT Incorporated, in October 2000. Subsequently, Koomarri Association sold the lease to Dytin Pty Ltd in April 2006 and currently Dytin Pty Ltd is the registered proprietor of the Crown Lease of Block 8 Section 97 Symonston.

The current lessee proposed to redevelop the land and gave an eviction notice to all the residents of the NLCP. Due to concern for the residents and public objection to the eviction, the ACT Government negotiated with the lessees to secure the continuation of the Caravan Park. This resulted in a Deed of Agreement between the ACT Government and the lessees of the Narrabundah Long Stay Caravan Park for a land swap for a site with similar area and development potential.

The new site identified as Block 17 (formerly part Block 13) Section 102 Symonston, which is situated directly opposite to NLCP, is subject to the Broadacre Zone. However, it was not covered by the 10E Area Specific Policy, which applied to the NLCP site under the former Territory Plan. The draft Variation has been prepared so that Block 17 Section 102 Symonston will be subject to the same planning policy arrangements as apply to the NLCP.

The mobile home park use on the NLCP site (Block 8 Section 97) existed prior to when the Territory Plan was introduced in 1993. In order to permit the same use on the land swap area, it was proposed to expand the existing 10E Area Specific Policy to also include the proposed land swap site. To formalise this arrangement without being inconsistent with the National Capital Plan, the National Capital Authority proposed to amend the National Capital Plan. This amendment has now been approved (No 67).

The approval of Amendment 67 to the National Capital Plan and Variation 285 to the Territory Plan permits the use of Mobile Home Park in already existing Broadacre land use policy areas with 10E Area Specific Policy, namely NLCP on Block 8 Section 97 and Block 6 Section 97 Symonston (the Sundown Village), as well as on Block 17 Section 102 Symonston.

1.2 The National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with one of its functions being to prepare and administer the National Capital Plan, review and propose amendments to it when necessary.

The National Capital Plan, which was published in the Commonwealth Gazette on 21 January 1990, is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The *Australian Capital Territory (Planning and Land Management) Act 1988* also required that a Territory Plan be prepared by a Territory Planning Authority responsible to the ACT Legislative Assembly and that the Territory is planned and developed in a manner not inconsistent with the NCP.

In accordance with section 10 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, the National Capital Plan defines the planning principles and policies for Canberra and the Territory, for giving effect to the object of the National Capital Plan and sets out the general policies to be implemented throughout the Territory, including the range and nature of permitted land uses.

It also sets out the detailed conditions of planning, design and development for areas that have special significance to the National Capital known as Designated Areas and identifies special requirements for the development of some other areas.

The Amendment to the National Capital Plan (A 67) was approved on 5 October 2007 and will be registered on the Federal Register of Legislative Instruments. If it is not disallowed during the 15 sitting day disallowance period it will extend the Mobile Home Park land use to Block 17 Section 102 Symonston and formalise the existing caravan parks on Blocks 6 and 8 Section 97 Symonston.

1.3 Planning System Reform

The ACT Government has been engaged in a project aimed at streamlining the planning system in the ACT. The legislative framework for the planning system reform project is based on the *Planning and Development Act 2007* (the P&D Act), which was approved by the Legislative Assembly in August 2007. The P&D Act replaces the *Land (Planning and Environment) Act 1991* (the Land Act) and the *Planning and Land Act 2002*.

Another key part of the Government's planning system reform initiative has been the restructure of the Territory Plan. The new Territory Plan features a system of zones and precincts that are reflected in the Territory Plan map.

The P&D Act includes transition provisions for draft variations that were initially prepared and released under the Land Act. These provisions enable the draft variation process to continue beyond the commencement of the new legislation.

This recommended final draft variation has been revised to ensure its consistency with the new Territory Plan and legislative requirements.

1.4 Site Description

Block 17 (formerly part of Block 13) Section 102 Symonston is at the corner of Jerrabomberra Avenue and Narrabundah Lane, opposite to Blocks 6 (the Sundown Village) and 8 Section 97 Symonston (NLCP).

The proposed site has been withdrawn from the lease and is currently managed by the Territory. The land is adjacent to the Therapeutic Goods Administration complex, on Block 5 Section 126 Symonston on the same side of Narrabundah Lane.

The blocks that are on the opposite side of Narrabundah Lane are used for agriculture and grazing, and also the existing NLCP. A motel and tourist accommodation and caravan park is located adjacent to the NLCP.

See **Figure 1.1** overleaf showing location of subject block.

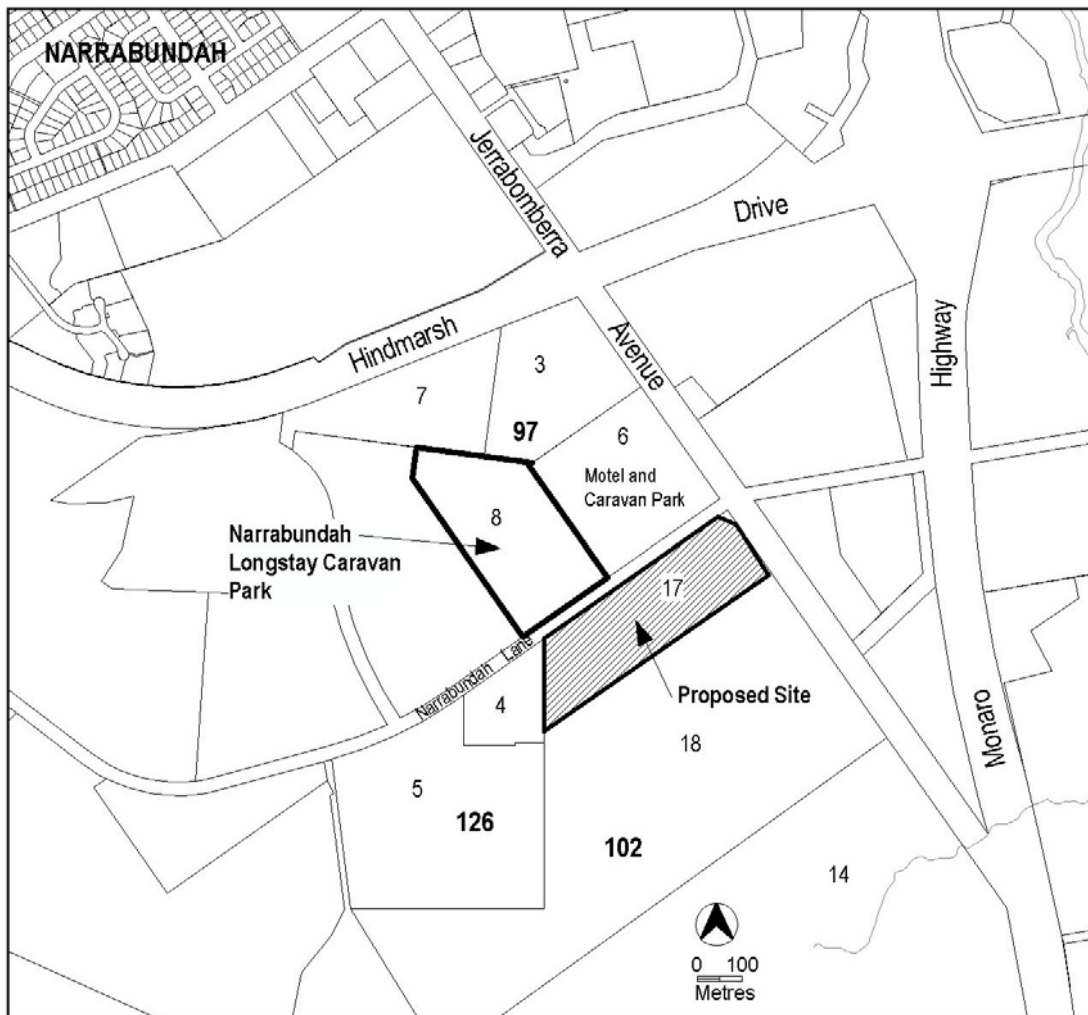


Figure 1.1 Site Plan

1.5 Territory Plan Zones Map

The Territory Plan Map zone for the area subject to this variation is shown in **Figure 1.2**.

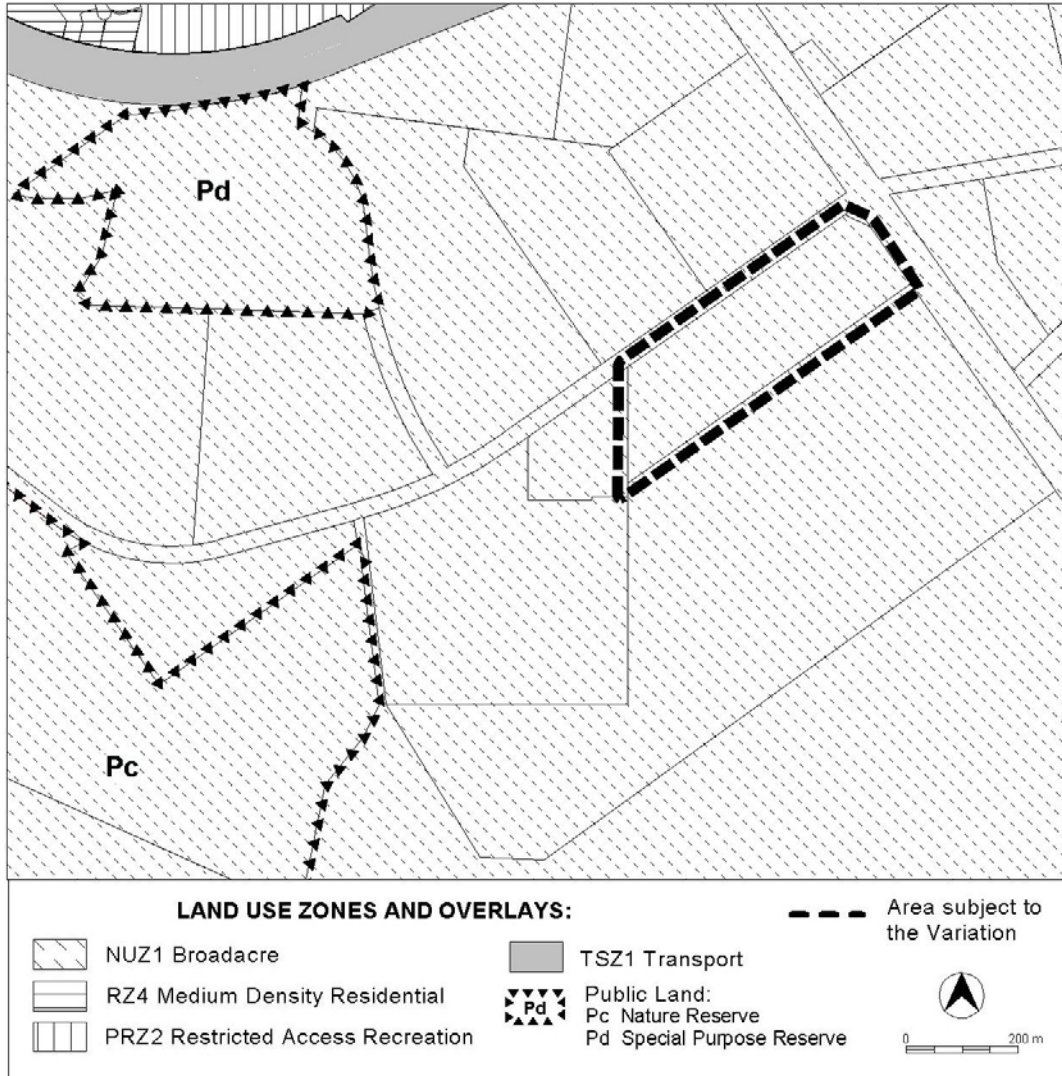


Figure 1.2 Territory Plan Zones Map

1.6 Changes to the Territory Plan

To implement the changes to allow Mobile home park on Block 17 Section 102 Symonston, it is necessary to vary the Territory Plan Volume 1 Zone Development Table for the NUZ1 Broadacre Zone.

These are detailed in Section 2 of this document.

1.7 Consultation on the Exhibited Draft Variation

Draft Variation No. 285 was released for public comment on 20 July 2007 and a consultation notice under section 19(1) of the *Land (Planning and Environment) Act 1991* was placed in the ACT Legislation Register on 20 July 2007 and a notice published in the Canberra Times on 21 July 2007 and in the Chronicle on 24 July 2007.

Written comments were invited by 3 September 2007 and a total of ten (10) written submissions were received from the public as a result of the consultation process. Seven (7) of the submissions raised objections to draft Variation 285 while the others (including a form letter containing 32 signatures) expressed support for the proposal.

Main issues raised by submitters related to:

- Environmental and Heritage status of Block 17 Section 102 Symonston;
- The presence of the Grassland Earless Dragon;
- Environmental agency referral requirements and the interpretation of the Conservator of Flora and Fauna's recommendations
- Suitability of the uses in a Broadacre area
- Transparency of the planning processes

These issues were addressed in the 'Report on Consultation' that was prepared by the Authority in conjunction with the recommended final Variation.

1.8 Revisions to the Draft Variation

After analysis of the comments received during the Draft Variation consultation period, no changes were made to the exhibited draft Variation.

1.9 Revisions to the Recommended Final Variation

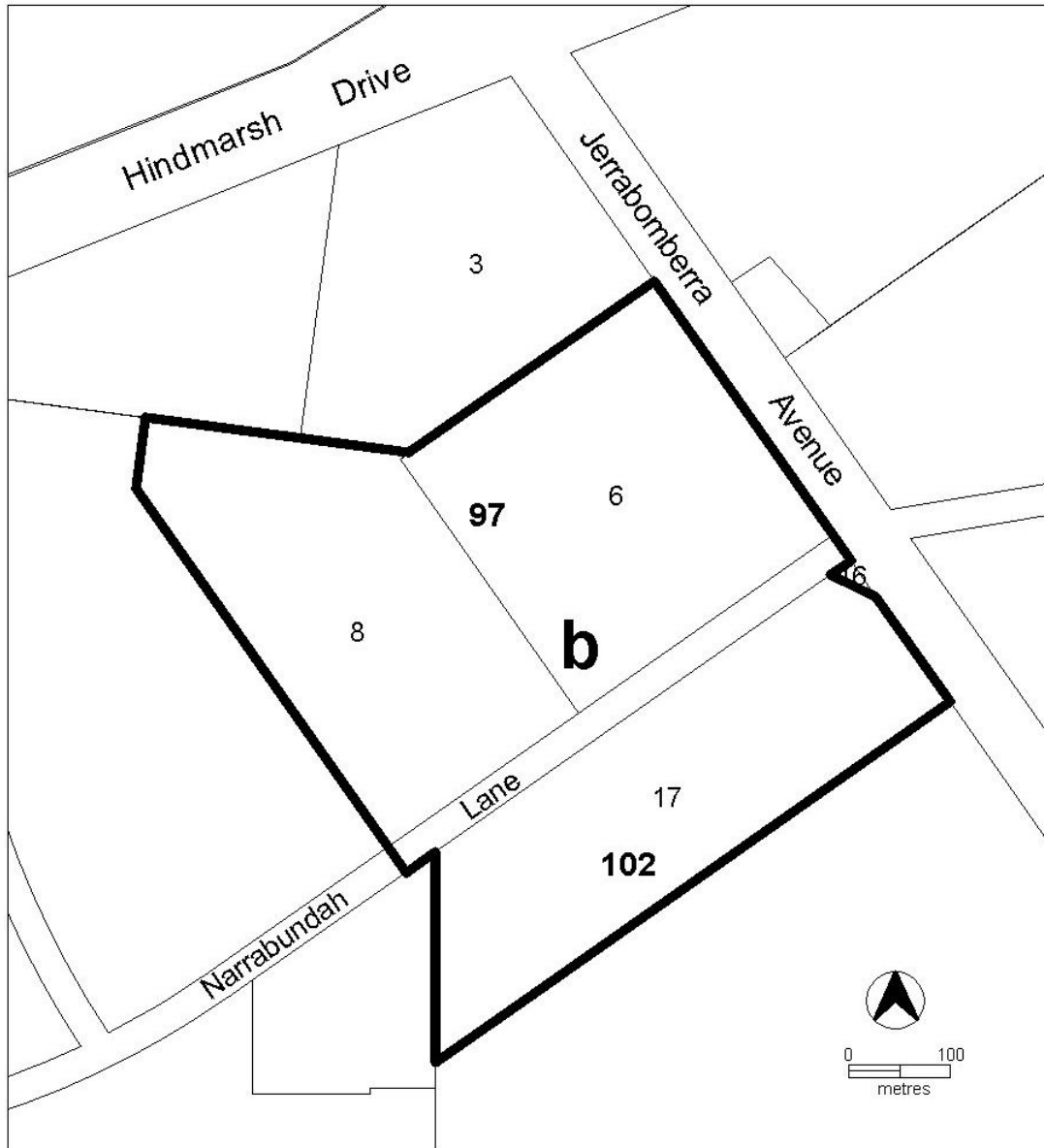
Due to the introduction of the new Territory Plan and P&D Act, the final Variation has been reformatted to incorporate the terminology and references to zones as per the new Territory Plan but maintaining the intent of the proposal as provided in the draft Variation document to allow for Mobile home park on the site.

2. VARIATION

2.1 Variation to the Territory Plan Volume 1

2.1.1 Changes to NUZ1 Broadacre Zone Development Table

Amend and replace **Figure 7 Symonston Area 'b'** with the following figure to include Block 17 Section 102 Symonston.



Symonston Area 'b'

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