

Australian Capital Territory

Planning and Development (Plan Variation No 297) Notice 2014

Notifiable Instrument NI2014-552

made under the

***Planning and Development Act 2007*, section 76(3)**

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 297) Notice 2014**.

2 Plan Variation No 297

On 13 October 2014, the Minister for Planning approved a draft of the attached plan variation to the Territory Plan (*Annexure A*) under s76 (3).

Ben Ponton
Delegate of the Planning and Land Authority
21 October 2014

*Name amended under Legislation Act, s 60

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ACT
Government

Environment and Planning

ANNEXURE A

Planning and Development Act 2007

Variation to the Territory Plan No 297

Public land overlay and zone changes

Canberra Central/Watson/Hackett

Gungahlin, Jerrabomberra and Yarralumla

Final variation prepared under s76 of the
Planning and Development Act 2007

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1. EXPLANATORY STATEMENT

1.1 Background

1.1.1 Paddocks 5 and 6

Paddocks 5 and 6 are part of six paddocks in the Hackett Horse Holding Paddock complex. Variation 182 Public Land – Nature Reserve changed the public land overlay for paddock 5 from nature reserve to special purpose reserve in 2002. A recent review of the ecological values of the area shows that there is merit in adding paddocks 5 and 6 to ACT's nature reserve estate. This variation formally changes the public land overlay for paddocks 5 and 6 from special purpose reserve to nature reserve.

1.1.2 Gungahlin north and Mulanggari west

Development on Block 799 Gungahlin will impact on the habitat of the Striped Legless Lizard and Golden Sun Moth which are protected by the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). In order to offset the loss of this habitat, two offset areas were approved by the Commonwealth and are formally included in the nearby Gungahlin and Mulanggari nature reserves.

1.1.3 Jerrabomberra (part Block 2110 Jerrabomberra)

The expansion of the Mugga Lane Resource Management Centre will impact on the Box-Gum Woodland which is protected by the EPBC Act. One area has been identified adjacent to the existing Isaacs Ridge Nature Reserve to offset the loss of this woodland. This variation incorporates the offset area into the Isaacs Ridge Nature Reserve.

1.1.4 Yarralumla (Block 3 Section 123 Yarralumla)

Yarralumla Nursery is subject to an urban open space public land overlay in the Territory Plan. This variation is to remove the urban open space public land overlay for block 3 section 123 Yarralumla to reflect its current commercial use and operation. To remove any doubt, this draft variation is to remove the urban open space public land overlay for block 3 section 123 Yarralumla under the Territory Plan. Under the National Capital Plan, block 3 section 123 Yarralumla is still national open space within the Lake Burley Griffin and Foreshore area.

1.2 Summary of the Proposal

Variation 297 to the Territory Plan (DV297) responds to separate requests from the Conservator of Flora and Fauna and the Economic Development Directorate regarding varying the Territory Plan for a range of sites. The variation proposes to make changes to public land overlay and zone provisions as follows:

- add Hackett Horse Holding Paddocks 5 and 6 (part block 1329 Canberra Central, part block 1 section 85 Watson, part block 1 section 52 Hackett) and surrounds (part blocks 61 and 1330 Canberra Central) to the adjacent existing nature reserve;
- incorporate two offset areas (part block 783 Gungahlin – Gungaderra north; block 1 section 221 Gungahlin – Mulanggari west) into the existing Gungaderra and Mulanggari Nature Reserves respectively in order to offset impact from the proposed development on block 799 Gungahlin;
- incorporate one offset area (part block 2110 Jerrabomberra) into the existing Isaacs Ridge Nature Reserve to offset the impact from the expansion of Mugga Lane Resource Management Centre; and
- remove the public land overlay of urban open space from Yarralumla Nursery (block 3 section 123 Yarralumla).

1.3 The National Capital Plan

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

The NCP, 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 Planning and Land Management Act 1988 also required that the Territory Plan is 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 NCP 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.

1.4 Site Description

1.4.1 Paddocks 5 and 6

The Hackett Horse Holding Paddock complex borders Antill Street, Mount Majura and Mount Ainslie Nature Reserves and is located adjacent to the suburbs of Watson and Hackett. The complex is mainly for the use of agistment as part of the ACT Government Horse Paddocks. Paddock 5 is located on part of block 1329 Canberra Central. Paddock 6 is located on part of block 1329 Canberra Central, part of block 1 section 85 Watson, and part of block 1 section 52 Hackett. This draft variation also includes part of blocks 61 and 1330 Canberra Central in keeping with the recommendation from the Conservator of Flora and Fauna.

Paddock 5 has approximately 9 ha of moderately modified Yellow Box – Red Gum endangered community. It has a very high habitat value. Paddock 6 contains a mix of Yellow Box, Red Gum, Brittle Gum, Scribbly Gum and Apple Box, with a shrubby understorey and a diverse native groundlayer. It has high fauna habitat values. Hoary Sunray (*Leucochrysum albicans*), a plant listed as nationally endangered and considered rare in the ACT, occurs in the southern section of the paddock. Hill Fireweed (*Senecio hispidulus*) and Five-corned Jack (*Styphelia triflora*) also occur in paddock 6, with both being considered to be rare species in the ACT.

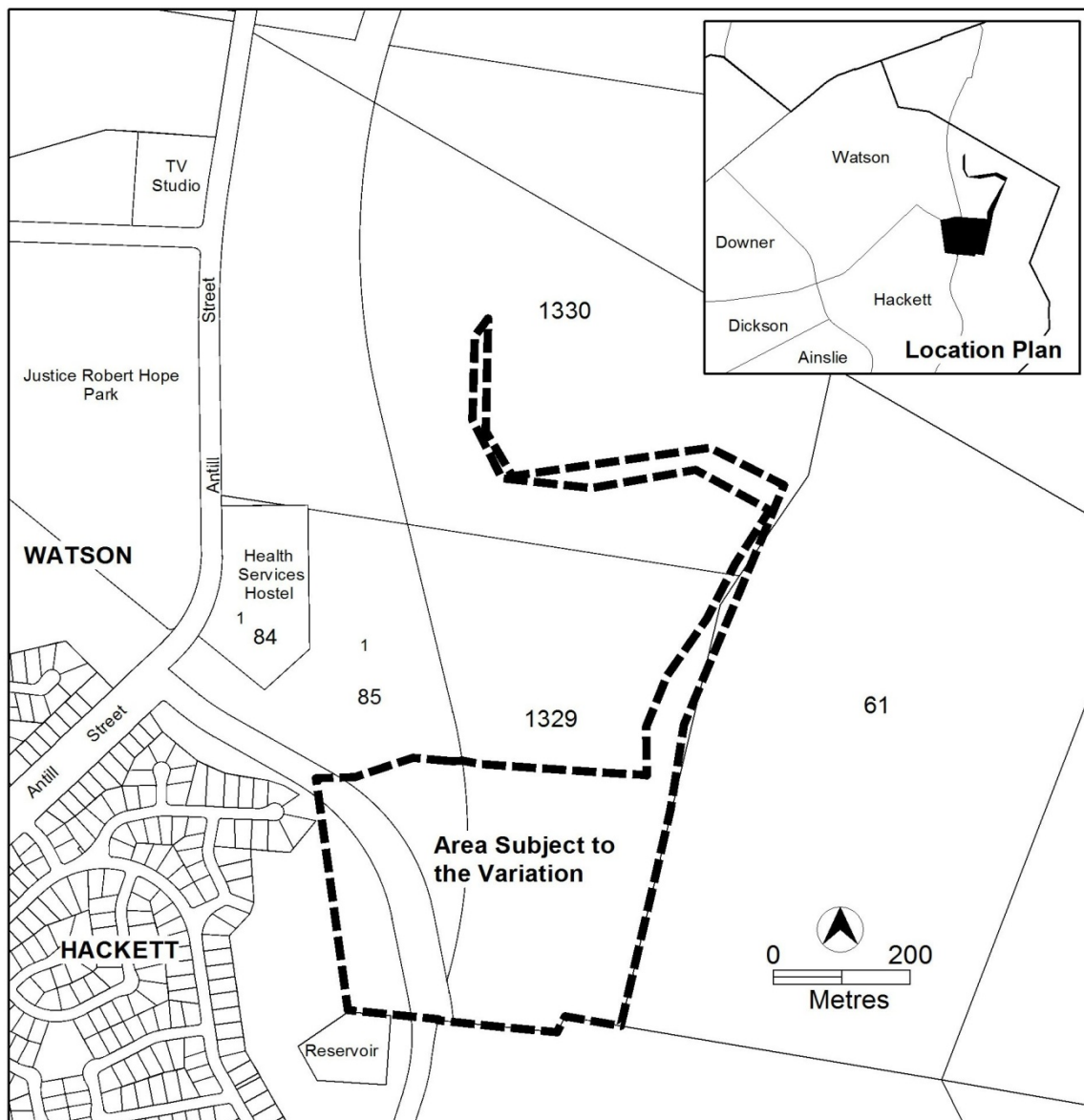


Figure 1 Site plan of Paddocks 5 and 6

1.4.2 Gungaderra north and Mulanggari west

The offset for Block 799 Gungahlin comprises two separate areas, both directly adjoining existing nature reserves in the Gungahlin District.

Gungaderra north

Gungaderra north is immediately south of Palmerston and adjoins the northern end of Gungaderra Nature Reserve. The area provides extensive areas of suitable habitat occupied by a breeding population of Striped Legless Lizard and also provides linking habitat between areas on the western and eastern sides of the ridgeline.

Mulanggari west

Mulanggari west adjoins the Mulanggari Nature Reserve. The area is suitable for maintaining populations of Striped Legless Lizard and Golden Sun Moth habitat.

The addition of these offset areas into the nature reserve estate will improve the 'core to edge' ratio of the reserves. This will reduce the edge effects and increasing the buffer between the Gungaderra Nature Reserve and the residential areas of Crace and Palmerston. An increase to the overall area of Mulanggari Nature Reserve would also enhance the quality of 'core' habitat within the existing reserve area.

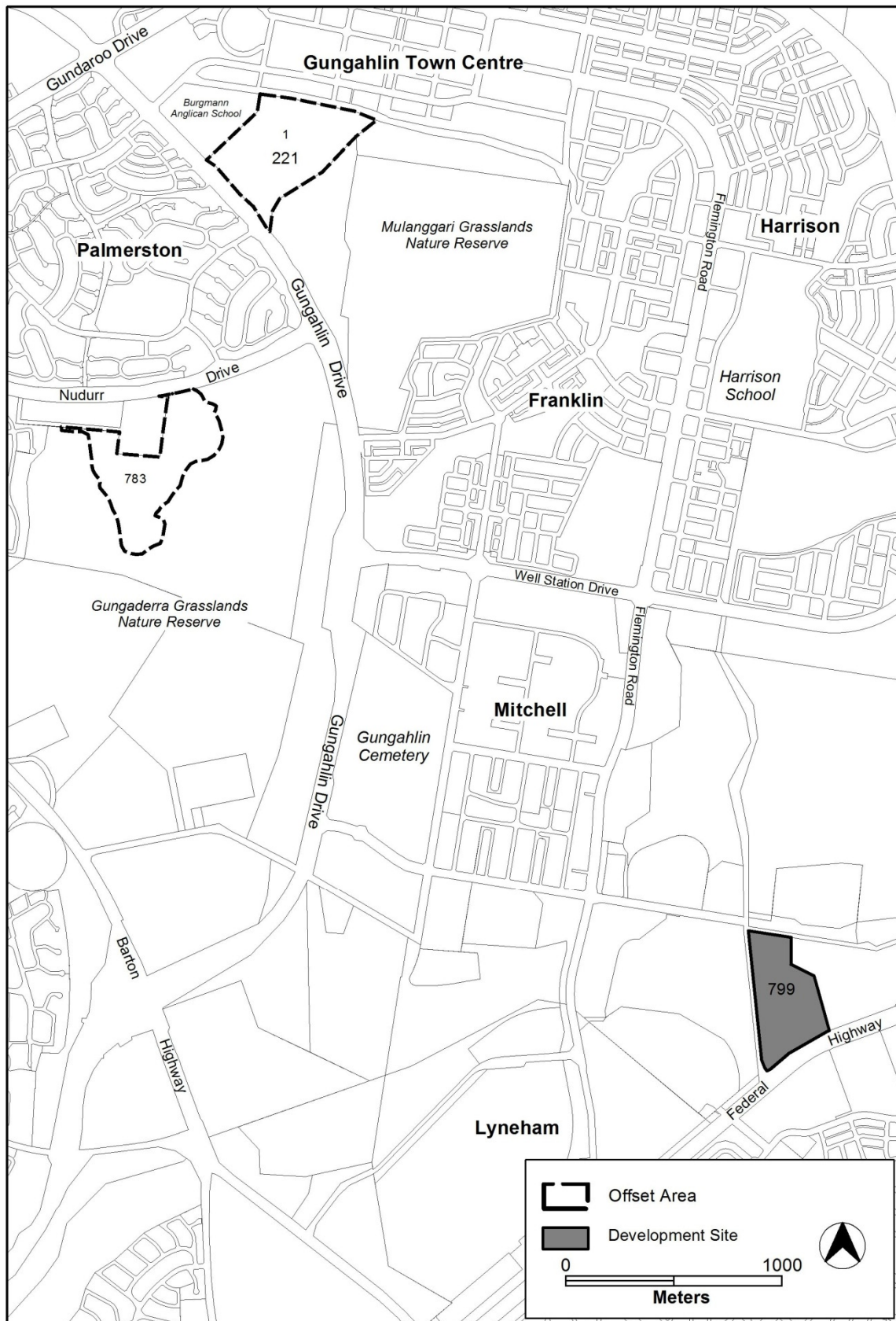


Figure 2 Site plan of Gungaderra north and Mulangari west

1.4.3 Jerrabomberra (part Block 2110 Jerrabomberra)

Part of block 2110 Jerrabomberra has been identified as a biodiversity offset to recover the loss of woodland due to the expansion of Mugga Lane Resource Management Centre. This offset area is located along the western side of Mugga Lane and adjacent to the existing Isaacs Ridge Nature Reserve. The offset will be incorporated into the Isaacs Ridge Nature Reserve.

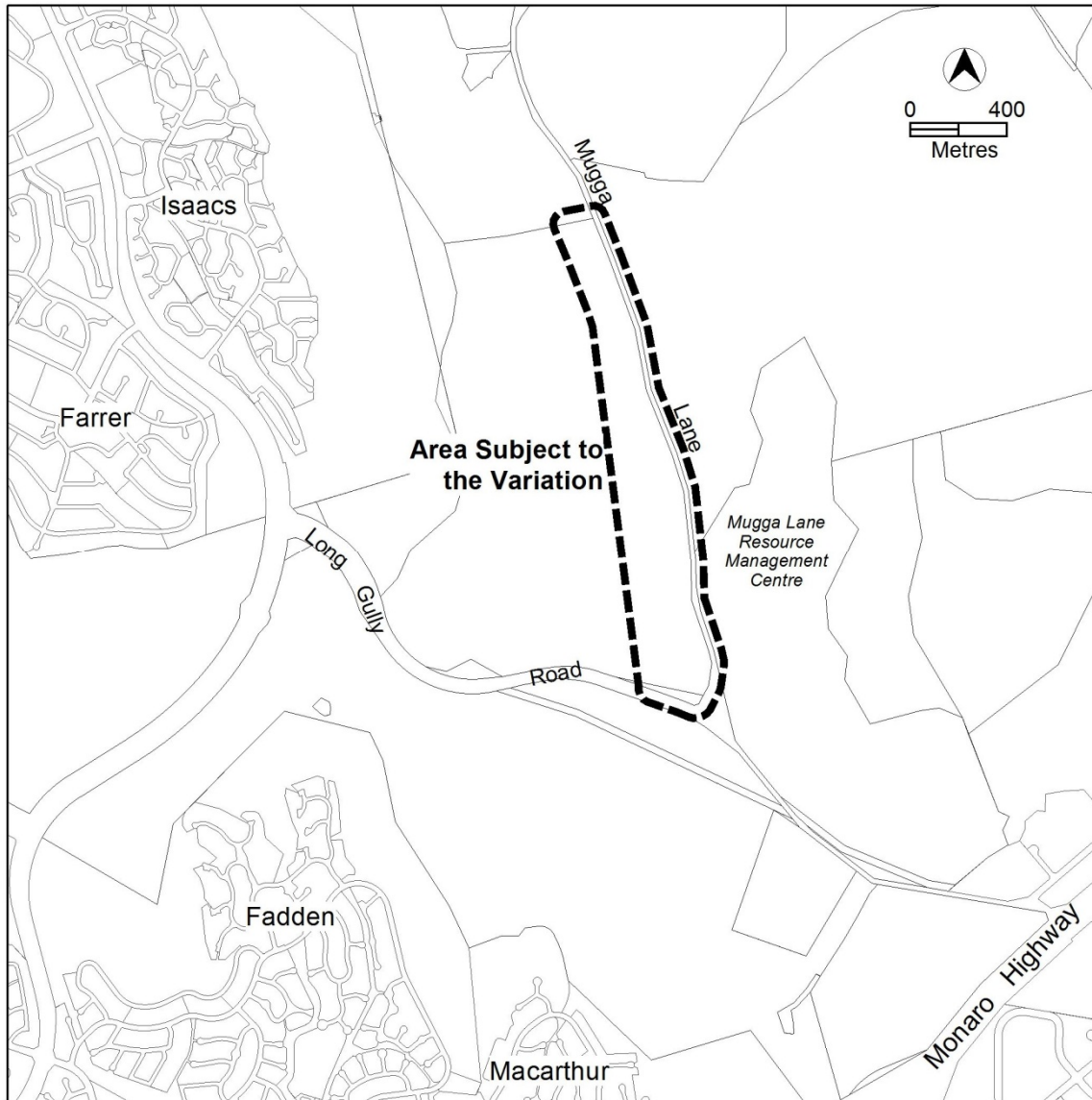


Figure 3 Site plan of part Block 2110 Jerrabomberra

1.4.4 Yarralumla (Block 3 Section 123 Yarralumla)

Yarralumla nursery is subject to an urban open space public land overlay in the Territory Plan. It is surrounded on all sides by the public parkland of Weston Park. The nursery has a retail outlet (the Yarralumla Garden Centre) that the Government has recently sold to a private entity. A cafe and gallery on site is also operated privately.

The site no longer meets the management objectives for urban open space as provided by Schedule 3 of the P&D Act as:

- (1) to provide for public and community use of the area, and
- (2) to develop the area for public and community use.

The Conservator of Flora and Fauna has consequently recommended the public land overlay provision for block 3 section 123 Yarralumla to be removed.

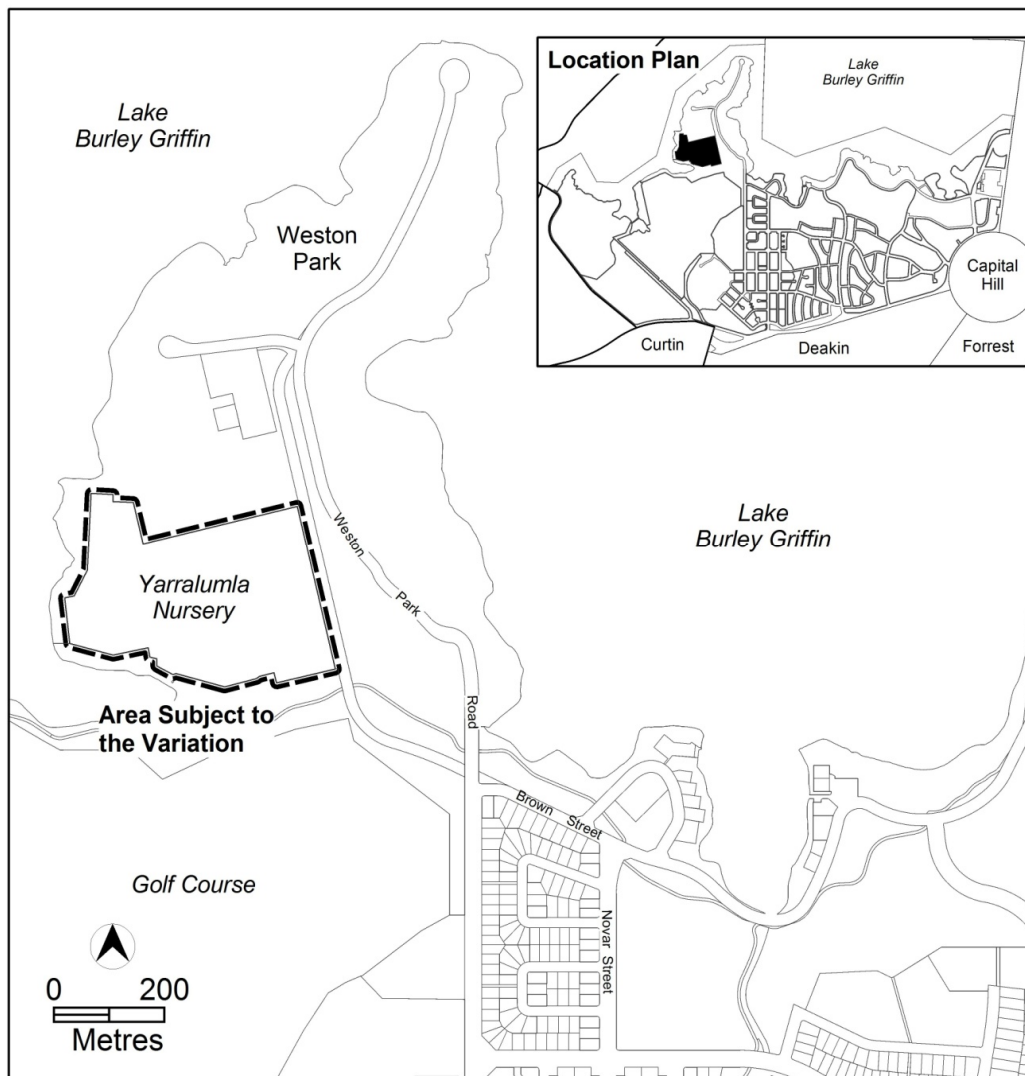


Figure 4 Site plan of Block 3 Section 123 Yarralumla

1.5 Current Territory Plan Provisions

1.5.1 Canberra Central/Watson/Hackett (Paddocks 5 and 6)

The Territory Plan map zone for the area subject to this variation is shown in **Figure 5**.

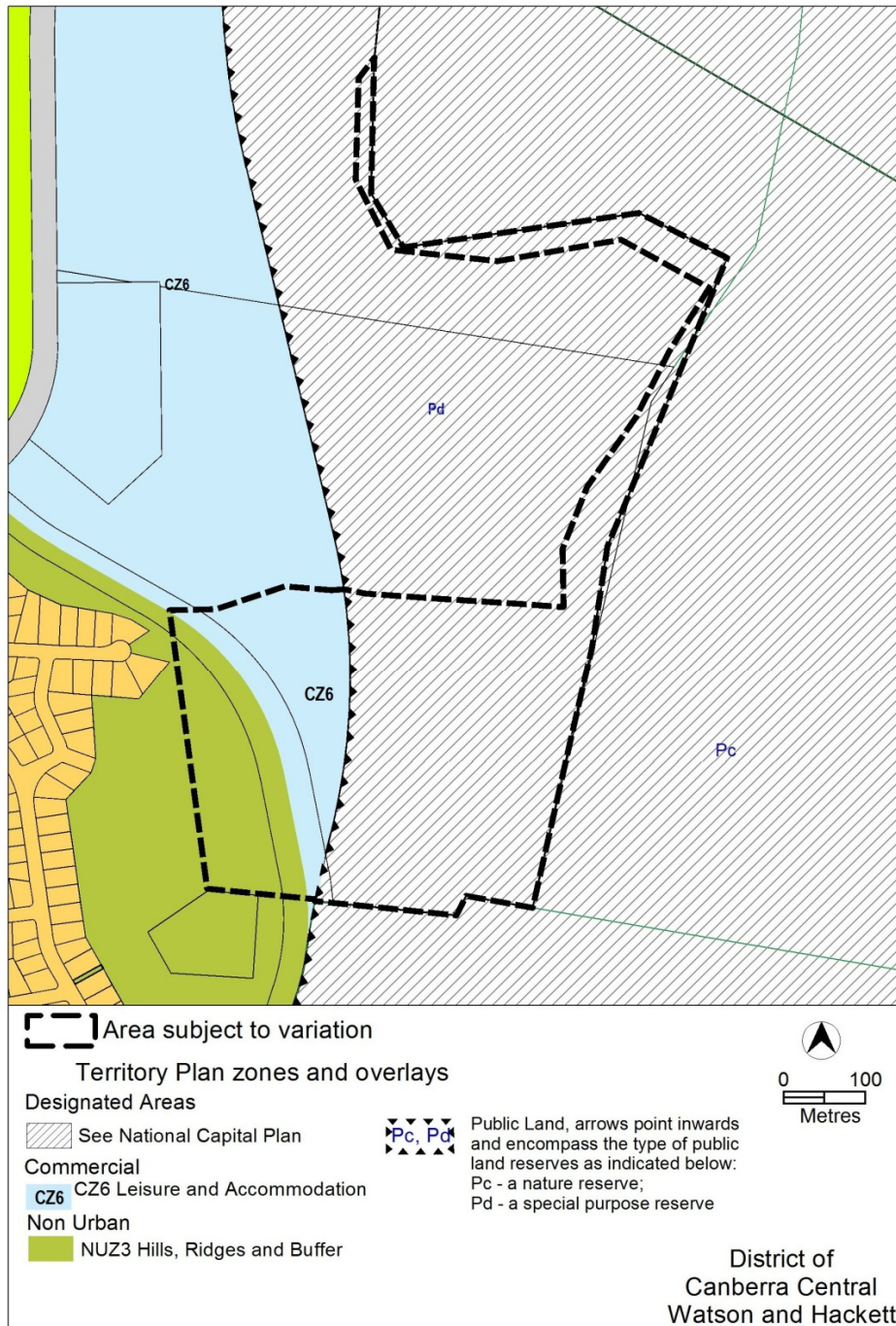


Figure 5 Current Territory Plan Zones Map

(Part of blocks 61, 1330 and 1329 Canberra Central, part of block 1 section 85 Watson and part of block 1 section 52 Hackett)

The Territory Plan map zones for the area subject to this variation are shown in **Figure 6**.

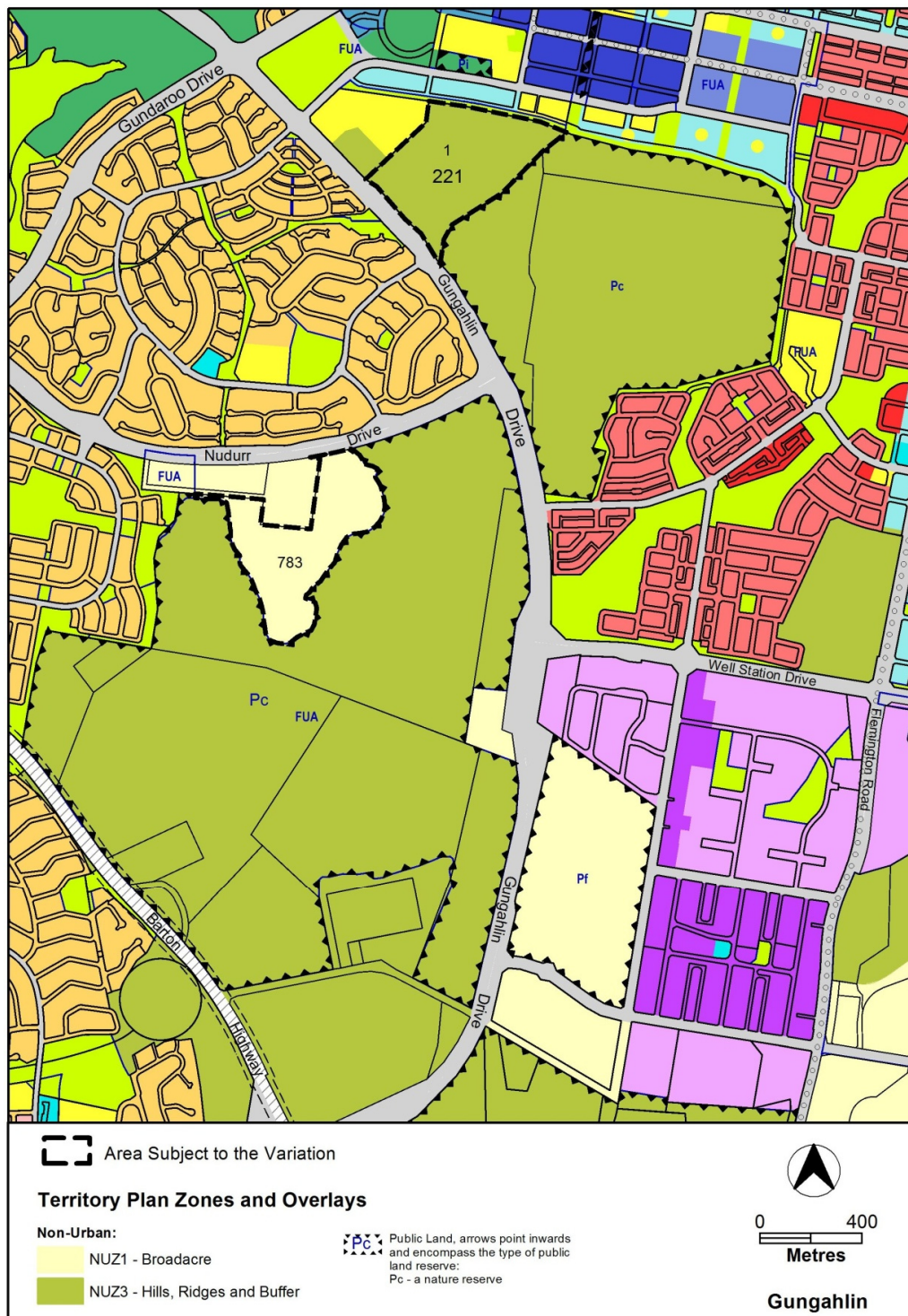


Figure 6 Current Territory Plan Zones map

(Part of block 783 Gungahlin; block 1 section 221 Gungahlin)

1.5.3 Jerrabomberra (part Block 2110 Jerrabomberra)

The Territory Plan map zones for the area subjected to this variation shown in **Figure 7**.

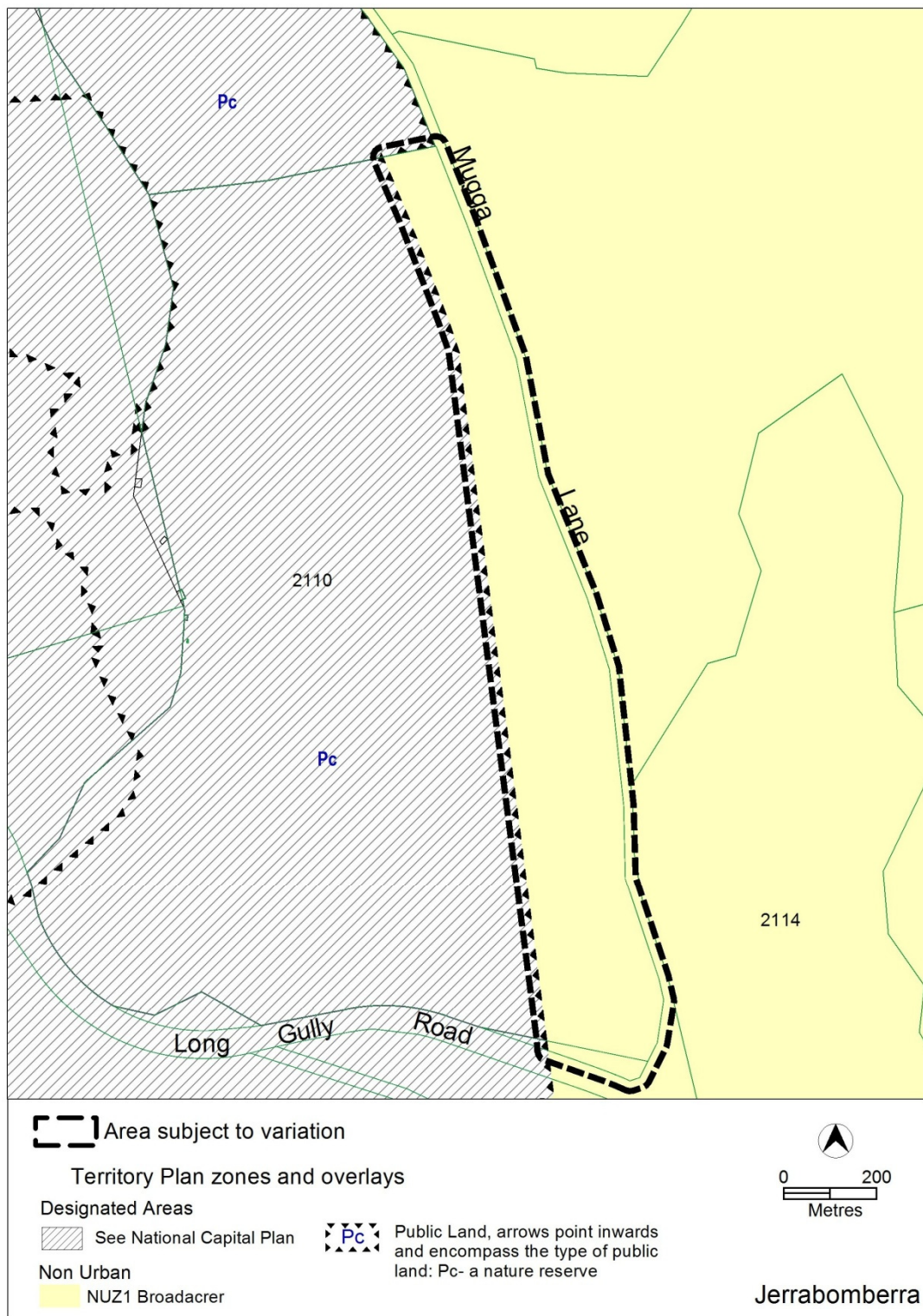


Figure 7 Current Territory Plan Zones map
(Part of block 2110 Jerrabomberra)

1.5.4 Yarralumla (Block 3 Section 123 Yarralumla)

The Territory Plan map zone for the area subject to this variation is shown in **Figure 8**.

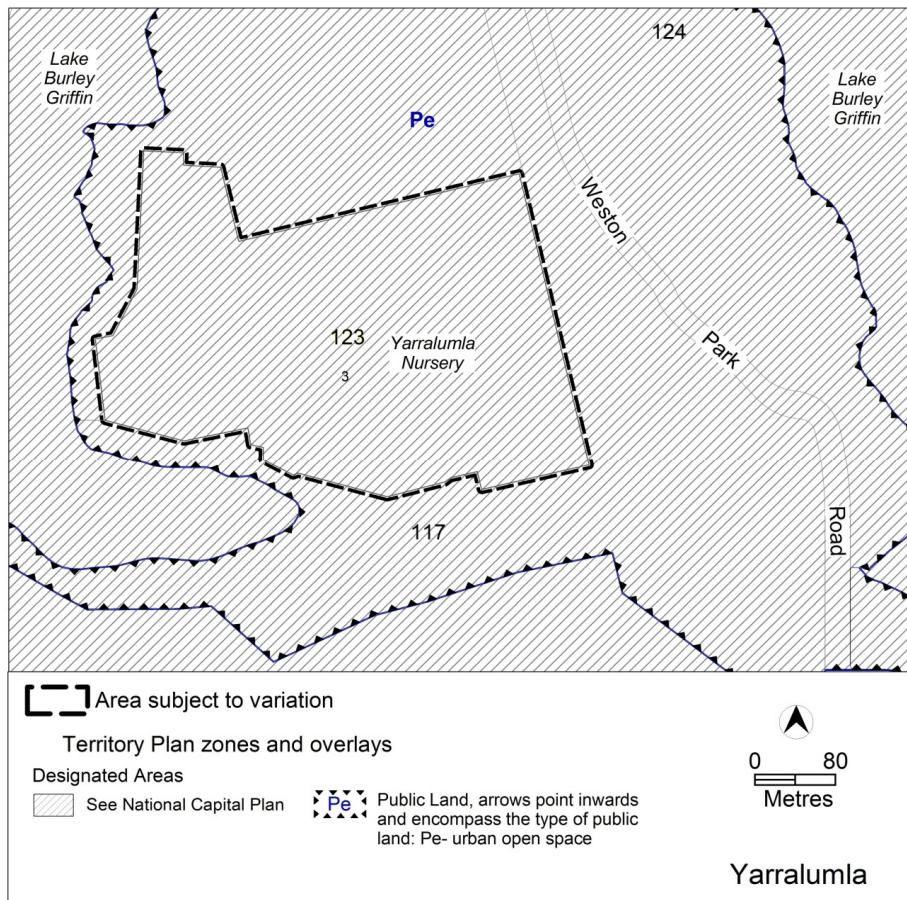


Figure 8 Current Territory Plan Zones map
(Block 3 section 123 Yarralumla)

1.6 Changes to the Territory Plan

Detailed changes to the Territory Plan are noted in section 2 of this document.

1.7 Consultation on the Draft Variation

Draft Variation No 297 (DV297) was released for public comment between 18 July and 29 August 2014. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register on 18 July 2014 and in *The Canberra Times* on 19 July 2014.

A total of six written submissions were received. Main issues raised by submitters included:

- Inclusion of sites in Belconnen to this variation because these sites have long been considered for addition to the Canberra Nature Park;
- Disagreement to offset method used for sites at Gungahlin and Jerrabomberra;
- Proposal to have urban open space overlay removed only for the commercial part of Yarralumla Nursery;
- Seeking removal of the urban open space overlay for Block 291 Paddys River (Freshford Equestrian Centre).

The above issues were considered and are detailed in a report on consultation. Changes were informed by the issues raised. The outcomes of consultation were considered by the Minister responsible for planning prior to approval of this variation.

1.8 Revisions to the Draft Variation Recommended to the Minister

The following change was made as a result of public consultation:

- retain the urban open space overlay for the English Garden at Yarralumla Nursery

The urban open space overlay boundary within block 3 section 123 Yarralumla will be subject to a final survey and will be aligned with the fenceline between the English Garden and the rest of the block. This will ensure that there is a clear management boundary between the English Garden and the rest of block 3 section 123 Yarralumla.

2. VARIATION

2.1 Variation to the Territory Plan

The Territory Plan map is varied in all of the following ways:

Canberra Central/Watson/Hackett (Paddocks 5 and 6)

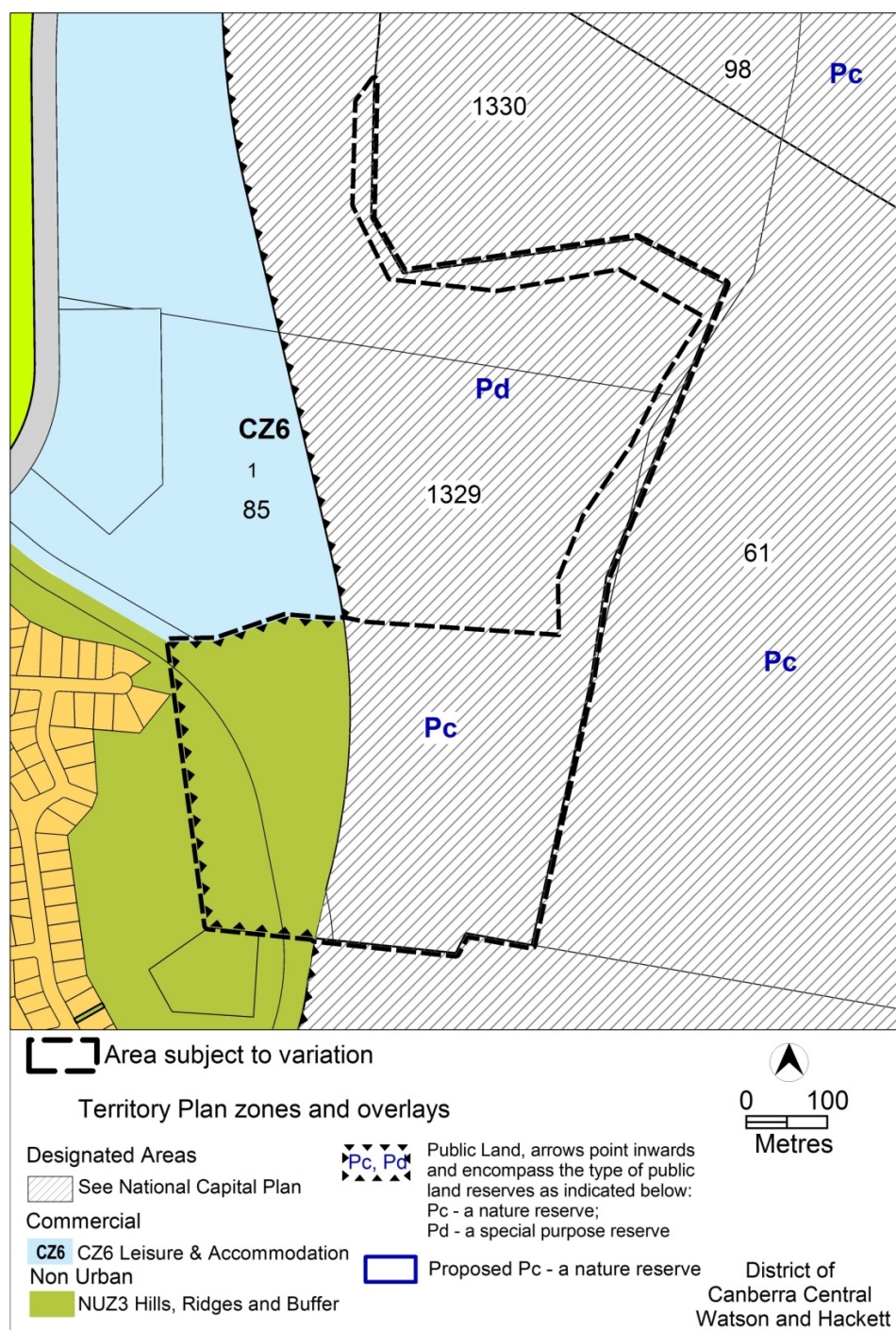


Figure 9 Proposed Territory Plan map changes

Gungahlin (Gungaderra north and Mulanggari west)

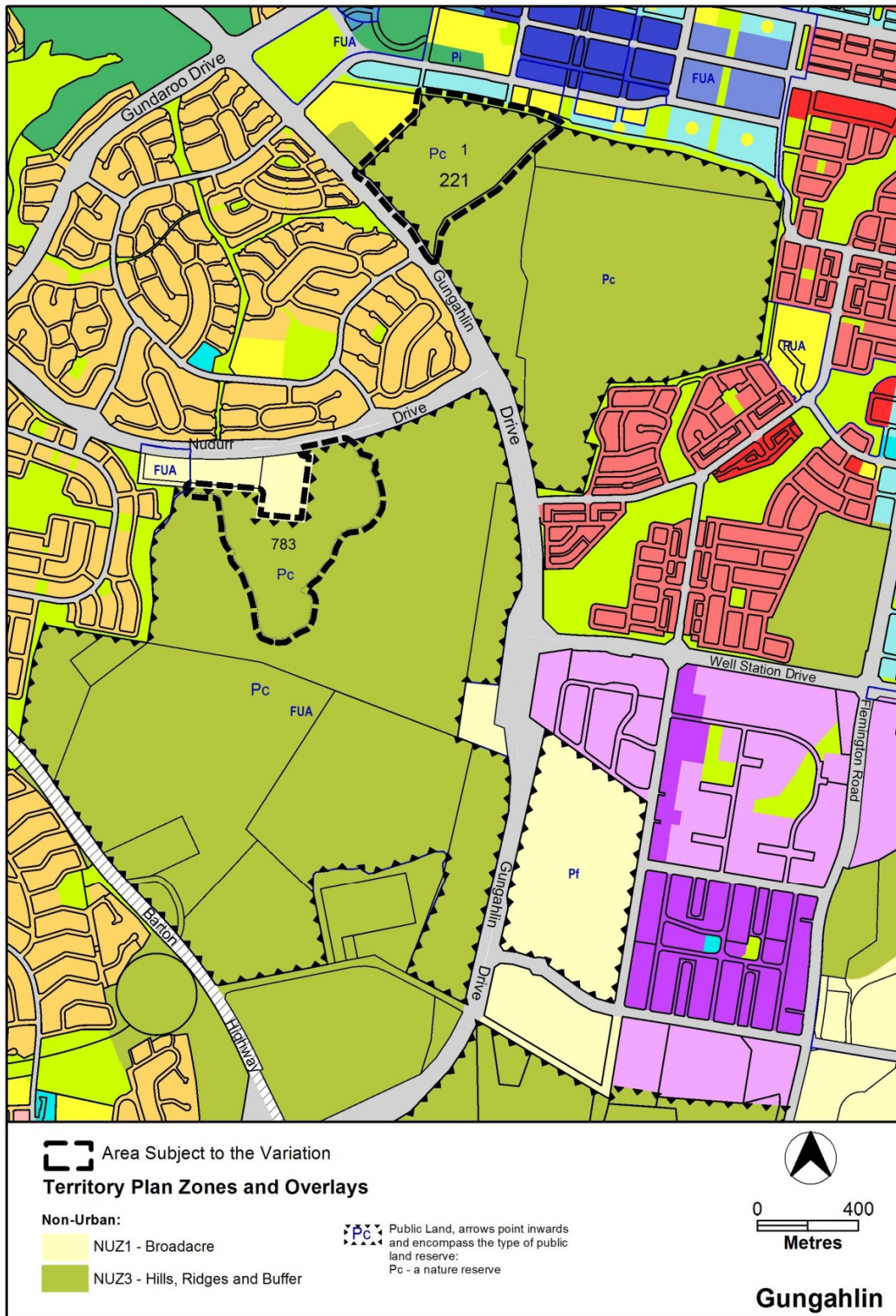


Figure 10 Proposed Territory Plan map changes

Jerrabomberra (part Block 2110 Jerrabomberra)

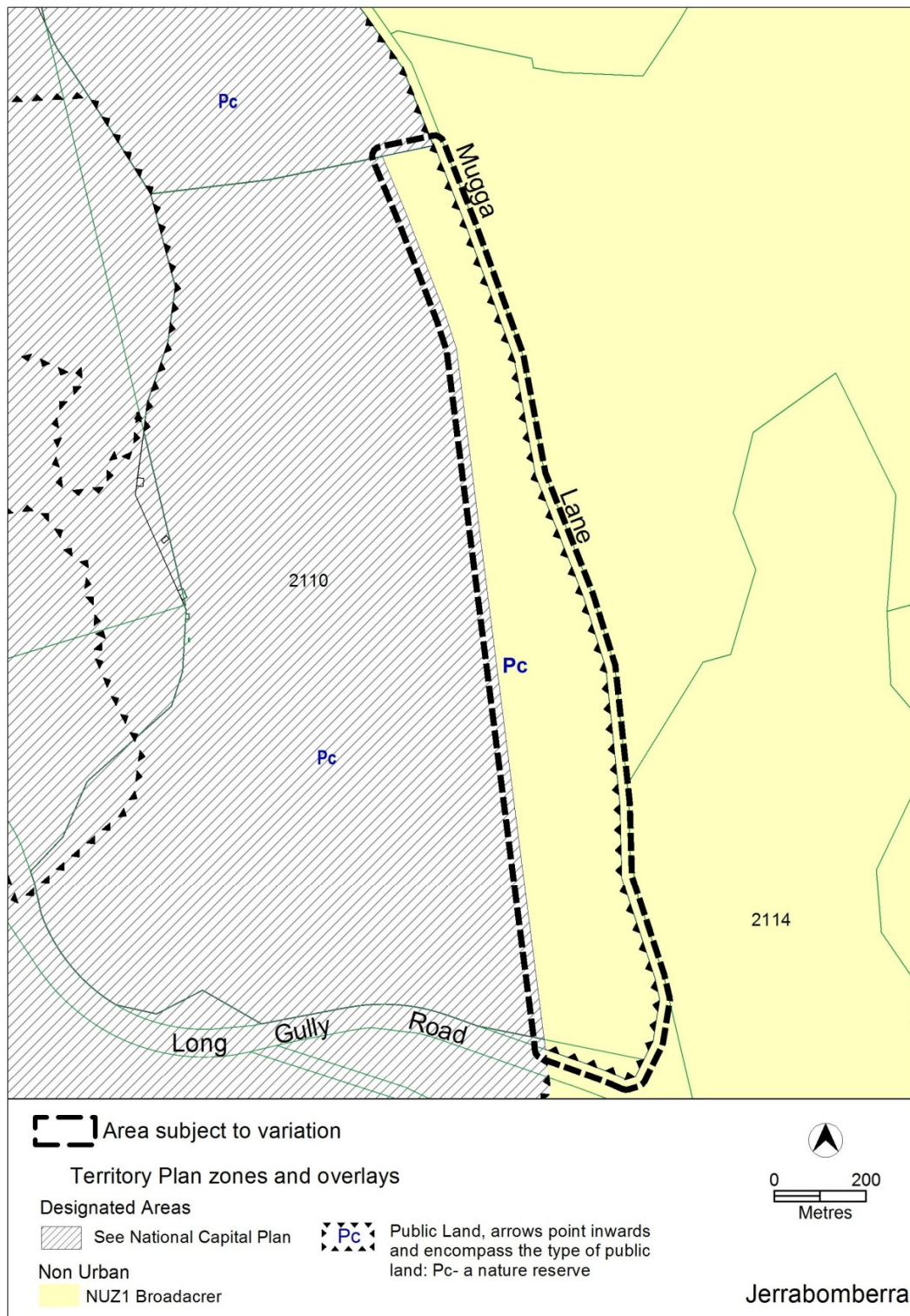


Figure 11 Proposed Territory Plan map changes

Yarralumla (Block 3 section 123 Yarralumla)

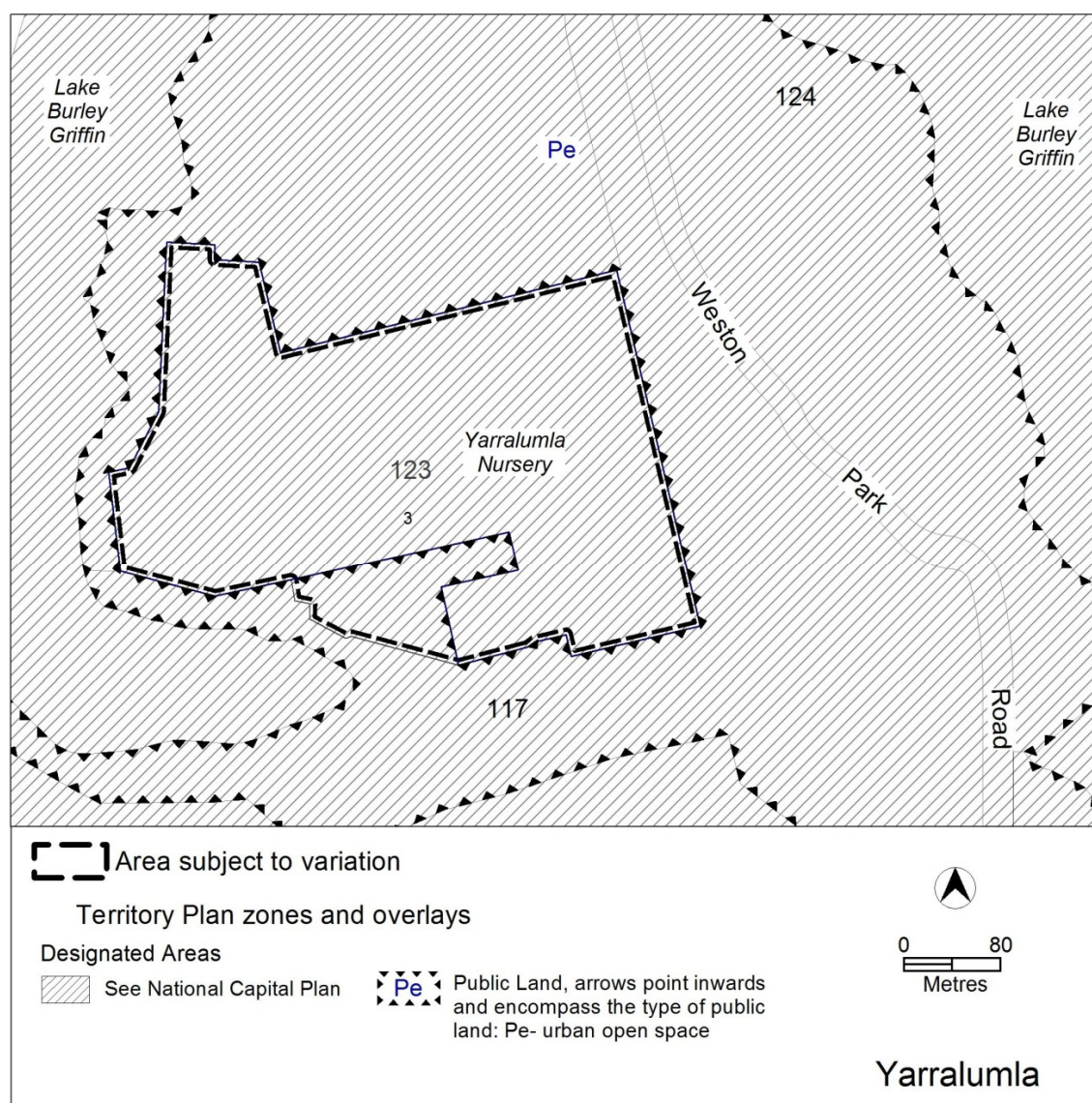


Figure 12 Proposed Territory Plan map changes

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