

Planning and Development (Plan Variation No 349) Approval 2016

Notifiable Instrument NI2016-367

made under the

Planning and Development Act 2007, section 76(3)(a) (Minister's powers in relation to draft plan variations)

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 349) Approval 2016*.

2 Approval of draft plan variation

- (1) I APPROVE under section 76(3)(a) of the *Planning and Development Act 2007* the draft plan variation No 349 to the Territory Plan.

- (2) In this section:

Draft plan variation No 349 to the Territory Plan means the draft plan variation in the schedule.

Mick Gentleman MLA

Minister for Planning and Land Management

14 July 2016

Schedule

(see section 2(2))



ACT
Government

Environment and Planning

Planning and Development Act 2007

Variation to the Territory Plan No 349

Public land overlay and zone changes

Parts of blocks 1616 & 1370 Belconnen (Pinnacle extension)

Block 7 section 72 Watson (Justice Robert Hope Park)

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

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EXPLANATORY STATEMENT

1.1 Background

1.1.1 Part blocks 1616 &1370 Belconnen (Pinnacle Nature Reserve extension)

The development of the University of Canberra Public Hospital will result in the removal of 7.6 hectares (ha) of the critically endangered ecological community White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Grassy Woodland) listed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

A range of measures will be put into place during the development of the University of Canberra Public Hospital to avoid or mitigate impacts on Matters of National Ecological Significance (MNES). However, due to unavoidable and residual impacts on Box-Gum Grassy Woodland, an offset site was required as a condition of the Commonwealth EPBC Act approval. Part of blocks 1616 and 1370 Belconnen are identified as suitable environmental offset sites.

1.1.2 Block 7 section 72 Watson (Justice Robert Hope Park)

The critically endangered White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Grassy Woodland) and Regent Honeyeater (*Anthochaera Phrygia*) were assessed as being significantly impacted as a result of development of block 9 section 64 Watson for medium density residential housing.

To meet the conditions of the Commonwealth EPBC Act approval for the proposed development; Justice Robert Hope Park has been identified as a suitable offset for impacts to MNES and will provide better protection for species listed under the EPBC Act, including the Regent Honeyeater.

1.2 Summary of the Proposal

Variation to the Territory Plan No 349 (V349) varies the Territory Plan to incorporate two areas into Canberra's nature reserve system.

The changes are to conserve two environmental offset areas that have been established to comply with approval conditions for developments impacting on MNES protected under the Commonwealth EPBC Act.

The variation proposes to change the public land overlay and zone provisions as follows:

- Apply a nature reserve overlay to parts of blocks 1616 and 1370 Belconnen
- Rezone block 7 section 72 Watson from PRZ1 Urban Open Space to NUZ3 Hills, Ridges and Buffer with a nature reserve overlay.

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 Part blocks 1616 &1370 Belconnen (Pinnacle Nature Reserve extension)

Pinnacle Nature Reserve is situated on the southern end of Belconnen District, adjacent to the suburbs of Hawker and Weetangera. Block 1370 Belconnen together with block 1616 Belconnen borders the Pinnacle Nature Reserve (Figure 1). The subject area has approximately 5.1 ha of Box-Gum Grassy Woodland and 10.4 ha of derived grasslands, with the remainder being *Eucalyptus macrorhyncha* Tableland Grass/Shrub Forest (4ha). It is currently zoned NUZ3 Hills, Ridges and Buffer.

The development of the University of Canberra Public Hospital will result in the removal of 7.6 ha of the critically endangered ecological community of Box-Gum Grassy Woodland.

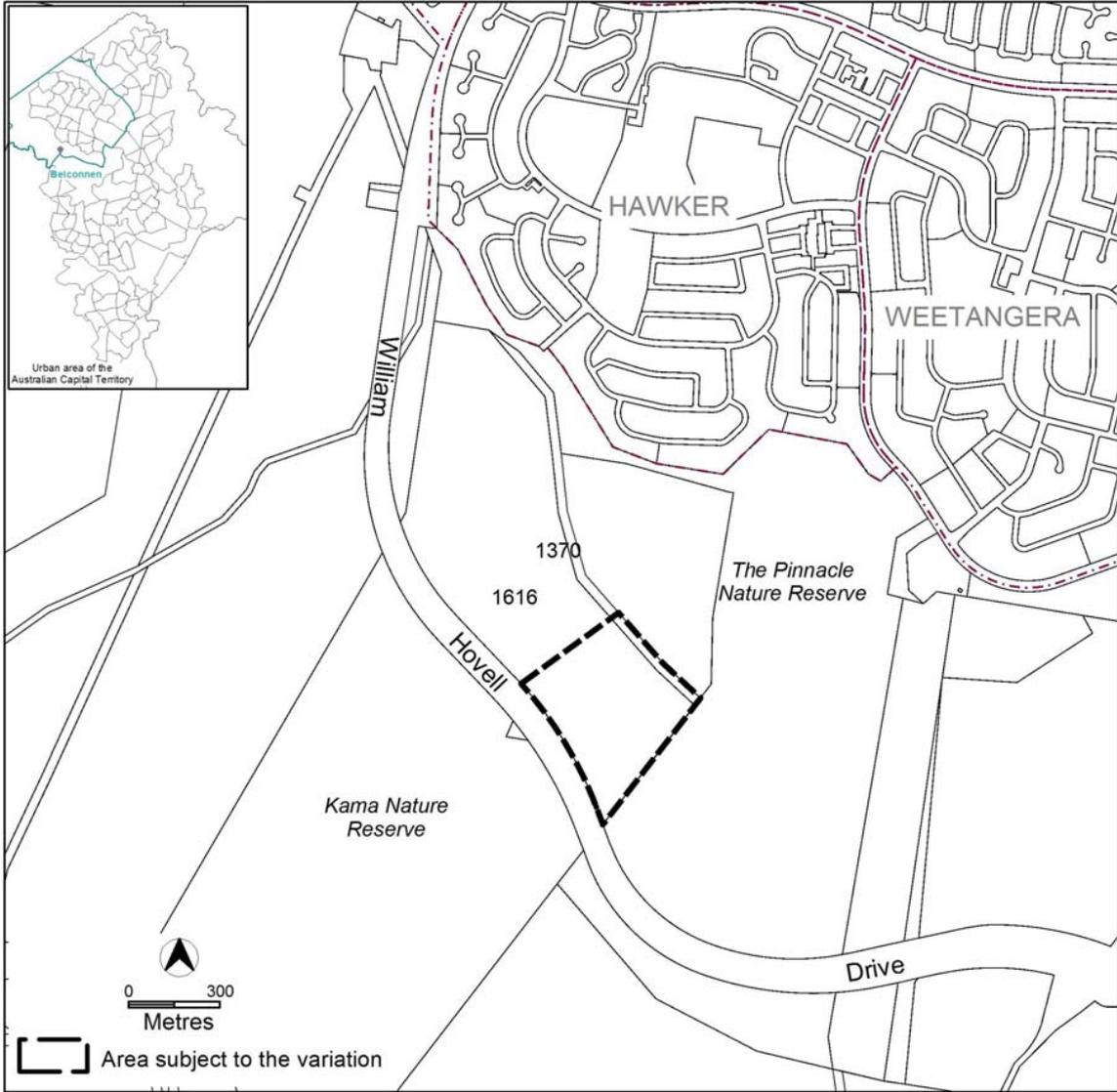


Figure 1 Site Plan (Pinnacle Nature Reserve extension)

1.4.2 Block 7 section 72 Watson (Justice Robert Hope Park)

Justice Robert Hope Park is situated in the northern part of Watson (Figure 2). It is part of a well connected and diverse woodland-open forest complex extending across north-eastern ACT. Justice Robert Hope Park is dominated by large old, prolific trees which provide seasonal nectar and valuable foraging habitat for canopy-dwelling birds and arboreal fauna. The park is currently zoned PRZ1 Urban Open Space.

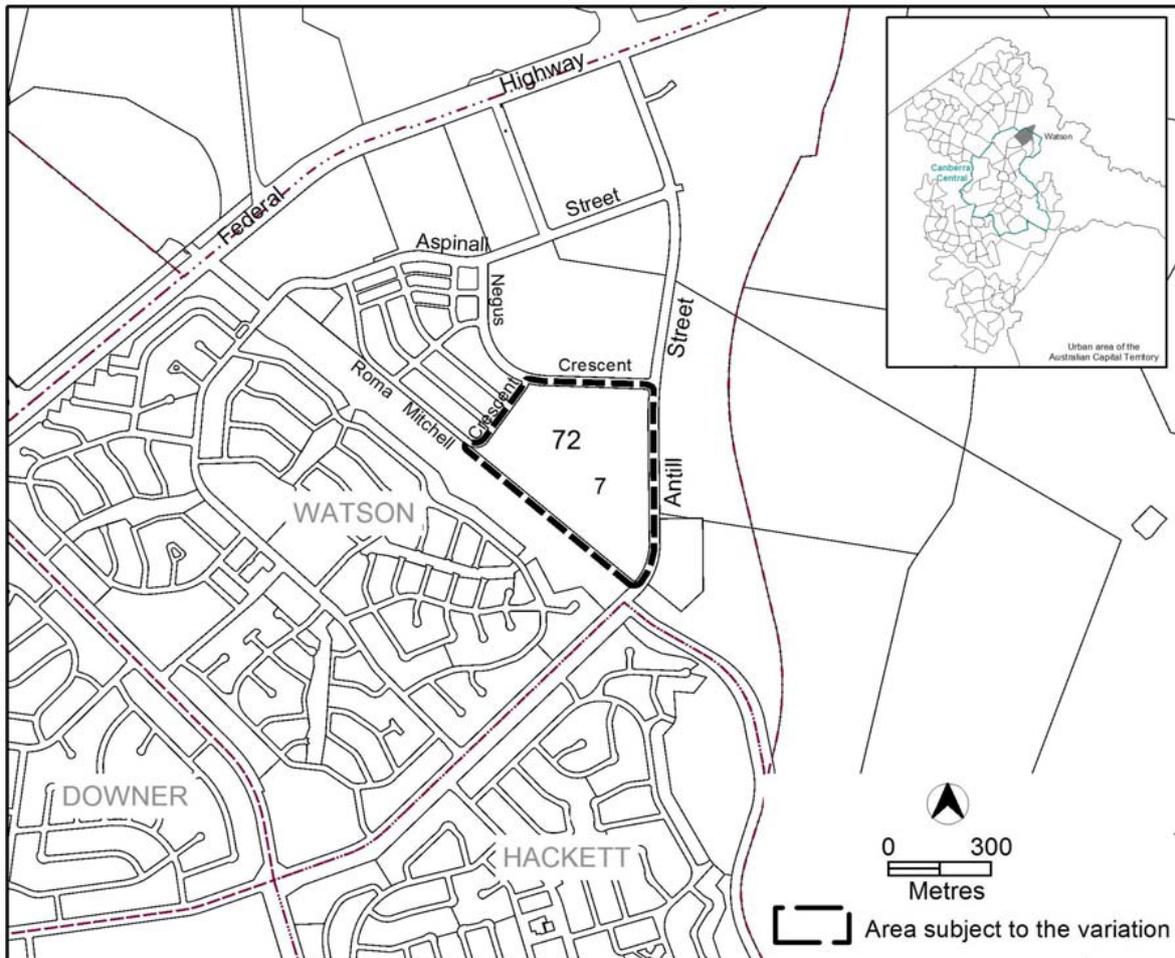


Figure 1 Site Plan (Justice Robert Hope Park)

1.5 Current Territory Plan Provisions

The Territory Plan maps for the area subject to this variation are shown below.

1.5.1 Part blocks 1616 & 1370 Belconnen (Pinnacle Nature Reserve extension)

Part blocks 1616 and 1370 Belconnen (Pinnacle Nature Reserve extension) is one of the two areas part of this variation. The Territory Plan map zone for this area is shown in **Figure 3**.

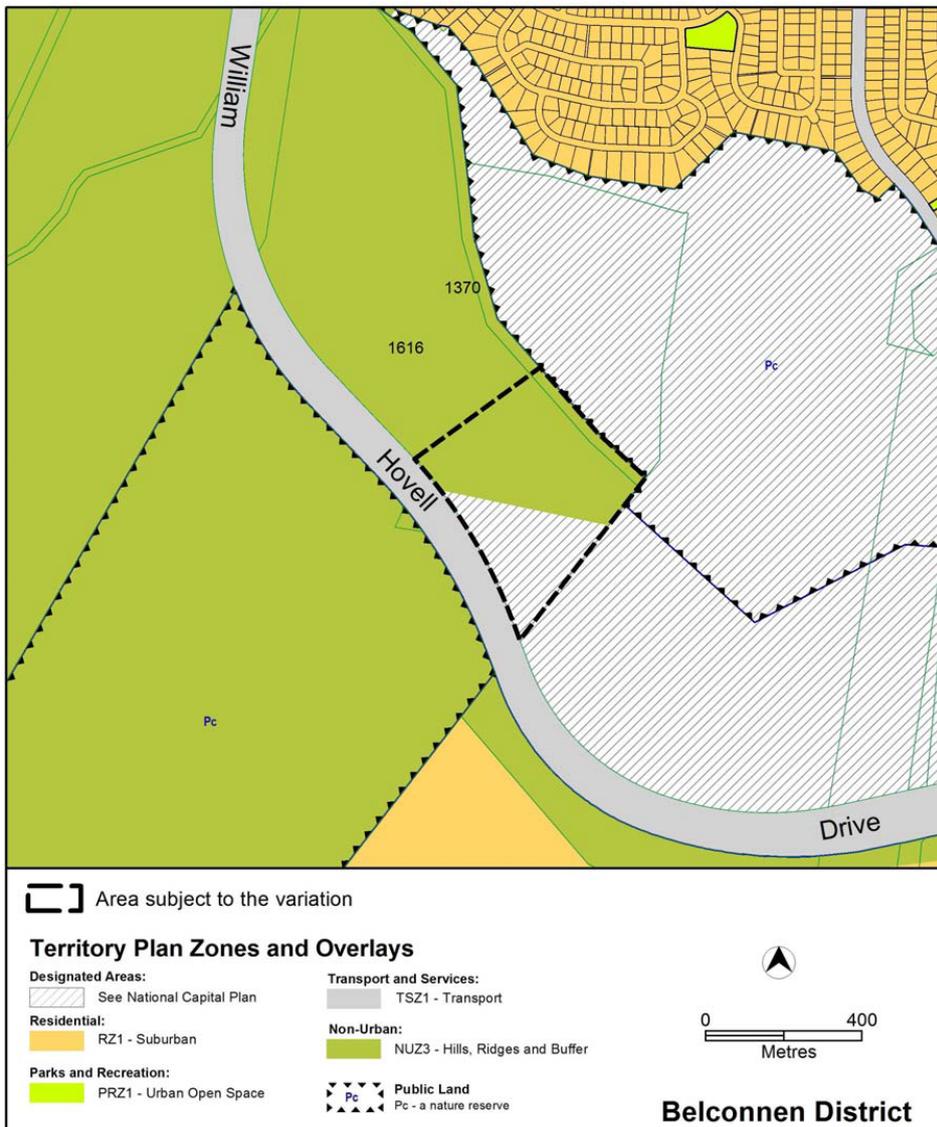


Figure 3 Territory Plan Zones Map for part blocks 1616 and 1370 Belconnen

1.5.2 Block 7 section 72 Watson (Justice Robert Hope Park)

Block 7 section 72 Watson (Justice Robert Hope Park) is the second of two areas which are a part of this variation. The Territory Plan map zone for this area is shown in **Figure 4**.

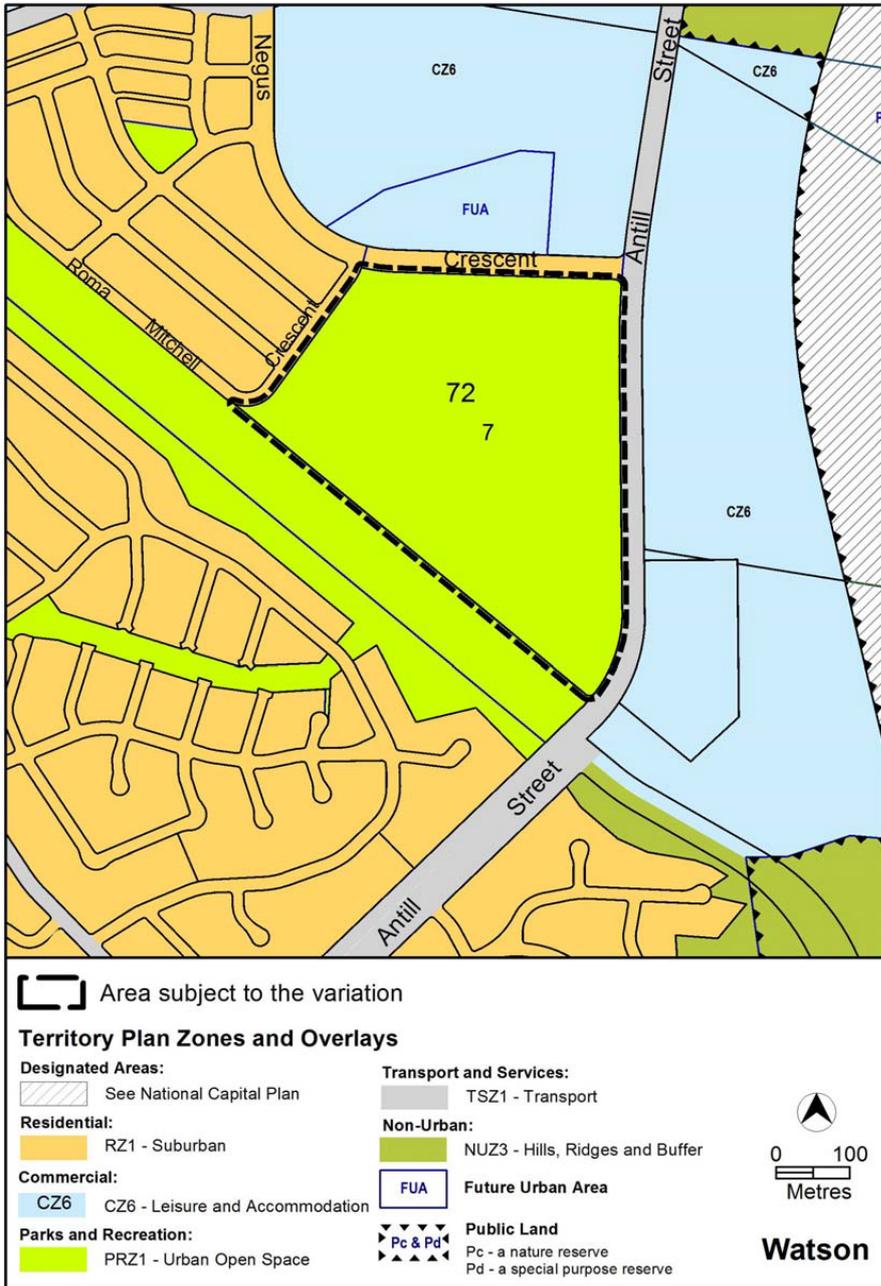


Figure 4 Territory Plan Zones Map for block 7 section 72 Watson

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 349 (DV349) was released for public comment between 13 May 2016 and 24 June 2016. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register on 12 May 2016 and on the ACT Government website on 13 May 2016.

A total of four (4) written submissions were received two of which were from community groups. Whilst all the submissions were generally supportive of the proposed changes, the main issues raised are as follows:

- the use of the areas as offsets and their environmental values
- the lack of detail provided about the proposed management of the nature reserves, in particular the public availability of the Offsets Management Plan
- the commonwealth and ACT's consultation processes in relation to these types of projects.

The above issues were considered and are detailed in a report on consultation. No changes were made as a result of consultation. The outcomes of consultation were considered by the Minister responsible for planning prior to approval of this variation.

VARIATION

1.8 Variation to the Territory Plan

The Territory Plan map is varied as shown in Figure 5 and Figure 6 for the area shown as subject to this variation:

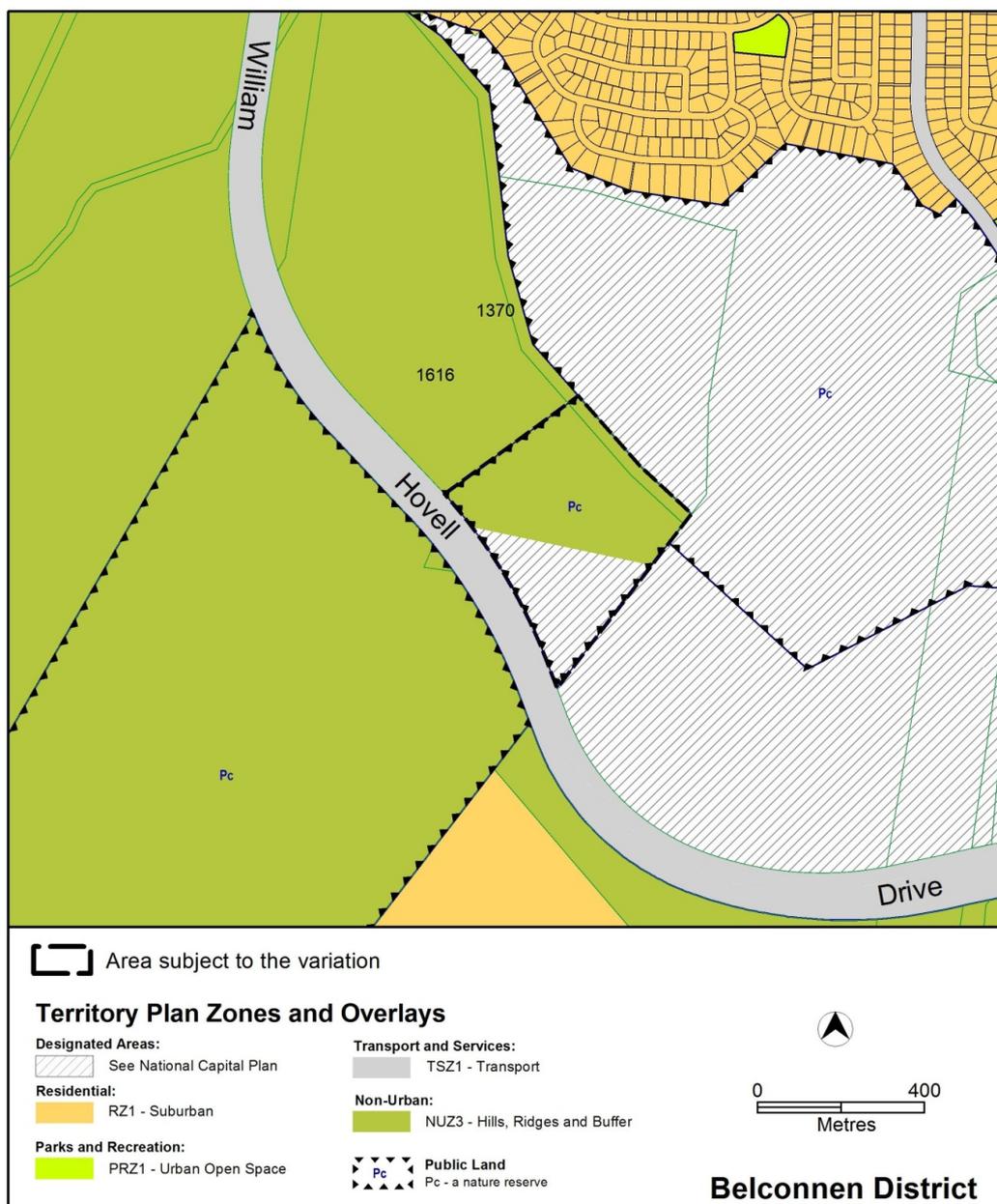


Figure 5 Part blocks 1616 and 1370 Belconnen (Pinnacle Nature Reserve extension)

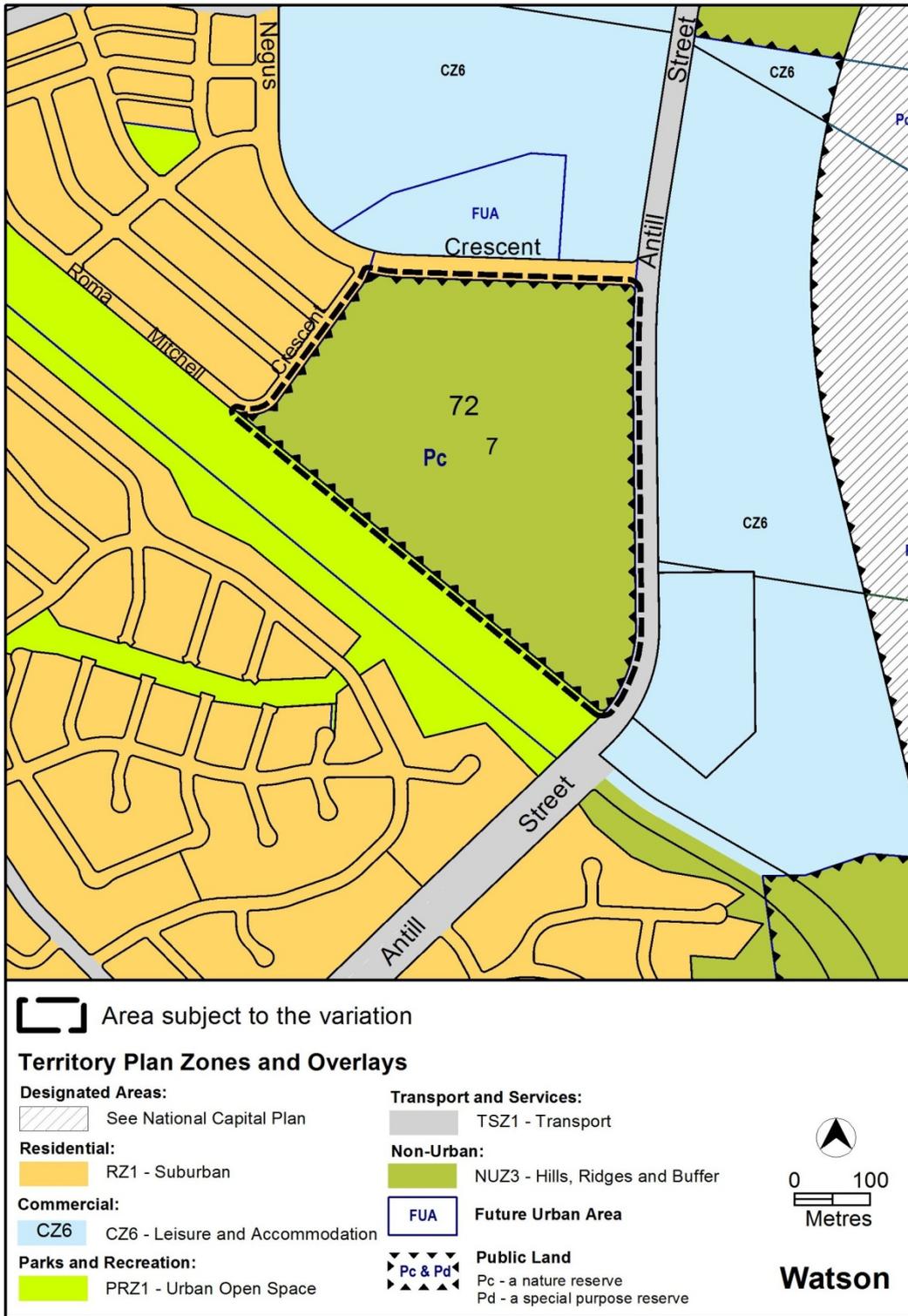


Figure 6 block 7 section 72 Watson (Justice Robert Hope Park)

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