



Australian Government
National Capital Authority

National Capital Plan

REPORT ON CONSULTATION

Draft Amendment 70 –
Section 87 and Parts Sections 83 and
85 Fyshwick and Appendix E

January 2010



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National Capital Authority
January 2010

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1. INTRODUCTION

1.1 PURPOSE AND BACKGROUND

This report summarises the issues raised during public consultation undertaken by the National Capital Authority (NCA) on the proposed Draft Amendment 70 – Section 87 and Part Sections 83 and 85 Fyshwick and Appendix E (DA70) to the National Capital Plan (the Plan).

The ACT Planning and Land Authority (ACTPLA) requested an amendment to the Plan in relation to Section 87 and Part Sections 83 and 85 Fyshwick. The land is currently identified as being within the Broadacre Areas land use policy of the General Policy Plan – Metropolitan Canberra of the Plan. Under the Plan, industrial land uses are not permitted in Broadacre Areas (with the exception of the Harman industrial area).

An amendment to the Plan is required to permit industrial development on Section 87 and Part Sections 83 and 85 Fyshwick.

ACTPLA also requested an amendment to the Plan in relation to Appendix E Water Quality Policies to facilitate National Water Initiative (NWI) stormwater and reticulation projects in the ACT.

The two amendments are unrelated, however have been proposed as one to improve the efficiency of the amendment process.

The statutory background to the National Capital Plan amendment process, including procedures on public consultation is described in the Australian Capital Territory (Planning and Land Management) Act 1988.

1.2 EXISTING NATIONAL CAPITAL PLAN PROVISIONS

Section 87 and Part Sections 83 and 85 Fyshwick

Section 87 and part Sections 83 and 85 Fyshwick are identified as being within the Broadacre Areas land use policy of the General Policy Plan – Metropolitan Canberra of the Plan. Industrial land uses are not permitted in Broadacre Areas (with the exception of the Harman industrial area).

Appendix E

Appendix E of the Plan identifies Water Use Designations for catchments across the ACT (Murrumbidgee River Corridor, Lake Burley Griffin (LBG) Catchment, and Lower Molonglo River). The proposed NWI projects are not currently permissible under the Plan.

1.3 EFFECT OF THE DRAFT AMENDMENT TO THE NATIONAL CAPITAL PLAN

The proposed change in land use policy will result in an Urban Areas land use policy being applied to Section 87 and part Sections 83 and 85 Fyshwick.

The NCA considers that an amendment to the Plan to enable industrial land uses to be developed on Section 87 and part Sections 83 and 85 Fyshwick is not inconsistent with the provisions of the Plan. In particular, the policies for Urban Areas require that industrial development shall be located in the main industrial areas, which includes Fyshwick.

Amendment of Appendix E, by adding 'Irrigation' as a designated water use for Yarralumla Creek, Weston Creek and the Molonglo River, and by adding 'Drain' as a designated water use in the Murrumbidgee River Corridor catchment between Angle Crossing and the Molonglo River will facilitate proposed NWI projects in the ACT.

The addition of 'Irrigation' as a designated water use for Lake Burley Griffin (East Basin, General Basin and West Lake to Scrivener Dam) will recognise the existing irrigation operation from Lake Burley Griffin.

2. CONSULTATION

The NCA released DA70 for public comment on Saturday 5 September 2009. A notice was published in the Canberra Times (Attachment 1) and The Australian (Attachment 2) on the same day and in the Commonwealth of Australia Gazette on Wednesday 9 September 2009 (Attachment 3).

The official period for public submissions closed on 20 October 2009. Copies of DA70 were made available to the public at the National Capital Exhibition, the NCA offices at the Treasury Building, and also on the NCA website.

Key activities during the consultation period for DA70 include:

On 7 September 2009 a request for an exemption to undertake a Regulation Impact Statement (RIS) or Business Cost Calculator (BCC) was sought from the Office of Best Practice Regulation (OBPR).

On 7 September the NCA referred DA70 to ACTPLA for comment, in accordance with the Act. On the same day the NCA sent letters with a copy of DA70 to key stakeholders, including the Land Development Agency and the Murray Darling Basin Commission.

On 11 September 2009 the OBPR advised no RIS or BCC is required for DA70.

On 30 September the NCA held a public information session between 5.30pm and 7.30pm at the National Capital Authority offices. No members of the public attended.

3. WRITTEN SUBMISSIONS

The NCA received two (2) written submissions in response to DA70. All submissions were acknowledged by the NCA, together with an undertaking to inform the authors of how the NCA considered their submission.

One submission, from ACTPLA, provided full support for DA70. The second submission, from Murray Darling Basin Authority (MDBA) is summarised in Section 4 of this report.

4. SUMMARY OF SUBMISSIONS

ISSUES

The MDBA submission related solely to that part of DA70 concerned with amending Appendix E Water Quality Policies of the Plan.

The MDBA's role is to ensure that the water quality of the River Murray is maintained or improved, contributing to the protection of the riverine and floodplain environment, and also to ensure that there is no impact on flow carrying capacity of the River Murray.

With the addition on 'Drain' as a designated water use for the Murrumbidgee River Corridor between Angle Crossing and the Molonglo River, the MDBA would need assurance that this would not result in a further degradation of the water quality. DA70 contains insufficient information to make a call as to whether DA70 would have a detrimental effect on water quality in the Murrumbidgee River Corridor.

Future proponents of development should be aware that the MDBA is currently drafting a Basin Plan that will contain objectives and targets for water quality. The upcoming Water Quality and Salinity Management Plan will set water quality targets with the aim of improving water quality in the Basin and will be issued for consultation as part of the Basin Plan in mid 2010.

The MDBA also expects specific requirements of relevant NSW agencies such as the Department of Environment, Climate Change and Water to be met.

NCA RESPONSE

No development or specific project is proposed as part of DA70. The proposed amendment to Appendix E Water Quality Policies of the Plan will facilitate future NWI stormwater and reticulation projects in the ACT. The NWI projects in the ACT are an ACT Government initiative, and therefore the ACT Government is responsible for ensuring their obligations under the Water Act 2007, and other relevant legislation, plans and policy, are met.

Should Appendix E Water Quality Policies not be amended, some NWI projects in the ACT may not be able to proceed, regardless of whether they are consistent with relevant legislation, policies and plans.

RECOMMENDED CHANGES

No changes to DA70 are recommended.

5. ADDITIONAL CHANGES

ISSUES

On 18 November 2009 the NCA briefed the Joint Standing Committee on the National Capital and External Territories (JSC) on DA70. At this briefing the JSC recommended that the existing use of Lake Burley Griffin for irrigation purposes be recognised in Appendix E Water Quality Policies of the Plan.

NCA RESPONSE

The NCA has statutory responsibility for the management of Lake Burley Griffin water resources in a sustainable manner to protect its ecology and national significance. Wherever possible, the NCA is keen to use water from Lake Burley Griffin as a source of second class water for irrigation purposes. Abstraction of water from Lake Burley Griffin is permitted under the provisions of the *Lakes Ordinance 1976*.

To address matters affecting the abstraction of water from Lake Burley Griffin, the *Lake Burley Griffin Abstraction Plan 2004* identifies broad strategies based on the principles of the Plan and *Lake Burley Griffin Management Plan 1995*. The Abstraction Plan seeks to meet the intent and requirements of the NWI, be compatible with management regimes for the broader catchment and comply with the provisions of the *Lakes Ordinance 1976*.

The addition of 'Irrigation' as a designated water use for Lake Burley Griffin will recognise these existing arrangements surrounding the abstraction of water from the lake for irrigation purposes.

RECOMMENDED CHANGES

It is recommended that 'Irrigation' be added as a designated water use for LBG – East Basin, LBG – General Basin and LBG – West Lake to Scrivener Dam.

6. RECOMMENDED CHANGES TO DRAFT AMENDMENT 70

Following a review of the submissions received, and a recommendation from the JSC, the NCA has recommended one (1) change to DA70 as released for public consultation on 5 September 2009.

7. CONCLUSION

The consultation process initiated by the NCA for DA70 attracted no attendees at the public information session and two (2) written submissions.

One (1) change has been recommended to DA70 as released for public consultation.

The NCA recommends that the Minister for Home Affairs, the Hon. Brendan O'Connor, approve DA70 in full (Attachment 4).

8. ATTACHMENTS

Notice of release of Draft Amendment 70 for public comment published in the Canberra Times on Saturday 5 September 2009.


Notice of release of Draft Amendment 70 for public comment published in The Australian on Saturday 5 September 2009.

Notice of release of Draft Amendment 70 for public comment published in the Commonwealth of Australia Gazette on Wednesday 9 September 2009.

Draft Amendment 70 as to be recommended to the Minister for approval.

ATTACHMENT 1

Notice of release of Draft Amendment 70 for public comment published in the Canberra Times on Saturday 5 September 2009.



Australian Government
National Capital Authority

Our Nation Your Capital

AMENDMENT OF THE NATIONAL CAPITAL PLAN

Draft Amendment 70

Section 87 and Part Sections 83 and 85 Fyshwick and Appendix E

The ACT Planning and Land Authority (ACTPLA) have requested that the National Capital Authority prepare an amendment to the National Capital Plan (the Plan) to change the land use of Section 87 and part Sections 83 and 85 Fyshwick, from Broadacre to Urban Areas to facilitate industrial development on these sites. ACTPLA have also requested an amendment to the Plan in relation to Appendix E Water Quality Policies to facilitate National Water Initiative stormwater and reticulation projects in the ACT.

The two amendments are unrelated, however have been proposed as one to improve the efficiency of the National Capital Plan amendment process.

Draft Amendment 70 of the National Capital Plan has been prepared in accordance with sections 15(1) and 23 of the Australian Capital Territory (Planning and Land Management) Act 1988 and is now available for public inspection and comment. Background information on the proposal is included with the Draft Amendment and is available on the Authority's website.

A public information session on Draft Amendment 70 will be held on **Wednesday 30 September 2009 from 5:30pm to 7:30pm at the National Capital Authority offices, Treasury Building, King Edward Terrace, PARKES ACT 2600**

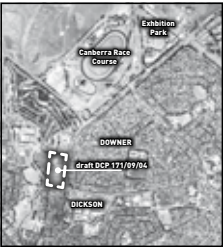
The National Capital Authority invites interested people and organisations to provide written comments on Draft Amendment 70 by close of business Tuesday 20 October 2009 to:

Andrew Smith, A/g Executive Director, National Capital Plan, National Capital Authority, GPO Box 373, CANBERRA ACT 2601 or email: draft.amendment@natcap.gov.au

Further information is available from Ms Rebecca Sorensen by telephone on (02) 6271 2851, Fax (02) 6271 2890 or email draft.amendment@natcap.gov.au

Draft Development Control Plan No: 171/09/0004

Lyneham Sport and Recreation Precinct



The National Capital Authority proposes to introduce Draft Development Control Plan No: 171/09/0004 for the Lyneham Sport and Recreation Precinct, Blocks 19, 25, 36, and 37 Section 59 Lyneham, Part Blocks 34, 35 and 38 Section 59 Lyneham, and Part Blocks 1 and 2 Section 43 Lyneham. The ACT Government has requested that the NCA prepare a DCP to facilitate the implementation of the proposed master plan for the Lyneham Sport and Recreation Precinct.


This draft DCP No. 171/09/0004 establishes planning and urban design provisions including building scale, setbacks, landscape character, access and parking for the site.

The draft DCP has been prepared in accordance with the National Capital Plan and is now available for inspection and comment.

A public information session will be held on **Wednesday 16 September 2009 between 12pm and 2pm at the National Capital Authority offices, Treasury Building, Ground Floor, King Edward Terrace, PARKES ACT 2600**

Draft Development Control Plan No: 171/09/0005

Block 18 Section 106 Symonston



The National Capital Authority proposes to introduce Draft Development Control Plan (DCP) No: 171/09/0005 for Block 18 Section 106 Symonston. The ACT Government has requested that the NCA prepare a DCP for the site.

This draft DCP No. 171/09/0005 establishes planning and urban design provisions including building scale, setbacks, landscape character, access and parking for the site.

The draft DCP has been prepared in accordance with the National Capital Plan and is now available for inspection and comment.

A public information session will be held on **Wednesday 23 September 2009 between 12pm and 2pm at the National Capital Authority offices, Treasury Building, Ground Floor, King Edward Terrace, PARKES ACT 2600**

The NCA invites interested people and organisations to provide written comments on draft DCP No. 171/09/0004 and DCP No. 171/09/0005 by close of business on Friday 2 October 2009 to:

Andrew Smith, A/g Executive Director, National Capital Plan, National Capital Authority, GPO Box 373, CANBERRA ACT 2601 or email DCP@natcap.gov.au

Further information is available from Ms Rebecca Sorensen by telephone on (02) 6271 2851, Fax (02) 6271 2890 or email DCP@natcap.gov.au

Copies of Draft Amendment 70, DCP No. 171/09/0004 and DCP No. 171/09/0005 are available from:

National Capital Authority , Treasury Building Ground Floor, King Edward Terrace, PARKES ACT 2600, between 9am and 5pm Monday to Friday	National Capital Exhibition , Regatta Point, Commonwealth Park, between 9am and 5pm Monday to Friday and 10am to 4pm weekends
	www.nationalcapital.gov.au

WWW.NATIONALCAPITAL.GOV.AU

ATTACHMENT 2

Notice of release of Draft Amendment 70 for public comment published in The Australian on Saturday 5 September 2009.



ATTACHMENT 3

Notice of release of Draft Amendment 70 for public comment published in the Commonwealth of Australia Gazette on Wednesday 9 September 2009.

Commonwealth of Australia Gazette
No. GN 35, 9 September 2009

Government Departments 2401

Infrastructure, Transport, Regional Development and Local Government

Amendment of the National Capital Plan Draft Amendment 70 Section 87 and Part Sections 83 and 85 Fyshwick and Appendix E

The ACT Planning and Land Authority (ACTPLA) have requested that the National Capital Authority prepare an amendment to the National Capital Plan (the Plan) to change the land use of Section 87 and part Sections 83 and 85 Fyshwick, from Broadacre to Urban Areas to facilitate industrial development on these sites. ACTPLA have also requested an amendment to the Plan in relation to Appendix E *Water Quality Policies* to facilitate National Water Initiative stormwater and reticulation projects in the ACT.

Draft Amendment 70 of the National Capital Plan has been prepared in accordance with sections 15(1) and 23 of the *Australian Capital Territory (Planning and Land Management) Act 1988* and is now available for public inspection and comment. Background information on the proposal is included with the Draft Amendment and is available on the Authority's website www.nationalcapital.gov.au.

The National Capital Authority invites interested people and organisations to provide written comments on Draft Amendment 70 by close of business on Tuesday 20 October 2009 to:

Andrew Smith
A/g Executive Director
National Capital Plan
National Capital Authority
GPO Box 373
CANBERRA ACT 2601
email: draft.amendment@natcap.gov.au

Copies of Draft Amendment 70 are available from:

- www.nationalcapital.gov.au
- **Information Centre**
National Capital Authority
Treasury Building
Ground floor King Edward Terrace
PARKES ACT 2600
between 9am and 5pm Monday to Friday
- **National Capital Exhibition**
Regatta Point
Commonwealth Park
between 9am and 5pm daily

Further information is available by telephone on (02) 6271 2851 Fax (02) 6271 2890 or email draft.amendment@natcap.gov.au

ATTACHMENT 4

Draft Amendment 70 as to be recommended to the Minister for approval.

National Capital Plan

Amendment 70 – Section 87 and Part Sections 83 and 85 Fyshwick and Appendix E

Australian Capital Territory (Planning and Land Management) Act 1988

I, BRENDAN O’CONNOR, Minister for Home Affairs, approve this amendment of the National Capital Plan under section 19(1)(a) of the Australian Capital Territory (Planning and Land Management) Act 1988.

Dated 2009

BRENDAN O’CONNOR
Minister for Home Affairs

1. Name of instrument

This instrument is the National Capital Plan – Amendment 70 – Section 87 and Part Sections 83 and 85 Fyshwick.

2. Commencement

This instrument commences on the date of its registration.

3. Amendment of National Capital Plan

Schedule 1 amends the National Capital Plan.

SCHEDULE 1 AMENDMENT (SECTION 3)

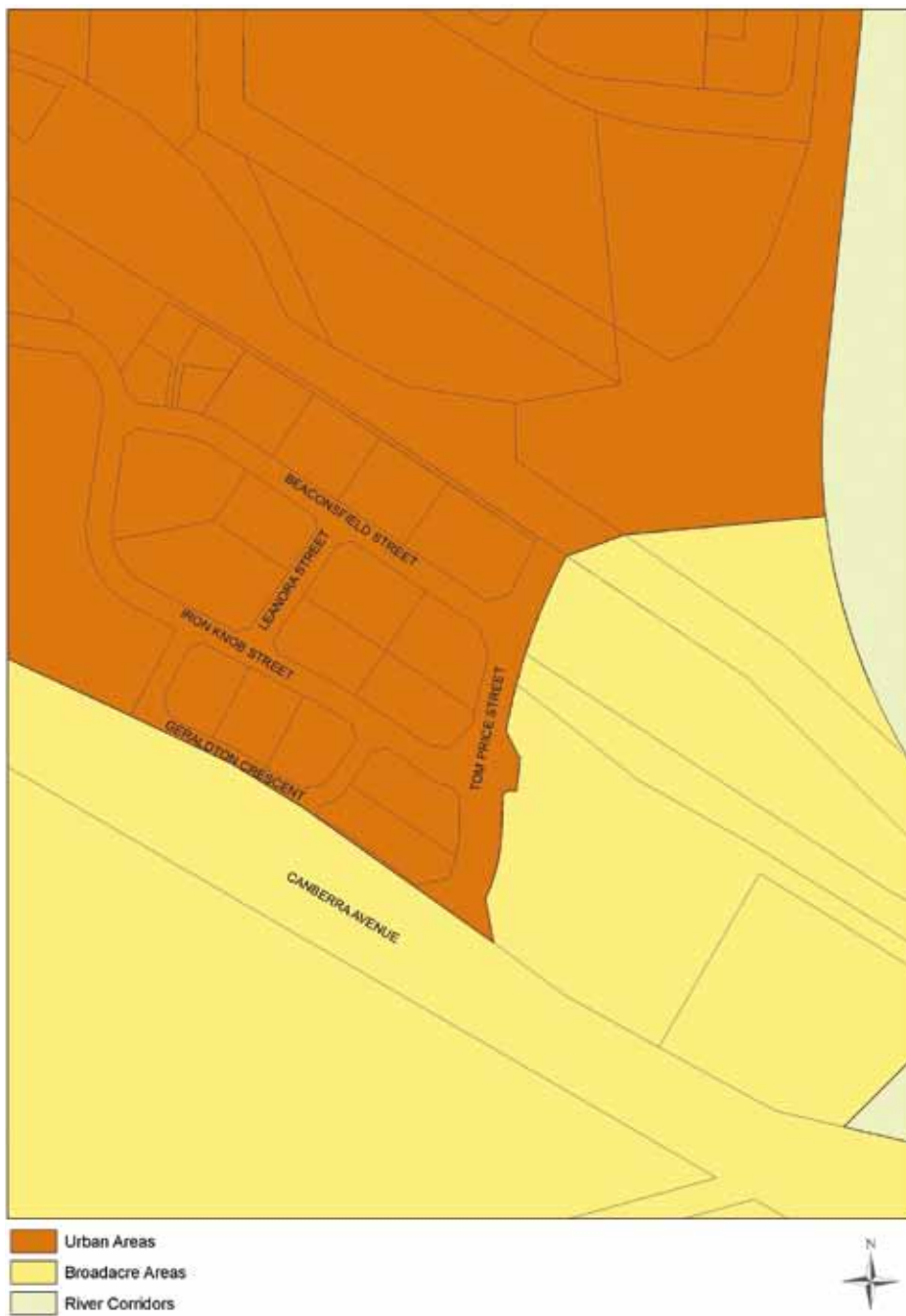
The National Capital Plan is amended by the following:

INTRODUCTION

1.1 PART ONE PRINCIPLES AND POLICIES

1 General Policy Plan

a) Amend the existing Figure 1 the General Policy Plan with the following.



2 Appendix E Water Quality Policies

b) Delete the existing 'Designation of Water Uses' table and substitute with the following 'Designation of Water Uses' table.

CATCHMENT	DESCRIPTION	USE DESIGNATION
Murrumbidgee River Corridor	Angle Crossing to Molonglo River	DOM/3, IRRIG, STOCK, SWIM, BOAT, VIEW, AQUAHAB, MIGR, SAND, FISH, DRAIN
	Molonglo River to ACT Border	STOCK, BOAT, VIEW, AQUAHAB, MIGR, FISH, DISCH, DRAIN, SAND, IRRIG
Lake Burley Griffin (LBG) Catchment	Molonglo River from ACT Border to LBG	STOCK, IRRIG, SKI, VIEW, FISH, DISCH, DRAIN, SAND, AQUAHAB, IRRIG
	LBG – East Basin	BOAT, VIEW, AQUAHAB, FISH, DRAIN, IRRIG
	LBG – General Basin	BOAT, VIEW, FISH, DRAIN, IRRIG
	LBG – West Lake to Scrivener Dam	AQUAHAB, FISH, DRAIN, VIEW, BOAT, SWIM, IRRIG
	LBG Headwaters to Scrivener Dam (Catchment only)	DRAIN, IRRIG
Lower Molonglo River	Scrivener Dam to LMWQCC	BOAT, VIEW, FISH, DRAIN, AQUAHAB, IRRIG
	LMWQCC to Murrumbidgee R	VIEW, FISH, DISCH, DRAIN, AQUAHAB, IRRIG
	Yarralumla Ck	DRAIN, IRRIG
	Weston Ck	DRAIN, IRRIG

1.2 PART TWO ADMINISTRATION AND IMPLEMENTATION

c) Amend the Plan to recognise consequential changes of Draft Amendment 70 to page numbers, section titles and contents page.

Note

All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the Legislative Instruments Act 2003. See <http://www.frli.gov.au>

WWW.NATIONALCAPITAL.GOV.AU

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