

From: [Liu_Xusheng](#) on behalf of [CMTEDD Webmaster](#)
To: [Thompson_Chris](#)
Subject: FW: Request to Publish Public Notice Online, Commencement of Technical Amendment TA2023-03, [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]
Date: Friday, 28 April 2023 5 08:05 PM
Attachments: [99116220230428139441.pdf](#)
[image001.png](#)
[image002.jpg](#)

OFFICIAL

Hi Chris,

The public notice for ACT Planning and Land Authority has been published.

Link: https://www.cmtedd.act.gov.au/open_government/inform/find-a-public-notice/public-notices/technical-amendment-notices/commencement-of-technical-amendment-ta2023-03/ nocache



Kind regards,

CMTEDD Digital Communications
Chief Minister Treasury and Economic Development Directorate | ACT Government
Level 5, 220 London Circuit, Canberra City | GPO Box 158, Canberra, ACT, 2601 | act.gov.au



From: smartforms@act.gov.au <smartforms@act.gov.au>
Sent: Friday, 28 April 2023 1:36 PM
To: CMTEDD Webmaster <CMTEDD.Webmaster@act.gov.au>
Subject: Request to Publish Public Notice Online, Commencement of Technical Amendment TA2023-03, [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]

[Request to Publish Public Notice Online](#)

Form data summary

Authorising Officer	Chris Thompson
Directorate	Environment, Planning and Sustainable Development Directorate
Reference code	HNCMJLNY

For issues or questions relating to SmartForms, please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au.



Request to Publish Public Notice Online Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

28 Apr 2023 1:34:32 PM

HNCMJLNY

\$formProperties['FollowUpDetails']

Digital and Design

GPO Box 158
Canberra ACT 2601

Phone 13 22 81

Request to Publish Public Notice Online

Authorising officer

Name *

Chris Thompson

Email *

chris.thompson@act.gov.au

Directorate or PATOC *

Environment, Planning and Sustainable
Development Directorate

Notice details

Title of Public Notice *

Commencement of Technical Amendment TA2023-03

Notifying Body *

ACT Planning and Land Authority

Legislation (full title of Act) *

Planning and Development Act 2007

Legislation URL *

<https://www.legislation.act.gov.au/a/2007-24>

Notifiable/Disallowable instrument *

Yes

No

Notifiable/disallowable instrument number *

NI2023-215

Topics *

- | | | | |
|--------------------------|--------------------------------------|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Arts, culture and tourism | <input type="checkbox"/> | Business |
| <input type="checkbox"/> | City Services | <input type="checkbox"/> | Community and family |
| <input type="checkbox"/> | Education and learning | <input type="checkbox"/> | Electoral |
| <input type="checkbox"/> | Emergency services and public safety | <input type="checkbox"/> | Employment |
| <input type="checkbox"/> | Environment and heritage | <input type="checkbox"/> | Event planning |
| <input type="checkbox"/> | Government | <input type="checkbox"/> | Health |
| <input type="checkbox"/> | Housing | <input checked="" type="checkbox"/> | Land, planning and building |
| <input type="checkbox"/> | Law and order | <input type="checkbox"/> | Pets and wildlife |
| <input type="checkbox"/> | Sport, leisure and parks | <input type="checkbox"/> | Transport, roads and traffic |
| <input type="checkbox"/> | Waste and recycling | | |

Public Notice content

Public Notice content can be provided either in plain text or as an uploaded document below. The notice should include the notice content, contact officer, how to make an objection and closing date if applicable.

Additional notice text is optional. Where no notice text is provided, standard text will be used, accompanied by a link to the instrument on the ACT Legislation Register.

Public Notice content

Technical amendment TA2023-03 took effect on Friday 28 April 2023. It made the following changes to the Territory Plan:

Territory Plan Map

- Remove the public land overlay 'Pi – a sport and recreation reserve' at Ainslie section 26 block 19 and Braddon section 30 block 6
- Add the public land overlay 'Pe – urban open space' at Dickson section 34 block 30
- Uplift the future urban area (FUA) overlay on land in the Divisions of Kenny and Strathnairn
- Realign zone and overlay boundaries on the following blocks: Strathnairn section 35 blocks 2, 3 and 4 (Strathnairn Arts Centre) and section 37 block 5

Kenny Precinct Map and Code

- Introduction of the Kenny Precinct Map and Code

Strathnairn Precinct Map and Code

- Replace the Strathnairn Precinct Map
- Add Table 1 – Additional merit track development
- Add RC2 – Strathnairn Arts Centre

Please refer to notifiable instrument NI2023-215 made under Section 89 of the Planning and Development Act 2007.

You may attach the Public Notice content

From: [David Shearer](#)
To: [Ponton, Ben](#)
Cc: [Kaucz, Alix](#); [Simon Patterson](#); [Jackson Bohlsen](#); [Walker, Karen](#)
Subject: FW: Block 19 Section 26, Ainslie - Public Land Management
Date: Wednesday, 19 October 2022 9:39:25 AM
Attachments: [image001.jpg](#)
[image001.jpg](#)
[image001.jpg](#)
[image001.jpg](#)
[image001.jpg](#)
[image001.jpg](#)
[image001.jpg](#)
[image001.jpg](#)
[image001.jpg](#)
[image001.jpg](#)
[s.314 Territory Plan Variation recommendation from Conservator.pdf](#)

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Hi Ben,

Re: public land overlay

I am aware that recently the conservator wrote to you in regard to this (letter attached)

Short story is the land in question is a private lease, therefore cannot have a custodian, and therefore cannot be public land.

I have discussed the process as is required to address this error/ fault / oversight with Alix Kaucz.

We are in no particular hurry, however we believe it would be prudent to effect this variation to the existent plan, which may require a variation process to be initiated promptly.

We have also made a thorough check of other private leases with the public land overlay. We believe this variation would affect 5 leases in total, all of whom are similar situations - being private leases to sporting clubs.

We will be looking to lodge a lease variation asap to remove the overlay from the crown lease.

Consequently we request EPSDD provide advice as to a timeframe to initiate this Technical variation.

Cheers,

David Shearer | Director Projects

P: 02 6262 6363 | M: [REDACTED] | E: [REDACTED]@spacelab.net.au

W: www.spacelab.net.au | 5/97 Northbourne Avenue Turner ACT 2612

From: Brendon Hill [REDACTED]@spacelab.net.au>
Sent: Monday, 17 October 2022 10:47 AM
To: David Shearer [REDACTED]@spacelab.net.au>
Subject: FW: Block 19 Section 26, Ainslie - Public Land Management

Brendon Hill | Director – Landscape & Urban Design
P: 02 6262 6363 | M: [REDACTED]
E: [REDACTED]@spacelab.net.au | W: www.spacelab.net.au
5/97 Northbourne Avenue Turner ACT 2612

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>
Sent: Tuesday, 30 August 2022 6:07 PM
To: Brendon Hill [REDACTED]@spacelab.net.au>; ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>; David Shearer [REDACTED]@spacelab.net.au>
Cc: Simon Patterson [REDACTED]@ainsliigroup.com.au>
Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

OFFICIAL

Hi Brendon, please see attached.

Kind regards,

Eliza Larson | A/g Conservator Liaison
Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Brendon Hill [REDACTED]@spacelab.net.au>
Sent: Tuesday, 30 August 2022 11:25 AM
To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>; David Shearer [REDACTED]@spacelab.net.au>
Cc: Simon Patterson [REDACTED]@ainsliigroup.com.au>
Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

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Thanks Eliza, much appreciated.

Are we able to get a copy of the letter?

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED]@spacelab.net.au | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>

Sent: Tuesday, 30 August 2022 11:18 AM

To: David Shearer [REDACTED]@spacelab.net.au>; Brendon Hill [REDACTED]@spacelab.net.au>

Cc: Simon Patterson [REDACTED]@ainsliigroup.com.au>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

OFFICIAL

Hi David and Brendon,

The Conservator has now provided a letter to the Planning and Land Authority recommending that the public land overlay be removed from Block 19 Section 26 Ainslie. I don't have oversight of the process from here so would recommend contacting the Territory Plan team should you have any future enquiries.

Kind regards,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: David Shearer [REDACTED]@spacelab.net.au>

Sent: Monday, 22 August 2022 6:30 PM

To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>; Brendon Hill [REDACTED]@spacelab.net.au>

Cc: Simon Patterson [REDACTED]@ainsliigroup.com.au>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

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Hi Eliza,

My apologies I thought I had shared the ACAT decision with you (my job to do- I neglected to do)

Please see attached.

The ACAT decision under review confirmed the EPSDD approval.

Although the entirety of the decision makes entertaining reading- it is paragraph 86 and 87 that refer to “public land management plans”

Please refer this decision to your legal people.

Cheers,

David Shearer | Director Projects

P: 02 6262 6363 | M: [REDACTED] | E: [REDACTED]@spacelab.net.au

W: www.spacelab.net.au | 5/97 Northbourne Avenue Turner ACT 2612

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>

Sent: Monday, 22 August 2022 6:14 PM

To: Brendon Hill [REDACTED]@spacelab.net.au>

Cc: Simon Patterson [REDACTED]@ainsliigroup.com.au>; David Shearer [REDACTED]@spacelab.net.au>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

OFFICIAL

Hi Brendon,

I heard back from legal, and unfortunately they have advised that no decision on this should be made until the related ACAT matter is resolved. I know this is not the outcome you were hoping for, but please get back in touch when this has occurred.

Kind regards,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Brendon Hill [REDACTED]@spacelab.net.au>

Sent: Friday, 19 August 2022 10:53 AM

To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED]@ainsliigroup.com.au>; David Shearer [REDACTED]@spacelab.net.au>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

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Thanks for the update Eliza.

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED]@spacelab.net.au | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>

Sent: Friday, 19 August 2022 10:51 AM

To: Brendon Hill [REDACTED]@spacelab.net.au>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED]@ainsliigroup.com.au>; David Shearer [REDACTED]@spacelab.net.au>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

OFFICIAL

Hi Brendon,

Unfortunately I am still awaiting advice from legal so the Conservator has not yet considered the draft letter I have prepared. If the Conservator agrees then yes, the letter will be provided to Planning. I will continue to chase up the advice, but I know that as with many areas at the moment they are understaffed and overloaded, so it may take a few more days. I will let you know when it has been received and the letter is with the Conservator for consideration.

Kind regards,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Brendon Hill [REDACTED]@spacelab.net.au>

Sent: Tuesday, 16 August 2022 9:31 AM

To: Larson, Eliza <Eliza.Larson@act.gov.au>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED]@ainsliigroup.com.au>; David Shearer [REDACTED]@spacelab.net.au>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

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Thanks Eliza, all good!

When we spoke last week you said legal were reviewing the wording of the advice, has this been finalised? We're after a letter from the Conservator's office with the advice that will be provided to Planning – is this something you would be able to provide?

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED]@spacelab.net.au | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

From: Larson, Eliza <Eliza.Larson@act.gov.au>

Sent: Monday, 15 August 2022 5:14 PM

To: Brendon Hill [REDACTED]@spacelab.net.au>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED]@ainsliigroup.com.au>; David Shearer [REDACTED]@spacelab.net.au>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

OFFICIAL

Hi Brendon,

Apologies, I thought our chat on the phone had resolved this.

I will be recommending that the Conservator recommend to the planning and land authority that the public land overlay be removed as per your request.

Kind regards,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Brendon Hill [REDACTED]@spacelab.net.au>

Sent: Friday, 12 August 2022 10:52 AM

To: Larson, Eliza <Eliza.Larson@act.gov.au>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED]@ainsliigroup.com.au>; David Shearer

[redacted]@spacelab.net.au>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

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Hi Eliza,

Any chance we would be able to get the recommendations today?

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [redacted]

E: [redacted]@spacelab.net.au | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

From: Larson, Eliza <Eliza.Larson@act.gov.au>

Sent: Monday, 8 August 2022 9:52 AM

To: Brendon Hill [redacted]@spacelab.net.au>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [redacted]@ainsliigroup.com.au>; David Shearer [redacted]@spacelab.net.au>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

OFFICIAL

Hi Brendon,

I'm just waiting on some final comments to come in today, so should be able to let you know tomorrow what we will be recommending to the Conservator.

Kind regards,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Brendon Hill [redacted]@spacelab.net.au>

Sent: Friday, 5 August 2022 9:42 AM

To: Larson, Eliza <Eliza.Larson@act.gov.au>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [redacted]@ainsliigroup.com.au>; David Shearer [redacted]@spacelab.net.au>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

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Hi Eliza,

I've tried calling a few times, have you and your team had a chance to review/look at this?

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED]@spacelab.net.au | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

From: Brendon Hill

Sent: Thursday, 28 July 2022 4:40 PM

To: eliza.larson@act.gov.au; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED] <[\[REDACTED\]@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>; David Shearer [REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Subject: Block 19 Section 26, Ainslie - Public Land Management

Good afternoon Eliza,

Apologies on the delay - to assist your review of B19 S26, attached is the document we shared in our meeting last week, as well as a letter detailing the public land issues at hand.

Let me know if you need anything else.

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED]@spacelab.net.au | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

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ACT
Government

Environment, Planning and
Sustainable Development

Mr Ben Ponton
Chief Planning Executive
ACT Planning and Land Authority
terrplan@act.gov.au

Dear Mr Ponton

Ben

Proposed Variation to the Territory Plan –Block 19 Section 26 Ainslie (Block)

I refer to the above Block which is subject to a public land overlay (Pi – a sport and recreation reserve) under the Territory Plan.

The Block is privately leased to the Ainslie Football and Social Club and is zoned as PR22 - Restricted Access Recreation. I have received a request on behalf of the lessee for the removal of the public land overlay. The basis for the request is that the lessee is unable to comply with s.321 of the *Planning and Development Act 2007* (Act).

S.321 of the Act states that the custodian of an area of public land must prepare a draft land management plan for the area. S.333 of the Act defines custodian as “...an administrative unit or other entity with administrative responsibility for land in the ACT that is unleased land, public land or both.”, which effectively limits custodianship to government agencies. The Block is privately leased and there is no custodian for the area. Therefore s.321 is not able to be achieved.

I confirm that there are no significant ecological values on the block and that I have no objection to the requested removal public land overlay. Pursuant to s.314 of the Act, I recommend that the Territory Plan be varied and that Block stops being public land.

The contact officer for the matter within my officer is Eliza Larson, A/g Conservator Liaison on 6207 7009.

Conservator of Flora and Fauna

28 August 2022

From: [Kaucz, Alix](#)
To: [Walker, Karen](#)
Subject: FW: Public Land Management Plans and TPV"s...
Date: Friday, 5 August 2022 10:03:00 AM
Attachments: [image002.jpg](#)
[B19 S26 AINSLIE - PUBLIC LAND MANAGEMENT.pdf](#)
[PUBLIC LAND MANAGEMENT LETTER.pdf](#)

From: David Shearer [REDACTED]@spacelab.net.au>
Sent: Thursday, 28 July 2022 5:01 PM
To: Cilliers, George <George.Cilliers@act.gov.au>; Kaucz, Alix <Alix.Kaucz@act.gov.au>; Walker, Karen <Karen.Walker@act.gov.au>
Cc: Simon Patterson [REDACTED]@ainsliigroup.com.au>; Richard Nash [REDACTED]@purdon.com.au>; Brendon Hill [REDACTED]@spacelab.net.au>; Jackson Bohlsen [REDACTED]@spacelab.net.au>
Subject: Public Land Management Plans and TPV's...

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[Learn why this is important](#)

Hi George,

Two issues for discussion:

1. **Land Management plans (see attached)**

Just an FYI to add some context to an ongoing discussion we are having with Alix Kaucz and Karen Walker.

Within the basis of the current ACAT appeals - the public land overlay and consequent references to custodians, land management plans etc - has been drawn into the spotlight Delving into the various references and consequential conditions attached to public land - it has become obvious the overlay is a "just discovered" error of sorts, that we believe has effectively been in place ever since self government.

This appears to be a hangover from when the land was managed (mown and watered) by the NCDC and therefore was publicly managed land - although held in an (at the time) concessional lease.

We have been in discussion in regard to this with Alix Kaucz and Karen Walker - and have consequently met with the Conservator Liaison to gain support to remove the public land definition -as this is the only trigger available under the act.

We expect to gain that written support in the next week or so - well before the rescheduled directions hearing.

Assuming we gain that support we will be looking to expedite a Technical Variation to give effect to that change

This condition affects a small number of other leases (all pre self government privately held leases with sporting ovals or similar attached)

2. **TPV's and other variations in process right now, or before the new Act and Plan take effect.**

The matter above is likely to require resolution via a technical amendment. This particular site is also well underway within a TPV.

[REDACTED]

[REDACTED]

We do need to gain some very overdue clarity as to just how EPSDD will ensure the timely processing of TPV's of all colours whilst we are still operating under the current plan.

Our interface over the last 6 months has been limited to a long stay in the cone of silence, which is not acceptable.

I can meet with you directly at any time, I just need an invite.

Cheers,

David Shearer | Director Projects

P: 02 6262 6363 | M: [REDACTED] | E: [REDACTED]@[spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)

W: www.spacelab.net.au | 5/97 Northbourne Avenue Turner ACT 2612



BLOCK 19 SECTION 26, AINSLIE - TIMELINE

1958

- Original lease for B19 S26 issued to act rugby.
- B19 S26 lease issued with public land overlay.
- Land was fully maintained by National Capital Development Commission (NCDC).



1989

- Self Government commenced - NCDC ceased Management for B19 S26 and the oval fell into disrepair as no government agency was taking responsibility for the land.
- At the time ACT Self Government was introduced, 'Public Land' overlay should have been removed from the lease as no government entity was responsible for privately leased land.



1991

- Territory Plan introduced - Conservator of Flora and Fauna was the only entity noted as responsible for Public Land.



1996

- Ainslie Football & Social Club acquire lease for Blocks 11 and 19, Section 26 Ainslie.



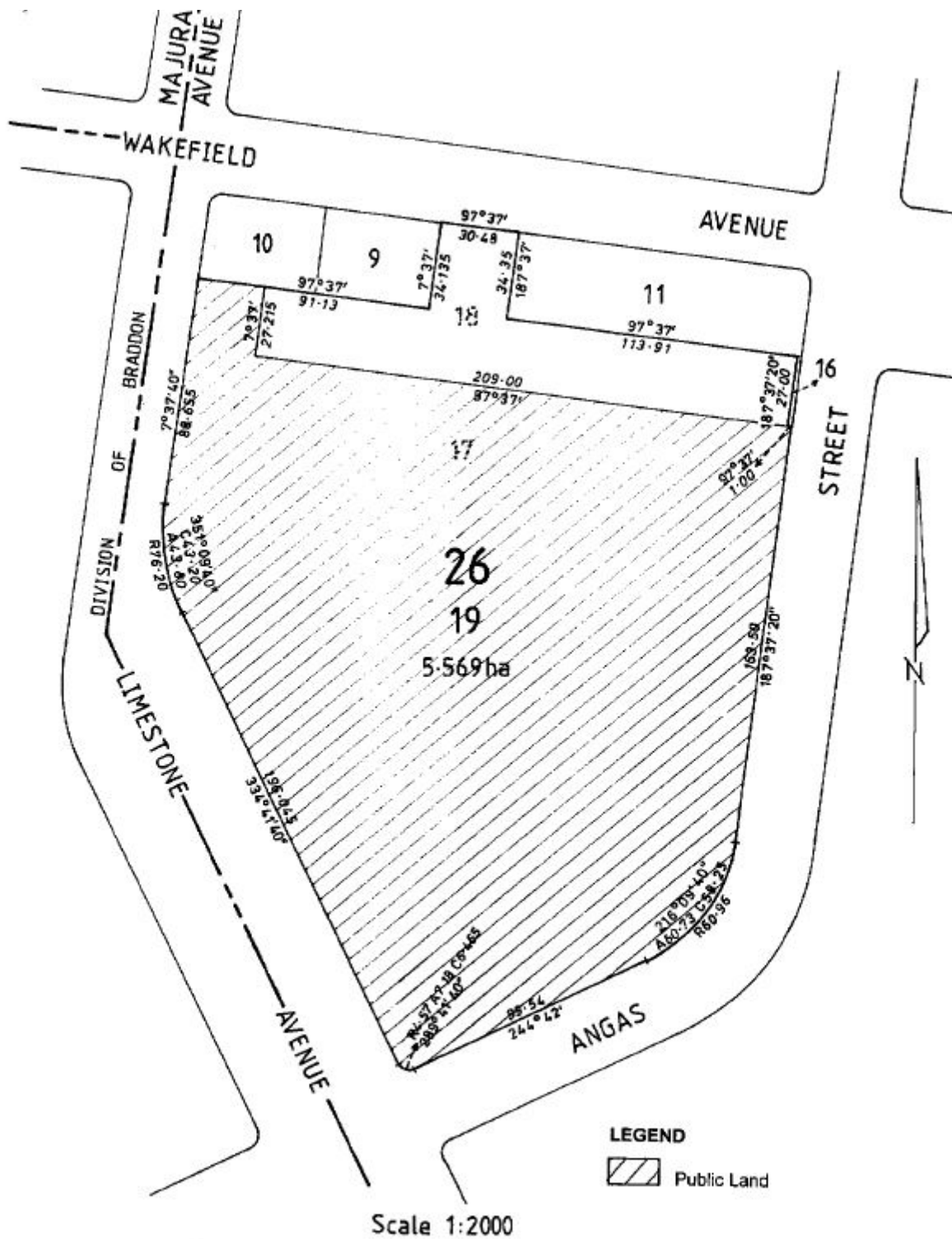
2007

- New Territory Plan and Planning Act create the 'Custodian' defined as a government agency or entity responsible for the management of land.
- Conservator of Flora and Fauna retained for management of nature reserves.
- Conservator of Flora and Fauna is the only party who can de-notify land as 'Public Land'.



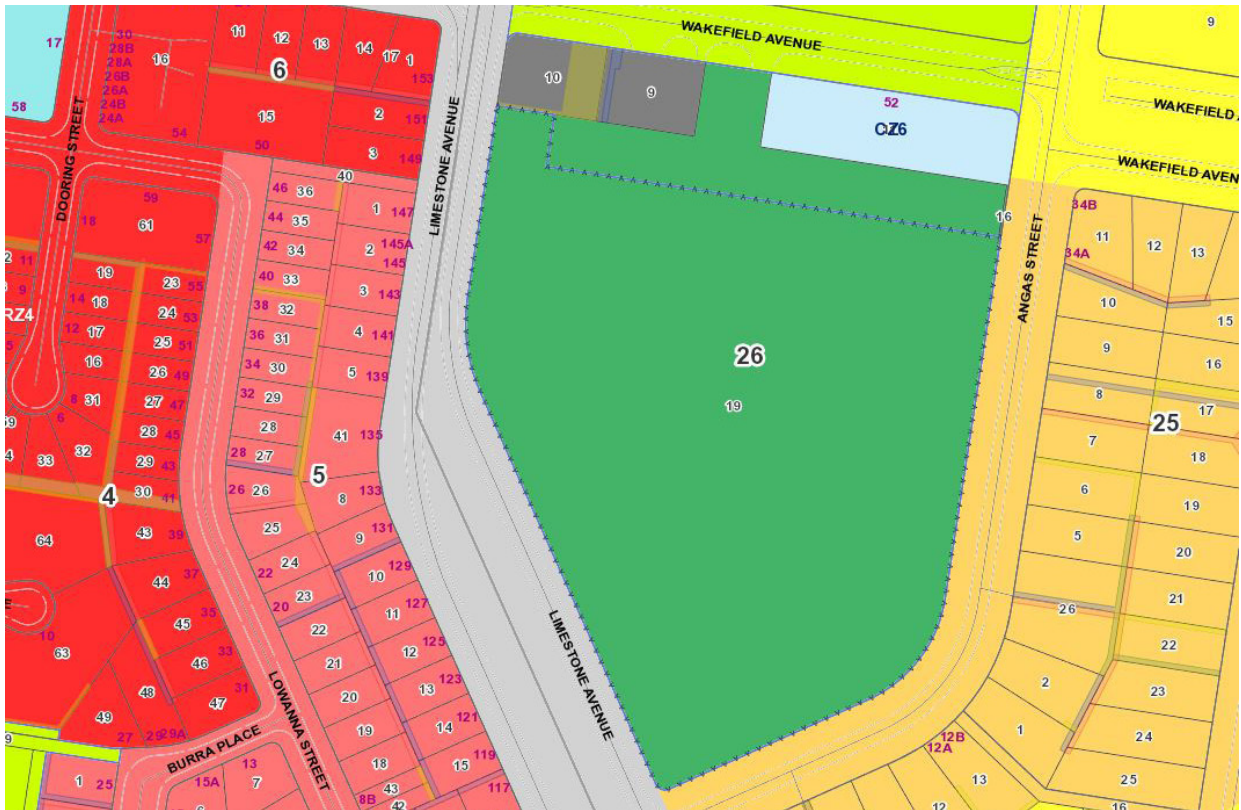
2022

- The Lessee and EPSDD have become aware of this long running error and seek the Conservator of Flora and Fauna's written support to remove the 'Public Land' overlay from Block 19 Section 26, Ainslie.

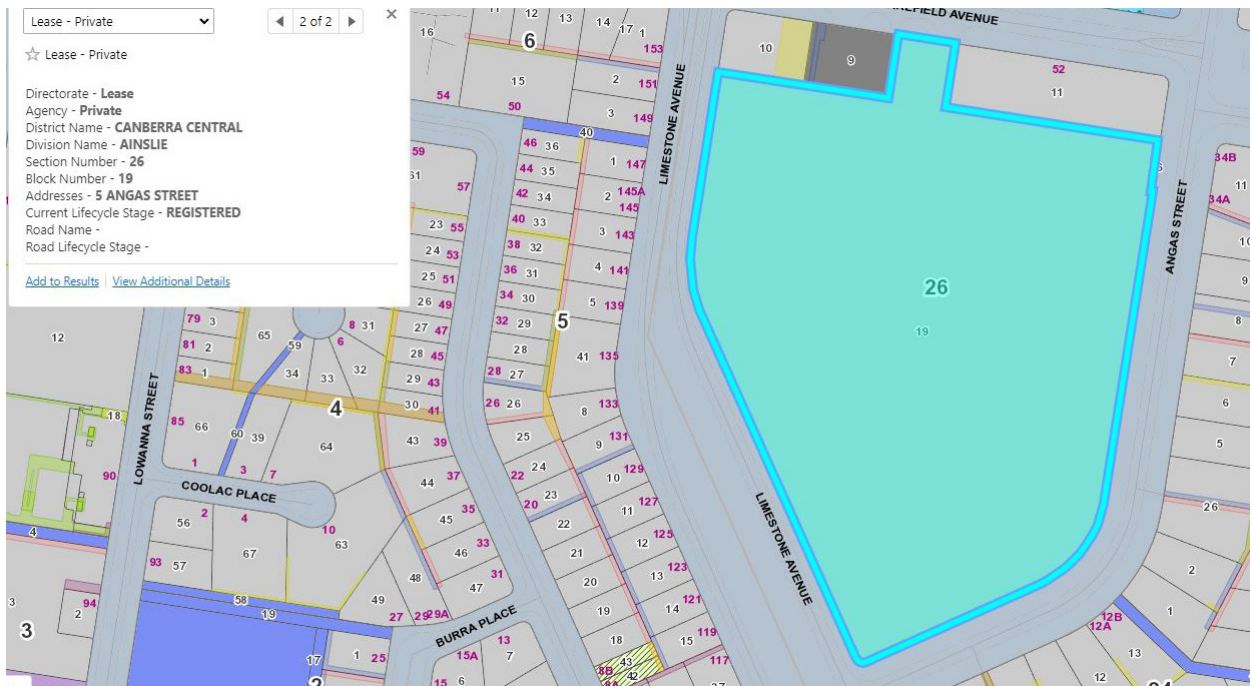


This is the plan referred to in the lease of Block 19 Section 26 Division of Ainslie granted on the 1st day of JUNE 2002 as being annexed thereto

Mapping included in Crown Lease



ACTMAPi Territory Plan Mapping



ACTMAPi Land Custodianship Mapping

BLOCK 19 SECTION 26, AINSLIE PUBLIC LAND MANAGEMENT

ATTN: ELIZA LARSON
CONSERVATOR LIAISON
OFFICE OF THE CONSERVATOR OF FLORA AND FAUNA

28 JULY 2022

Dear Eliza,

The Ainslie Football & Social Club and **SPACELAB** Studio have been in discussion with EPSDD Leasing and Territory Plan Units in regard to the *Public Land Overlay* across part of this site.

Our investigations have determined that the original Crown Lease issued in the 1950s (predating self-government) had a *Public Land Overlay* marked. At the time all ovals and publicly accessible spaces around the ACT were managed by the NCDC. The markup on the Crown Lease to show a part of the block area (mainly the oval) as *public land* showed the area the NCDC maintained. The remainder of the site was managed by the lessee.

When the ACT went to Self-Government in 1989, the NCDC ceased their care for the oval and without any effective transition of services to the new ACT Government, the oval fell into disrepair.

The first *Territory Plan* was introduced in 1991. At this time that the *Public Land Overlay* on private leases such as this one, should have been removed as there was no longer any form of government/entity/agency responsibility/management in place.

This was clarified in a very real way as the water was turned off, the lawnmowers taken away, and the oval fell into disrepair. It remained this way and was effectively abandoned between 1991 and 1996. In 1996 it was then taken over by the Ainslie Football and Social Club (the current lessee) who then set about rebuilding the asset to how it presents today.

The current *Territory Plan and Planning and Development Act 2007* attempted to clarify exactly which government entity managed what particular area of *public land*. Within this process the new definition for *Custodian* was created. Further amendments to the Act in draft were made that then required that all *public land* be identified on a map, that such nominated land has a *Custodian*, and that *Custodian* is formally identified on a *custodianship map* to be maintained in the *Territory Plan*. This clarified the relevant government agency tasked with management of that land.

It is then the *Custodian's* responsibility to prepare a *Land Management Plan* which is then lodged with the Legislative Assembly for Ministerial approval. Clearly, *custodianship*, and the ensuing *land management plan* was designed to ascertain with clarity which govt. entity or agency has responsibility for land in public ownership.

The quandary is we can't have a *Custodian*, as the land is a market value private lease. The terms of management of the land are defined within the crown lease and therefore everything associated with *public land* falls over. We don't and can't have a *Custodian*, which then means no-one is tasked to prepare or gain approval for a *land management plan...* etc.

BLOCK 19 SECTION 26, AINSLIE PUBLIC LAND MANAGEMENT

The consequence of this is we are sitting in limbo as we are one of a handful of private leases that have this hangover from prior to self government sitting on our crown lease, and no clear pathway as to how we are or aren't required to comply with processes that were never intended for a private lease.

There is only one option that appears to be available under the current legislation to remove land from being *public land*. This process falls to the Conservator, to advise that the land is no longer *public land*. This would then allow a lease variation to remove the *Public Land Overlay* and the subsequent confusion regarding management of the land.

This really should have happened back in 1991, however here we are.

As discussed in our meeting, we are seeking the Conservator for Flora and Fauna's written support for the removal of the *Public Land Overlay* from Block 19 Section 26 Ainslie, to provide to EPSDD and the Territory Plan Unit to progress with the process of formal removal of the *public land* notification from the *Territory Plan*.

Regards,



David Shearer
SPACELAB
Director- Projects



Brendon Hill
SPACELAB
Director- Landscape & Urban Design



Simon Patterson
Ainslie Football & Social Club
Chief Executive Officer

From: [David Shearer](#)
To: [Cilliers, George](#); [Kaucz, Alix](#); [Walker, Karen](#)
Cc: [Simon Patterson](#); [Richard Nash](#); [Brendon Hill](#); [Jackson Bohlsen](#)
Subject: Public Land Management Plans and TPV"s...
Date: Thursday, 28 July 2022 5:01:43 PM
Attachments: [image002.jpg](#)
[B19 S26 AINSLIE - PUBLIC LAND MANAGEMENT.pdf](#)
[PUBLIC LAND MANAGEMENT LETTER.pdf](#)

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Hi George,

Two issues for discussion:

1. **Land Management plans (see attached)**

Just an FYI to add some context to an ongoing discussion we are having with Alix Kaucz and Karen Walker.

Within the basis of the current ACAT appeals - the public land overlay and consequent references to custodians, land management plans etc - has been drawn into the spotlight. Delving into the various references and consequential conditions attached to public land - it has become obvious the overlay is a "just discovered" error of sorts, that we believe has effectively been in place ever since self government.

This appears to be a hangover from when the land was managed (mown and watered) by the NCDC and therefore was publicly managed land - although held in an (at the time) concessional lease.

We have been in discussion in regard to this with Alix Kaucz and Karen Walker - and have consequently met with the Conservator Liaison to gain support to remove the public land definition -as this is the only trigger available under the act.

We expect to gain that written support in the next week or so - well before the rescheduled directions hearing.

Assuming we gain that support we will be looking to expedite a Technical Variation to give effect to that change

This condition affects a small number of other leases (all pre self government privately held leases with sporting ovals or similar attached)

2. **TPV's and other variations in process right now, or before the new Act and Plan take effect.**

The matter above is likely to require resolution via a technical amendment. This particular site is also well underway within a TPV.

We also have other projects (including Whitlam) that will require TPV's of one sort or another and these processes cannot be delayed awaiting the new plan/ act.

We do need to gain some very overdue clarity as to just how EPSDD will ensure the timely processing of TPV's of all colours whilst we are still operating under the current plan.

Our interface over the last 6 months has been limited to a long stay in the cone of silence, which is not acceptable.

I can meet with you directly at any time, I just need an invite.

Cheers,

David Shearer | Director Projects

P: 02 6262 6363 | M: [REDACTED] | E: [REDACTED]@spacelab.net.au

W: www.spacelab.net.au | 5/97 Northbourne Avenue Turner ACT 2612



From: [Kaucz, Alix](#)
To: [Sayers, Caroline](#); [ConservatorFloraFauna](#)
Cc: [Thompson, Chris](#); [Lynch, Jasmyn](#)
Subject: RE: Block 19 Section 26 Ainslie
Date: Wednesday, 13 July 2022 4:30:00 PM
Attachments: [image001.jpg](#)

OFFICIAL

Hi Caroline

This relates to the piece of work Jasmyn is looking at on removing the overlays from the Territory Plan. [REDACTED]

[REDACTED].
Happy to discuss further if anyone would like to
Alix

From: Sayers, Caroline <Caroline.Sayers@act.gov.au>
Sent: Wednesday, 13 July 2022 4:16 PM
To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>; Kaucz, Alix <Alix.Kaucz@act.gov.au>
Cc: Thompson, Chris <Chris.Thompson@act.gov.au>
Subject: RE: Block 19 Section 26 Ainslie

OFFICIAL

Hi Alix,

I assume this request came into the Territory Plan email? Has someone in the Territory Plan team responded? Or do you think it's a matter for the district strategies?

Happy to help if needed.

Thanks

Caroline

Territory Plan Section | General Enquiries Inbox

Email: terrplan@act.gov.au

Planning and Sustainable Development | Environment, Planning and Sustainable Development Directorate | ACT Government |

480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>
Sent: Wednesday, 13 July 2022 4:08 PM
To: Sayers, Caroline <Caroline.Sayers@act.gov.au>
Subject: FW: Block 19 Section 26 Ainslie

OFFICIAL

Hi Caroline,

Has your team provided advice on this enquiry? I'm curious if there are other instances of this that also should be rectified or if it is not necessarily inconsistent. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
Happy to chat.

Thanks,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Brendon Hill [REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>
Sent: Monday, 4 July 2022 11:10 AM

To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>

Cc: Simon Patterson [REDACTED] <[\[REDACTED\]@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>; David Shearer
[REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Subject: Block 19 Section 26 Ainslie

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Good morning,

Re: Block 19 Section 26 Ainslie

We have been in discussion with EPSDD Leasing and Territory Plan Units in regard to the “Public Land Overlay” across part of this site.

Our investigations have determined that the original Crown Lease (which predates self-government) has a Public Land Overlay marked, which should have been removed when the land was transferred to private ownership.

The current Territory Plan shows this overlay on the “land use zones” overlay.

The Act requires that public land has a Custodian, and a custodian is clarified as being the relevant government agency tasked with management of that land.

It is then the Custodian’s responsibility to prepare and update a “Land Management Plan” which is then lodged with the Legislative Assembly for Ministerial approval.

The quandary is we don’t have a Custodian, as the land a market value private lease, and therefore cannot have a Government Custodian to manage the land.

The only option that appears to be available under the current legislation is for the conservator to advise that the land is no longer public land. This would then allow a lease variation to remove the Public Land Overlay and the subsequent confusion regarding how the lessee can comply with the requirement for a Land Management Plan.

Clearly, custodianship is a process to ensure public (non-private leased) land has a Government Agency noted as Custodian in order to define responsibility for whatever management is proposed and agreed under a “Land Management Plan”

We are seeking a response from The Conservator of Flora and Fauna, in the form of an agreement to remove this privately leased parcel of land from the public land mapping in the Territory Plan. To assist this process we suggest a Teams meeting or similar between ourselves, EPSDD and yourself to discuss a pathway - I have cc’ed the Lessor and the project consultant lead.

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)> | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612



From: [David Shearer](#)
To: [Ponton, Ben](#)
Cc: [Kaucz, Alix](#); [Simon Patterson](#); [Jackson Bohlsen](#); [Walker, Karen](#)
Subject: RE: Block 19 Section 26, Ainslie - Public Land Management
Date: Tuesday, 15 November 2022 1:01:39 PM
Attachments: [image001.jpg](#)

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Hi Ben,

Are you able to provide any further advice in regard to timeframes to initiate this variation.

Cheers,

David Shearer | Director Projects

P: 02 6262 6363 | M: [REDACTED] | E: [REDACTED]@spacelab.net.au

W: www.spacelab.net.au | 5/97 Northbourne Avenue Turner ACT 2612



From: David Shearer
Sent: Wednesday, 19 October 2022 9:39 AM
To: Ben Ponton Director General ACTEPD <ben.ponton@act.gov.au>
Cc: Kaucz, Alix <Alix.Kaucz@act.gov.au>; Simon Patterson [REDACTED]@ainsliigroup.com.au; Jackson Bohlsen [REDACTED]@spacelab.net.au; Karen Walker <Karen.Walker@act.gov.au>
Subject: FW: Block 19 Section 26, Ainslie - Public Land Management

Hi Ben,

Re: public land overlay

I am aware that recently the conservator wrote to you in regard to this (letter attached)

Short story is the land in question is a private lease, therefore cannot have a custodian, and therefore cannot be public land.

I have discussed the process as is required to address this error/ fault / oversight with Alix Kaucz.

We are in no particular hurry, however we believe it would be prudent to effect this variation to the existent plan, which may require a variation process to be initiated promptly.

We have also made a thorough check of other private leases with the public land overlay. We believe this variation would affect 5 leases in total, all of whom are similar situations - being private leases to sporting clubs.

We will be looking to lodge a lease variation asap to remove the overlay from the crown lease.

Consequently we request EPSDD provide advice as to a timeframe to initiate this Technical variation.

Cheers,

David Shearer | Director Projects

P: 02 6262 6363 | M: [REDACTED] | E: [REDACTED]@spacelab.net.au

W: www.spacelab.net.au | 5/97 Northbourne Avenue Turner ACT 2612

From: Brendon Hill [REDACTED]@spacelab.net.au>

Sent: Monday, 17 October 2022 10:47 AM

To: David Shearer [REDACTED]@spacelab.net.au>

Subject: FW: Block 19 Section 26, Ainslie - Public Land Management

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED]@spacelab.net.au | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>

Sent: Tuesday, 30 August 2022 6:07 PM

To: Brendon Hill [REDACTED]@spacelab.net.au>; ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>; David Shearer [REDACTED]@spacelab.net.au>

Cc: Simon Patterson [REDACTED]@ainsliigroup.com.au>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

OFFICIAL

Hi Brendon, please see attached.

Kind regards,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Brendon Hill [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Sent: Tuesday, 30 August 2022 11:25 AM

To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>; David Shearer [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Cc: Simon Patterson [REDACTED] [@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

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Thanks Eliza, much appreciated.

Are we able to get a copy of the letter?

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au) | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>

Sent: Tuesday, 30 August 2022 11:18 AM

To: David Shearer [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>; Brendon Hill [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Cc: Simon Patterson [REDACTED] [@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

OFFICIAL

Hi David and Brendon,

The Conservator has now provided a letter to the Planning and Land Authority recommending that the public land overlay be removed from Block 19 Section 26 Ainslie. I don't have oversight of the process from here so would recommend contacting the Territory Plan team should you have any future enquiries.

Kind regards,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: David Shearer [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Sent: Monday, 22 August 2022 6:30 PM

To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>; Brendon Hill [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Cc: Simon Patterson [REDACTED] [@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

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Hi Eliza,

My apologies I thought I had shared the ACAT decision with you (my job to do- I neglected to do)

Please see attached.

The ACAT decision under review confirmed the EPSDD approval.

Although the entirety of the decision makes entertaining reading- it is paragraph 86 and 87 that refer to “public land management plans”

Please refer this decision to your legal people.

Cheers,

David Shearer | Director Projects

P: 02 6262 6363 | M: [REDACTED] | E: [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)

W: www.spacelab.net.au | 5/97 Northbourne Avenue Turner ACT 2612

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>

Sent: Monday, 22 August 2022 6:14 PM

To: Brendon Hill [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Cc: Simon Patterson [REDACTED] [@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>; David Shearer [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

OFFICIAL

Hi Brendon,

I heard back from legal, and unfortunately they have advised that no decision on this should be made until the related ACAT matter is resolved. I know this is not the outcome you were hoping for, but please get back in touch when this has occurred.

Kind regards,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Brendon Hill [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Sent: Friday, 19 August 2022 10:53 AM

To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED] [@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>; David Shearer [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

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Thanks for the update Eliza.

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au) | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

From: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>

Sent: Friday, 19 August 2022 10:51 AM

To: Brendon Hill [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED] [@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>; David Shearer [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

OFFICIAL

Hi Brendon,

Unfortunately I am still awaiting advice from legal so the Conservator has not yet considered the draft letter I have prepared. If the Conservator agrees then yes, the letter will be provided to Planning. I will continue to chase up the advice, but I know that as with many areas at the moment they are understaffed and overloaded, so it may take a few more days. I will let you know when it has been received and the letter is with the Conservator for consideration.

Kind regards,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Brendon Hill [REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Sent: Tuesday, 16 August 2022 9:31 AM

To: Larson, Eliza <Eliza.Larson@act.gov.au>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED] <[\[REDACTED\]@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>; David Shearer [REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

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Thanks Eliza, all good!

When we spoke last week you said legal were reviewing the wording of the advice, has this been finalised? We're after a letter from the Conservator's office with the advice that will be provided to Planning – is this something you would be able to provide?

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)> | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

From: Larson, Eliza <Eliza.Larson@act.gov.au>

Sent: Monday, 15 August 2022 5:14 PM

To: Brendon Hill [REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED] <[\[REDACTED\]@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>; David Shearer [REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

OFFICIAL

Hi Brendon,

Apologies, I thought out chat on the phone had resolved this.

I will be recommending that the Conservator recommend to the planning and land authority that the public land overlay be removed as per your request.

Kind regards,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Brendon Hill [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Sent: Friday, 12 August 2022 10:52 AM

To: Larson, Eliza <Eliza.Larson@act.gov.au>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED] [@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>; David Shearer [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

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Hi Eliza,

Any chance we would be able to get the recommendations today?

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au) | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

From: Larson, Eliza <Eliza.Larson@act.gov.au>

Sent: Monday, 8 August 2022 9:52 AM

To: Brendon Hill [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED] [@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>; David Shearer [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

OFFICIAL

Hi Brendon,

I'm just waiting on some final comments to come in today, so should be able to let you know tomorrow what we will be recommending to the Conservator.

Kind regards,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: Brendon Hill [REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Sent: Friday, 5 August 2022 9:42 AM

To: Larson, Eliza <Eliza.Larson@act.gov.au>; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED] <[\[REDACTED\]@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>; David Shearer [REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Subject: RE: Block 19 Section 26, Ainslie - Public Land Management

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Hi Eliza,

I've tried calling a few times, have you and your team had a chance to review/look at this?

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)> | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

From: Brendon Hill

Sent: Thursday, 28 July 2022 4:40 PM

To: eliza.larson@act.gov.au; Baines, Greg <Greg.Baines@act.gov.au>

Cc: Simon Patterson [REDACTED] <[\[REDACTED\]@ainsliigroup.com.au](mailto:[REDACTED]@ainsliigroup.com.au)>; David Shearer [REDACTED] <[\[REDACTED\]@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)>

Subject: Block 19 Section 26, Ainslie - Public Land Management

Good afternoon Eliza,

Apologies on the delay - to assist your review of B19 S26, attached is the document we shared in our meeting last week, as well as a letter detailing the public land issues at hand.

Let me know if you need anything else.

Cheers

Brendon Hill | Director – Landscape & Urban Design

P: 02 6262 6363 | M: [REDACTED]

E: [REDACTED]@spacelab.net.au | W: www.spacelab.net.au

5/97 Northbourne Avenue Turner ACT 2612

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From: [Kaucz, Alix](#)
To: [Terrplan](#)
Subject: RE: Public land overlay 19/26 Ainslie
Date: Tuesday, 7 June 2022 4:44:00 PM
Attachments: [image001.jpg](#)

UNOFFICIAL

Thanks Janine

I'll mention these overlays to sport & rec in a meeting tomorrow (on a different matter) as it seems the same type of overlay exists over the Deakin Soccer club oval and the oval adjacent to Jamison pool. We'll need to have a look into how these overlays are or aren't covered by plans of management

Alix

From: Terrplan <Terrplan@act.gov.au>
Sent: Tuesday, 7 June 2022 9:37 AM
To: Kaucz, Alix <Alix.Kaucz@act.gov.au>
Subject: FW: Public land overlay 19/26 Ainslie

UNOFFICIAL

Hi Alix

I believe you were going to have a chat to David Shearer about this matter.

See email from Karen Walker below.

Regards

Janine

For

Territory Plan Section | General Enquiries Inbox

Email: terrplan@act.gov.au

Planning and Urban Policy | Environment, Planning and Sustainable Development Directorate | ACT Government

480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

From: Walker, Karen <Karen.Walker@act.gov.au>
Sent: Monday, 6 June 2022 3:50 PM
To: Terrplan <Terrplan@act.gov.au>
Cc: Oshyer, Aaron <Aaron.Oshyer@act.gov.au>
Subject: FW: Public land overlay 19/26 Ainslie

Hi Territory planning,

Please see email below. I haven't had a chance to work through David's comments yet however I understand David has also spoken to you.

I would be keen to know your view around the public land overlay before I respond to David.

Thanks,

Karen.

Karen Walker | Leasing DA

Phone 02 6207 7257 | Fax 02 6207 1856

Statutory Planning | Environment, Planning and Sustainable Development | **ACT Government**

480 Northbourne Ave, Dickson | GPO Box 158 Canberra ACT 2602 | www.planning.act.gov.au

From: David Shearer <[REDACTED]@spacelab.net.au>
Sent: Monday, 6 June 2022 3:05 PM
To: Walker, Karen <Karen.Walker@act.gov.au>
Cc: Simon Patterson <[REDACTED]@ainsliigroup.com.au>
Subject: RE: Public land overlay 19/26 Ainslie

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Hi Karen,

Feel free to discuss with Alix and team.

I just had a chat with Alix and pre-empted you were looking after this particular DA.

We have dug into previous versions of the plan and it seems the transfer of previous “custodian held” land to sporting clubs did not then see the overlay or lease wording follow suit/ keep up.

We have drafted the “deep dive” letter – which is currently with the AFSC legal beagles, and we hope to share it as a legally informed submission in the next day or two.

We have also asked whether Counsel is then [able / expected] to advise tribunal of this discovery (if that’s what it is)

Cheers,

David Shearer | Director Projects

P: 02 6262 6363 | M: [REDACTED] | E: [REDACTED]@spacelab.net.au

W: www.spacelab.net.au | 5/97 Northbourne Avenue Turner ACT 2612



From: Walker, Karen <Karen.Walker@act.gov.au>

Sent: Monday, 6 June 2022 2:40 PM

To: David Shearer [REDACTED]@spacelab.net.au>

Subject: FW: Public land overlay 19/26 Ainslie

Hi David,

Do you mind if I discuss your email below with territory planning?

Karen.

Karen Walker | Leasing DA

Phone 02 6207 7257 | Fax 02 6207 1856

Statutory Planning | Environment, Planning and Sustainable Development | **ACT Government**

480 Northbourne Ave, Dickson | GPO Box 158 Canberra ACT 2602 | www.planning.act.gov.au

From: David Shearer <[REDACTED]@spacelab.net.au>

Sent: Monday, 6 June 2022 1:14 PM

To: Walker, Karen <Karen.Walker@act.gov.au>

Subject: Public land overlay 19/26 Ainslie

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Hi Karen

We have been digging - result of which is;

We believe the crown lease and the territory plan are in error and that the land is not public land (it cannot be - by definition as only land not in private lease can have a government custodian and therefore be public land.

We suggest the mapping is a remnant from when the land was public (prior to purchase by current lessee) a long time ago.

Have you tripped over this on other sites?

Call if you can to discuss- your legal/ barrister in ACAT matter may need to review

Cheers,
David Shearer
Director - Projects

M [REDACTED]

P [02 6262 6363](tel:0262626363)

E [REDACTED]@spacelab.net.au



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From: [David Shearer](#)
To: [Walker, Karen](#); [Kaucz, Alix](#)
Cc: [Simon Patterson](#)
Subject: removal of public land overlay- B19S26 Ainslie
Date: Tuesday, 19 July 2022 12:55:55 PM
Attachments: [image001.jpg](#)

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Hi Karen, Alix,

We are meeting the conservator to discuss this matter later this week (Friday after 12pm)

We will take minutes and share.

Cheers,

David Shearer | Director Projects

P: 02 6262 6363 | M: [REDACTED] | E: [REDACTED] [@spacelab.net.au](mailto:[REDACTED]@spacelab.net.au)

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