

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

***INQUIRY INTO THE PROPOSED CONSTRUCTION OF
NUDURR DRIVE, PALMERSTON***

REPORT NO.19
OF THE
STANDING COMMITTEE ON PLANNING AND ENVIRONMENT

OCTOBER 1996

**Resolution of appointment [by the Legislative Assembly] of the
Standing Committee on Planning and Environment:**

‘[that] a Standing Committee on Planning and Environment [be established] to examine matters related to planning, land management, transport, commercial development, industrial and residential development, infrastructure and capital works, science and technology, the environment, conservation, heritage, energy and resources...

‘[And that the committee] inquire into and report on matters referred to [it] by the Assembly or matters that are considered by the committee to be of concern to the community.’

Minutes of Proceedings (Third Assembly) No.1 - 9 March 1995, amended
22 June 1995

Committee Membership

Mr Michael Moore MLA (Chair)
Mr Trevor Kaine MLA (Deputy Chair)
Ms Lucy Horodny MLA
Ms Roberta McRae OAM, MLA

Secretary: Mr Rod Power
Assistance: Ms Anne Munns

Reports of, and Statements made by, the Standing Committee on Planning and Environment during the Third Assembly

(Note: Members of the Third Legislative Assembly for the Australian Capital Territory were elected at the Territory election held on 18 February 1995)

No. 17: Issues Raised at the 1996 National Conference of Australian Parliamentary Environment Committees (26 September 1996)

No. 16: Organisation of the 1996 National Conferences of Australian Parliamentary Public Works Committees and Environment Committees (26 September 1996)

No. 15: Draft Variation to the Territory Plan (No 54): Minor Corrections Series - Outdoor Recreation Facility (24 September 1996 - printing, circulation and printing authorised by the Speaker 17 September 1996)

No. 14: Draft Variation to the Territory Plan (No. 56): Heritage Places Register (3 September 1996 - printing and circulation authorised by the Speaker 2 September 1996; Government responded on 3 September 1996)

No. 13: The Stein Report (Report into the Administration of the A.C.T. Leasehold) and the Government's Response to the Report (27 June 1996; Government responded on 27 June 1996)

No. 12: The Adequacy of Processes Relating to Identifying and Managing Contaminated Sites in the A.C.T. (26 June 1996)

No. 11: The Interim Report on the Acton/Kingston Land Swap (15 May 1996 - printing, circulation and publication authorised by the Speaker 3 May 1996)

No. 10: The Government's 1996-1997 Draft Capital Works Program (26 March 1996 - printing, circulation and publication authorised by the Speaker 11 March 1996; Government responded on 25 May 1996)

No. 9: The Environmental, Social and Financial Impact of Graffiti in Canberra and the Appropriate Means of Preventing Graffiti Damage (26 March 1996 - printing, circulation and publication authorised by the Speaker 5 March 1996; Government responded on 27 June 1996)

No. 8: Draft Variation to the Territory Plan (No. 49) for Deakin Section 35 Block 18 (20 February 1996 - printing and circulation authorised by the Deputy Speaker 5 February 1996; Government responded on 20 February 1996)

No. 7: Draft Variation to the Territory Plan (No. 53) for Gungahlin Town Centre and Central Area (5 December 1995; Government responded on 5 December 1995)

- No. 6: Draft Variation to the Territory Plan (No. 48) for Monash Section 20 Block 1 (21 November 1995 - printing and circulation authorised by the Speaker 20 November 1995; Government responded on 5 December 1995)
- No. 5: Draft Variation to the Territory Plan (No. 42) for Minor Corrections Series - Residential Land Use Policies (21 November 1995 - printing and circulation authorised by the Speaker 30 October 1995; Government responded on 5 December 1995)
- No. 4: Draft Variation to the Territory Plan for Hughes Section 28 Block 10 Part (Proposed Extension to St Andrews Village for Aged Persons in Groom Street Hughes) (17 October 1995 - printing and circulation authorised by the Speaker 22 September 1995; Government responded on 17 October 1995)
- No. 3: Report on the Government's 1995-1996 Draft Capital Works Program (20 September 1995 - printing, circulation and publication authorised by the Speaker 18 September 1995; Government responded on 21 November 1995)
- No. 2: Report on Watson Section 61 Block 8 (Former Starlight Drive-In Site) (20 June 1995 - printing and circulation authorised by the Speaker 14 June 1995; Government responded in September 1995)
- No. 1: Draft Variation to the Territory Plan for Lyneham Section 67 Block 1 Part (Yowani Golf Club (30 May 1995 - printing and circulation authorised by the Speaker 26 May 1995; Government responded in September 1995)

Statements:

- Report of the Committee on Contaminated Sites (5 September 1996)
- Developments Affecting Kingston, Section 25, Blocks 4, 5 and 6 (5 September 1996)
- Bruce Section 2 (5 September 1996)
- Civic Cultural Centre (25 June 1996)
- Inquiry into Strategic Plan (7 December 1995)
- Inquiry into Contaminated Sites (22 June 1995)
- Inquiry into Leasehold Administration (20 June 1995)

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The issue

1. The Standing Committee on Planning and Environment was directed by the Legislative Assembly on 29 August 1996 to inquire into and report to the Assembly on the proposed construction of Nudurr Drive, Palmerston.
2. The Assembly, at the same time, directed that the Government take no further action in relation to the construction of Nudurr Drive until the Committee reported to the Assembly.
3. This report contains the view of the Standing Committee on Planning and Environment on this issue.

Location of Nudurr Drive, Palmerston

4. A map of the Nudurr Drive area is on the following page.

Nature of the proposed road works

5. A Government official told the Committee that:

Very simply, the components of work include construction of the roundabout at Gundaroo Drive; construction of the single carriageway through and into Grampians Street to increase the number of outlets and inlets to Palmerston; construction of a cyclepath and works associated with the cyclepath to [an] underpass [on Gundaroo Drive]; the associated drainage and arrangement of areas... and lighting of the roundabout...¹

6. The Committee was told that it was intended to construct Nudurr Drive in three stages. The first stage is to construct the section of Nudurr Drive between Gundaroo Drive and Grampians Street. The second stage is to construct the section of Nudurr Drive between Gungahlin Drive and Bollard Street. The third stage is to link these two sections, this work to be undertaken at 'some time in the future, when traffic demands'.²
7. The cost of the proposed works for the first stage (current pre-tender estimate) is \$1.7m.³

¹ *Transcript of Proceedings* Public hearing conducted by the Standing Committee on Planning and Environment on 6 September 1996 p7 (Mr Blackburn, Project Manager, Construction and Maintenance Management Branch, Works and Commercial Services, Department of Urban Services)

² *ibid* p4 (Mr Chambers, Manager, Estate Development Section, Metropolitan Planning and Land Supply Branch, Planning and Land Management Group, Department of Urban Services)

³ Additional information provided to the Standing Committee on Planning and Environment by the Department of Urban Services, dated 17 September 1996

Inquiry into Nudurr Drive, Palmerston

8. The justification for the project is that the present access roads to Palmerston (Burrowa Street off Gundaroo Drive, and Kosciusko Avenue off Gungahlin Drive):

have exceeded their design peak hour capacity and are a source of growing traffic congestion that Nudurr Drive is designed to ameliorate...

Burrowa Street currently experiences twice its design maximum traffic loading and with the construction of Nudurr Drive (Gundaroo drive to Grampians Street) the traffic loading will drop to the design maximum.⁴

9. The proposed road has been shown on maps for a number of years.

The concern of residents

10. In 1996 residents of the Macedon Crescent area of Palmerston contacted their local members to express concern about the proposed construction of Nudurr Drive. Their concern related to the following matters:

- the proximity of the road and roundabout to private boundary fences, giving rise to concern about the safety of residents (particularly children), noise, quality of life and:

Prior to purchase of land, residents were told by the Department that the road would be located beyond the 32KV power lines.⁵

- the height of the road in relation to existing boundary fences, giving rise to concern about quality of life, noise and privacy;
- unsatisfactory aspects of the community consultation process undertaken by the Department of Urban Services, in that letters were sent to incorrect addresses and not all affected residents received initial notification letters.

11. Residents asked that:

- the road be relocated a minimum of 20 meters in a SSW direction from the proposed site (in fact, onto the furthest carriageway of the proposed dual-lane carriageway);
- the roundabout be relocated further south towards the Barton Highway;
- sound attenuation barriers be provided, along with buffer mounds (planted with mature trees and shrubs) to lessen the impact on quality of life of residents; and

⁴ *ibid*

⁵ Brief to the Standing Committee on Planning and Environment by the Nudurr Drive Action Group (received in the Committee Office on 5 September 1996)

- ‘the Department ensure that all residents of Palmerston affected by the construction of Nudurr Drive be adequately informed (by means of letter drop and public notices) of future developments with this project’.⁶

12. Two residents provided Statutory Declarations to the Committee stating that, before they purchased properties backing onto the proposed road, they received verbal information from the Shopfront at the former A.C.T. Planning Authority indicating that the road would be sited beyond the power poles as shown by some white marker pegs.

13. The brief by the Nudurr Drive Action Group reproduced questions asked of the Department of Urban Services by a local resident and the Department’s answers received on 27 August 1996. Matters dealt with include vehicle capacity of the proposed road and Gundaroo Drive; duplication of Nudurr Drive and Gundaroo Drive; the distance of the proposed road from residential boundaries along with the distance of the Nudurr/Gundaroo Drive roundabout from residences; lighting of the roundabout; the height of Nudurr Drive; noise levels associated with the proposed road; air pollution levels; the environmental impact of Nudurr Drive; safety matters; the likely time of residential development in the suburb of Crace (on the opposite side of Nudurr Drive to Palmerston); and the types and numbers of tree plantings in the road reserve.

14. The Standing Committee on Planning and Environment considers the information asked by residents and answered by the Department is very helpful in understanding the issues surrounding the proposed construction of Nudurr Drive. Therefore, the Committee has reproduced the information as an Appendix to this report.

15. Local residents told the Committee that:

we are not here trying to stop the construction of Nudurr Drive. That has never been our intent and still is not our intent. We are not denying that we had knowledge of the fact that Nudurr Drive was to go in when we bought the land where we did. We concede that there are obvious benefits to traffic flow and all that sort of stuff by putting Nudurr Drive in, and economical benefits to the community as well because, obviously, it provides jobs... The issue that we are really concerned about is the proximity to residences, to our back fences...

we just want the road and the roundabout moved.⁷

⁶ *ibid*

⁷ *Transcript of Proceedings* p12 and p17(Mr Eade)

The view of Government Ministers, and of officials

16. With respect to the consultation process, the Minister for the Environment, Land & Planning (Mr Gary Humphries MLA) wrote to residents on 19 July 1996 as follows:

I agree that some aspects of the community consultation on the Development Application have been less than satisfactory in this case and the Department is now reviewing its notification procedures. I am advised that notification procedures are somewhat limited by the current database being used for recording ownership of properties derived from the Land Titles office. However, other sources are currently being investigated.

17. Government officials expanded on this point. The Committee was told that the Department's normal database of property lessees could not be used in mid-1996 because of industrial workplace bans. The alternative manual system contained errors which resulted in only six people out of 21 receiving notices of the proposed work.⁸

18. The Committee was told that the Department attempted to make up for this difficulty by holding 'a range of meetings' with local residents.⁹

19. Mr Humphries' letter went on to state that Government officials had met residents and were reconsidering 'opportunities for further sound attenuation barriers and landscaping to meet the concerns of some residents'. The Minister noted that 'the current design... meets the noise guidelines used in the A.C.T.'

20. With respect to the design of the proposed works, the Minister for Urban Services (Mr Tony De Domenico MLA) advised residents in a letter dated 26 August 1996 that officials responsible for designing Nudurr Drive agreed:

to alter the design of the proposed road to include an earth mound [behind the residences] and increased density of landscape planting to assist with visual shielding, child safety and sound attenuation...

[Further, the Minister's letter stated] I am advised that it is not economically viable or desirable from a planning and maintenance perspective to relocate the proposed road... [as suggested by residents]. The road has always been shown on maps in the current position and the alignment is fixed by the major powerline to the south and CSIRO land. Also, to relocate the road beyond the powerline would create an unacceptably wide verge which would have to be maintained at taxpayers' expense.

[The Minister added that] I am sure you would appreciate that this road is being constructed to relieve heavy peak hour traffic problems at Burrowa Street and Kosciuszko Avenue. Construction of Nudurr Drive is part of a long-term plan to ensure the smooth flow of traffic in Palmerston and its surrounds and is a necessary addition to the road system.

⁸ *Transcript of Proceedings* pp6-7 (Mr Blackburn)

⁹ *ibid*

Action by the Standing Committee on Planning and Environment

21. The Standing Committee on Planning and Environment first considered the issue on the day following the Assembly's referral (30 August 1996). It was agreed to seek a public briefing by Government officials.

22. At short notice, both the Government officials and local residents were able to appear before the Committee at a public hearing in the Legislative Assembly building on Friday 6 September 1996. Those attending were Mr Chambers and Mr Blackburn from the Department of Urban Services, and the following local residents: Mr Eade, Mr Harrop, and Mr and Mrs Passaris.

23. The Committee appreciates the willingness of both residents and officials to rearrange their affairs so that the public hearing could take place so quickly. The Committee considered that prompt action was warranted to remove the uncertainty felt by local residents and to clarify the Works Program of the Government in the Palmerston area.

24. Arising out of the public hearing, members of the Standing Committee on Planning and Environment decided to inspect the Nudurr Drive area as soon as possible. The inspection subsequently took place on Thursday 12 September 1996. Officials and local residents attended the inspection.

25. The Committee received correspondence from the Gungahlin Community Council Inc. on 12 September 1996. The Council advised that, at its meeting on 11 September 1996, a motion was unanimously passed as follows: 'The construction of Nudurr Drive not proceed until extensive community consultation has occurred'.

26. The Committee resumed its consideration of the issue at a private meeting on 20 September 1996. Government officials were asked to provide further information. The Committee deliberated in private on 27 September and 18 October 1996; on the latter date, the Committee adopted this report.

Consideration of the issue

27. The Committee understands that the white marker pegs in the area mark the present CSIRO boundary fence site.¹⁰ The Committee is not in a position to establish the accuracy of claims that the pegs were said to indicate the location of the road boundary.

28. The Committee would be extremely concerned if officials gave out inaccurate information to the public on any matter, not only about the location of proposed roads.

¹⁰ Additional information provided to the Standing Committee on Planning and Environment by the Department of Urban Services, dated 17 September 1996

29. The Committee asked officials to cost the proposal by local residents for the Nudurr/Gundaroo Drive roundabout to be moved southward and the southern carriageway of Nudurr Drive to be built (in lieu of the northern one).
30. The Department of Urban Services advised that the additional cost of constructing Nudurr Drive with the southern carriageway only, and with the roundabout moved southward - and without earthworks formation for the northern carriageway - was \$900,000. A further \$60,000 would be required if earthworks for the northern carriageway were constructed.¹¹
31. The Department estimated the additional cost of constructing the southern carriageway with the roundabout remaining in its current position as \$420,000 if no earthworks for the northern carriageway were built, and as \$480,000 if those earthworks were constructed.
32. The Department noted that these estimates do not include the cost of 'later abortive work; higher maintenance costs; lost flexibility in future design; and lost land if the second carriageway is not constructed.'¹²
33. In relation to the cost of maintaining the road verges, the Department estimated the cost of maintaining the verge if the northern carriageway is constructed was \$4,500pa compared to a cost of \$8,300pa if the southern carriageway is constructed.¹³
34. The Committee carefully considered whether the nature of the proposed roadworks justified expenditure of the kind indicated in the preceding paragraphs.
35. The Committee notes that, in relation to the proximity of Nudurr Drive to residences, the minimum distance from kerb to a residential boundary will be 20 metres - with most properties being 25-30 metres away. The maximum distance will be 47 metres. These distances compare well with other sites in Canberra such as William Slim Drive, McKellar (16 metres), Coulter Drive, Weetangera (15 metres), Gundaroo Drive, Palmerston (20 metres), Yamba Drive, Isaacs (8 metres) and Bindubi Street, Cook and Aranda (20 metres).¹⁴
36. Further, the Committee was advised that the distance to the nearest property boundary from the proposed roundabout at Nudurr/Gundaroo Drive is 35 metres, compared to 12 metres at Tharwa Drive/Mentone View, 28 metres at Coulter Drive/Springvale Drive, 7 metres at Kingsford Smith/Belconnen Way and 35 metres at Gundaroo/Gungahlin Drives.¹⁵

¹¹ *ibid*

¹² *ibid*

¹³ *ibid*

¹⁴ *ibid*

¹⁵ *ibid*

37. In view of this information, the Committee is forced to conclude that the proposed roadworks at Nudurr Drive are not excessively close to residences and do not indicate a lessening of design standards applied elsewhere in Canberra.

38. The Committee understands that the cost of additional earth mounds and landscaping between the proposed road and the rear property boundaries, as already agreed by the Department of Urban Services (and which was not a feature of the original design), is \$70,000.

Recommendation

39. *The Committee endorses the work proposed by the Department of Urban Services for Nudurr Drive, Palmerston - including the additional \$70,000 worth of improvements to meet some of the concerns of local residents for greater amenity than was originally provided for.*

40. *The Committee expresses its concern about the detrimental impact, in this case, of inadequate consultative processes used by Government agencies. The Committee draws the Government's attention to the need to ensure that the systems and processes used by Government agencies to service the public should ensure that accurate and up-to-date information about proposed roadworks and property boundaries is always provided.*

Action following release of this report

41. This report on Nudurr Drive, Palmerston, was released to the public on 18 October 1996 in accordance with the resolution of the Assembly dated 26 September 1996 which reads:

If the Assembly is not sitting when the Standing Committee on Planning and Environment has completed its [inquiry] into... the proposed construction of Nudurr Drive, Palmerston, the Committee may send its report to the Speaker... who is authorised to give directions for its printing, circulation and publication...

42. It is expected that the report will be formally tabled in the Assembly on 19 November 1996, where it will be debated by members. In the normal course of events, a formal response by the Government would be delivered within three months.

43. However, the Minister for the Environment, Land and Planning (Mr Gary Humphries MLA) has advised the Committee that ‘the Government’s decision [about Nudurr Drive] will be made known to the Nudurr Drive Action Group and the Gungahlin Community Council’ when the report of the Standing Committee on Planning and Environment is known.¹⁶

Michael Moore MLA
Chair

18 October 1996

¹⁶ Correspondence to the Chair of the Standing Committee on Planning and Environment from Mr Humphries MLA dated 23 September 1996

Appendix: Questions asked of the Department of Urban Services by a local resident and the Department's answers received on 27 August 1996

(Source: Brief by the Nudurr Drive Action Group, submitted to the Standing Committee on Planning and Environment on 5 September 1996)