

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

***DRAFT VARIATION TO THE TERRITORY PLAN RELATING TO THE
GUNGAHLIN TOWN CENTRE***

**REPORT NO.31 OF THE STANDING COMMITTEE ON PLANNING,
DEVELOPMENT AND INFRASTRUCTURE**

NOVEMBER 1994

STANDING COMMITTEE ON PLANNING, DEVELOPMENT AND INFRASTRUCTURE

On 27 March 1992 (at the commencement of the Second Assembly) the Legislative Assembly established a Standing Committee on Planning, Development and Infrastructure to 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 relating to planning, land management, transport, economic development, commercial development, industrial and residential development, infrastructure and capital works, science and technology.

The Assembly also authorised the Committee to send its report to the Speaker, or in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation, if the Assembly is not sitting when the Committee completes consideration of a report on draft Plan variations referred pursuant to Section 25 of the *Land (Planning and Environment) Act 1991* or draft Plans of Management referred pursuant to Section 204 of the *Land (Planning and Environment) Act 1991*.

Committee Membership

Mr Wayne Berry (Chairman)

Mr Tony De Domenico (Deputy Chairman)

Mr Greg Cornwell

Ms Annette Ellis

Ms Helen Szuty

Secretary: Mr Rod Power

Background

1. Sections 25 and 26 of the *Land (Planning and Environment) Act 1991* require the Executive to refer draft Variations to the Territory Plan to an appropriate committee of the Legislative Assembly for report, and for the Executive to then have regard to the committee's recommendations before approving any Variation. The Standing Committee on Planning, Development and Infrastructure is the appropriate committee to consider such draft Variations.

2. On 14 September 1994 the Minister for the Environment, Land and Planning, Mr Bill Wood MLA, referred the draft Variation and background papers relating to the draft Variation for the Gungahlin Town Centre to the Committee. The purpose of the Variation is to provide principles and policies for the development of Gungahlin Town Centre.

Consideration by the Committee

3. The Committee was briefed about the draft Variation by the Chief Planner and other officers of the ACT Planning Authority on Friday 16 September 1994. The Committee requested the Authority provide it with a copy of all submissions it had received in relation to the draft Variation. Also, the Committee resolved to call for public comment on the Gungahlin Town Centre draft Variation (with a closing date for submissions of Friday 7 October 1994).

4. On Friday 23 September 1994 the Committee inspected the site of the Gungahlin Town Centre in conjunction with planning officials, and thereafter received further briefings on the proposal. At this meeting the Committee requested additional information on the social infrastructure planning of the proposed Town Centre and the nature of the endangered species affected by the draft Variation.

5. Variation for Gungahlin Town Centre. The Committee heard the following witnesses: Mr Connor (private citizen), Mr Darlington (Director of the Conservation Council of the South East Region and Canberra Inc.), Messrs Warren and Rosenstrauss and Ms Hoskings (Gungahlin Community Council), and Mr Tomlins (Chief Planner) and other planning officials.

6. The Committee requested officials further brief it about the draft Variation, and specifically respond to matters raised during the public hearings - including information contained in two recent environmental reports (brought to the Committee's attention by the Conservation Council), issues to do with the proposed shopping centre in the Town Centre and issues to do with traffic calming/design measures in the Town Centre.

7. On Friday 4 November 1994 the Committee heard a further witness in relation to the draft Variation for Gungahlin Town Centre (Mr Horscroft, private citizen). Also, the Committee received a further briefing by planning officials and by an official from the Wildlife Unit of the ACT Parks and Conservation Service.

8. The Committee further considered the draft Variation at its meeting on Friday 18 November 1994.

9. During the briefing sessions and public hearings, the Committee increasingly became aware of the importance of the area proposed for the Town Centre to the long term preservation of the striped legless lizard *Delma impar*. This lizard is threatened with extinction nationally. The Committee was advised that in June 1994 the Minister for the Environment, Land and Planning directed that the ACT Parks and Conservation Service prepare a conservation strategy for the striped legless lizard. A working party was established comprising various scientific, community and Government organisations.

10. The report of the working party was completed in October 1994. It states that:

the objective for a conservation strategy for a threatened species such as *Delma impar* is to maintain in the long term, viable, wild populations of *D.impar* as a component of the indigenous biological resources of the ACT and as a contribution to regional and national conservation of the species. The species has been found in three areas in the ACT, namely, Gungahlin, the lower Majura Valley and adjacent to Lake Burley Griffin. ... It is the considered opinion of the working party that, based on current knowledge of the distribution of *D.impar*, its rarity and the serious decline in its habitat, the *D.impar* population in the Gungahlin area is amongst the most significant in Australia and its conservation is essential to continuing survival of the species in the ACT and region....

Sites within the Gungahlin Town Centre and precinct contain the most significant populations of *D.impar* in the ACT ... Until and unless further sites of comparable significance and viability are discovered and conservation assessments reviewed, their protection and appropriate management is vital to the continuing survival of the Gungahlin population as a whole. ... interim protection of Town Centre sites pending further survey work in the Gungahlin area is required ...

Potential habitat linkages between populations in the Gungahlin Town Centre should be protected and rehabilitated until the relative significance of individual populations in terms of long-term viability can be assessed ...

A best-practice strategy for the ACT to achieve conservation objectives for *D.impar* ... [includes] sites containing *D.impar* [should be] quarantined from development or detrimental management changes pending further survey ...¹

11. The establishment of the Working Party indicates that the Planning Authority has known since June this year that the Gungahlin Town Centre site is potentially important to the habitat of an endangered species; but the Authority continued to prepare the formal papers associated with the draft Variation and then submitted them to the Minister. It seems that the real significance of the draft Variation, in relation to the lizard, was realised only during the time it was before this Committee. The Committee is dissatisfied that matters should have been left to this stage.

¹ *Draft Conservation Strategy for the Striped Legless Lizard Delma Impar in the ACT* (a report to the Minister for the Environment, Land and Planning) Prepared by a working party convened by the Minister for the Environment, Land and Planning October 1994 - Executive Summary pv-viii

12. The Committee was advised that the most suitable time to trap the legless lizard is in Spring and that detailed surveys of the lizards' numbers and information about its habits will follow examination of the results of the survey (now taking place). The Committee was told that a report on the lizard and its environs will be available in early March next year.

13. While acknowledging the detailed consultation undertaken by the Planning Authority in the preparation of the draft Variation for Gungahlin Town Centre, the Committee nonetheless observes that the impact of a proposed development upon native species (especially nationally endangered species) is surely a key component of the background study leading to the preparation of formal draft Variation papers. The Committee expects that future draft Variations will not have this problem - that is, that the background work will have clearly identified the native flora and fauna resident in an area and provide appropriate information about the impact of a proposal upon them.

14. In light of the information about the legless lizard, the Committee sees no alternative to recommending that further consideration of the draft Variation for the Gungahlin Town Centre await the result of the survey now in process.

15. When the Committee resumes its consideration of the draft Variation, it would expect to have a report by the Planning Authority on the significance of the survey's results for development of the Town Centre. At this time, Members of the Committee may also query a range of issues in relation to the Town Centre, eg the proposed employment base, community infrastructure provision, roadworks and traffic calming measures.

Recommendation

16. *The Committee supports the principles and policies contained in the draft Variation but the Committee considers insufficient knowledge exists about the effect of the draft Variation on the nationally endangered legless lizard (Delma impar) and hence the Committee is unable to further its consideration of the draft Variation until a definitive report on this matter becomes available (expected in March 1995).*

17. *Further, the Committee advises the Government and planning officials that in future it will not consider a draft Variation unless and until all significant environmental aspects have been addressed in the process of preparing that draft Variation.*

Postscript

18. The *Land (Planning and Environment) Act 1991* requires the ACT Executive to have regard to the recommendations of the Standing Committee on Planning, Development and Infrastructure before approving any draft Variation to the Territory Plan.

19. A Variation, together with the background papers and other documents, must be tabled in the Legislative Assembly within five sitting days of approval by the Executive. A further five sitting days is then provided for any Member of the Assembly to move that the Variation be rejected in whole or in part. Any such motion must be dealt with by the Assembly within five sitting days.

20. If a Variation is not rejected by the Assembly, the ACT Planning Authority will publish a notice in the *Gazette* specifying the date of commencement of the Variation.

Wayne Berry MLA
Chairman

18 November 1994