



Legislative Assembly for the Australian Capital Territory

Draft Variation to the Territory Plan No.67 relating to the Federal Highway Duplication

Report No.8 of the Standing Committee on Urban Services

October 1998

On 28 April 1998 the Legislative Assembly for the Australian Capital Territory resolved to establish a general purpose standing committee, called the Standing Committee on Urban Services, to inquire into and report on:

planning and lease management, road and transport services, housing and housing assistance, government purchasing and public utilities purchasing, electricity industry and regulation, construction industry policy, parks and forests, private sector employment inspectorate, building services, environment, heritage and municipal services and any other matter under the responsibility of the portfolio minister.

Also on the same day, the Legislative Assembly resolved:

If the Assembly is not sitting when the Standing Committee on Urban Services has completed 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 203 of the *Land (Planning and Environment) Act 1991*, the Committee may 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, circulation and publication.

Minutes of Proceedings (Fourth Assembly) No.2, 28 April 1998

Committee Membership

Mr Harold Hird MLA (Chair)
Mr Dave Rugendyke MLA (Deputy Chair)
Mr Simon Corbell MLA (appointed on 25 June 1998, replacing
Mr Wayne Berry MLA)

Secretary: Mr Rod Power

Background

1. Section 25 of the *Land (Planning and Environment) Act 1991* requires the government to refer each draft Plan Variation:
to an appropriate committee of the Legislative Assembly together with a request that the committee report on the draft Plan to the Legislative Assembly.
2. Section 26 of the Land Act states that 'the Executive shall have regard to any recommendations' of the appropriate Assembly committee.
3. The Standing Committee on Urban Services is the 'appropriate' committee in the Fourth Assembly.
4. On 12 August 1998 the Minister for Urban Services, Mr Brendan Smyth MLA, referred to this committee the draft Variation and background papers relating to draft Variation No.67: *Federal Highway Duplication, Horse Park Drive Alteration and Majura Road Alteration*.

The draft Variation

5. The draft Variation proposes to:
 - (i) redefine the "Designated Area' due to expansion of the Federal Highway road reservation and redefine the Majura Road alignment;
 - (ii) delete part of those overlays shown as 'Proposed arterial road ' subject to review' between the Federal Highway and Majura Road which are intended to allow for the future development of the Majura Parkway;
 - (iii) include that portion of Majura Road which is within the study area but outside the 'Designated Area' as 'Major Road'; and
 - (iv) include (by means of an information overlay) the possible high speed left turn slip lane from the Federal Highway into the future Majura parkway as a "Proposed Arterial Road - subject to review'.

Consideration by the committee

6. On 21 August 1998 the committee resolved to invite public comment on the draft Variation. Advertisements to this effect appeared in the local media on Saturday 29 August 1998, and in the following week.
7. The committee received four submissions which are summarised as follows.

8. **ACT for Trees** submitted that 'as many mature trees... as possible [should be retained] in the median strip, along the verges and on either side of both carriageways and in the area of the proposed interchange'.¹ ACT for Trees asked 'to continue an informal liaison relationship with the engineers, planners and landscape architects to work with the project team during construction, determining environmental issues as it goes along and in certain cases the outcome for individual trees'.² The organisation drew the committee's attention to the fact that the realignment of Horse Park Drive outlined in the draft Variation will affect the proposed commercial and community facility land use policies in the northern part of Gungahlin.

9. **Mr D Huntley** stated that, though the proposed duplication of the Federal Highway 'could bring many benefits', it may in 'the longer term... [be] under-utilised' because of possible declining 'availability of transport energy supplies for surface transport use'.³

10. **Youth with a Mission** submitted that the draft Variation should provide for 'a median strip cross-over' to its site in Watson: 'This cross-over is of value to us, our neighbours, the Territory and visitors to Canberra arriving by road'.⁴

11. The **Conservation Council of the South-East Region and Canberra (Inc)** submitted that 'mature hollow bearing trees... should be retained wherever they are not within the direct freeway alignment or within safety distances from freeway edges'; that 'some good areas of high to moderate conservation quality remnant vegetation along the proposed route... should be protected by secure fencing during the course of construction activities'; that the mature hollow native trees to be removed be used 'for nesting boxes and/or ground habitat either within the road corridor or in the Canberra Nature park'; that 'trees should be examined as they are removed... [to] provide an indication of the habitat value of these trees'; that an 'environment officer' monitor the construction activity; that 'continuing informal liaison between the Conservation Council and the project team' take place during construction; and that all replanting, 'whether large trees, understorey or grasses, should be local native species'.⁵

12. On 25 September 1998 the committee held a public hearing on the draft Variation. The following persons and organisations addressed the committee:

- officials from the Planning & Land Management group of DUS;
- *ACT for Trees* - Ms Nairn (convenor) and Mr Storey;
- *Conservation Council* - Ms Davies (director) and Mr Lindenmayer (secretary); and

¹ Correspondence dated 14/9/98

² *ibid*

³ Correspondence dated 16/9/98

⁴ Correspondence dated 18/9/98

⁵ Correspondence received in the Committee Office on 23/9/98

- *Youth with a Mission* - Mr Coleman.

13. The committee asked the officials to respond to some of the matters raised by witnesses. The officials indicated that they agreed with the proposal to plant native species wherever possible, and they undertook to liaise with the Wildlife Research Unit of DUS to try to arrange for expert observation of the habitat value of the mature hollow native trees to be removed.⁶

14. In relation to establishing an advisory consultative committee to monitor the construction process, the officials expressed the view that the present informal consultation arrangements were adequate.⁷

15. In relation to access to the Youth with a Mission site, the officials stated that PALM is liaising with the National Capital Authority to improve the initial design of the entry into the Canberra Carotel and Youth with a Mission. The officials would rather utilise a side road for access to Youth with a Mission and are liaising with the leaseholder (Carotel) on this point.⁸

16. In relation to the effect upon the proposed commercial and community facility land use policies in the northern part of Gungahlin (caused by realigning Horse Park Drive), the officials stated that PALM is currently undertaking a review of these land use arrangements with a view to bringing forward a further variation to the Territory Plan. The review will take account of the concern expressed by ACT for Trees.⁹

Recommendation

17. The committee endorses draft Variation to the Territory Plan No.67: *Federal Highway Duplication, Horse Park Drive Alteration and Majura Road Alteration*.

18. The committee sees merit in the suggestion that an informal consultative group be established to monitor the construction activity, and that this group include wildlife officers from the government and representatives of community conservation groups. Further, the committee recommends that plantings of new trees along the new alignment be of species native to the area. The committee also recommends that plantings of native understorey plants and grasses be undertaken and that, where possible, the collection of seeds for this purpose be from existing plants along the proposed alignment.

Postscript

19. The *Land (Planning and Environment) Act 1991* requires the ACT Executive to have regard to any recommendation contained in a report of an appropriate committee of the Legislative Assembly before approving a draft

⁶ Transcript of the public hearing held on 25/9/98

⁷ *ibid*

⁸ *ibid*

⁹ *ibid*

Variation to the Territory Plan. If it does approve a draft Variation following the committee's report, the Executive must table its decision within five sitting days of approval.

20. 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.

21. If a Variation is not rejected by the Assembly, the ACT Planning Authority (now the Planning & Land Management Group of the Department of Urban Services) will publish a notice in the *Gazette* specifying the date of commencement of the Variation.

Harold Hird MLA
Chair

October 1998