

2006

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

TABLING STATEMENT

VARIATION NO. 257 TO THE TERRITORY PLAN – SUBURB OF
CRACE GUNGAHLIN

AND

RESPONSE TO THE REPORT OF
STANDING COMMITTEE ON PLANNING AND ENVIRONMENT –
DRAFT VARIATION NO. 257 TO THE TERRITORY PLAN – SUBURB
OF CRACE GUNGAHLIN

Circulated by authority of the
Minister for Planning
Mr Simon Corbell MLA

14/11/2006

Mr Speaker, Draft Variation Number 257 to the Territory Plan sets out the planning principles and policies that will guide the development of the new suburb of Crace in Gungahlin.

The Variation was released for public comment in November 2005 and attracted six written comments.

Minor revisions were made to the exhibited draft Variation in response to public submissions and discussions with ACT Government agencies.

The Standing Committee on Planning and Environment, in its report released in August, made eighteen recommendations in relation to the draft Variation, among which was a recommendation that the Government proceed with its implementation.

The Government has considered the issues raised and a Government Response that provides a detailed response to the Committee's recommendations has been prepared.

Mr Speaker, I will now provide a brief outline of the Government's response to the Committee's Report.

The Committee's first recommendation that the proposed variation to the Territory Plan No 257 – Suburb of Crace Gungahlin proceed, subject to the recommendations in this report, is supported.

The Committee's second recommendation that the ACT Planning and Land Authority amend the Final Recommended Variation before it is tabled in the Assembly, to ensure that the sites of Aboriginal cultural heritage significance are appropriately protected and respectfully acknowledged, is agreed.

A further investigation of Aboriginal heritage places in Crace has recently been completed. This investigation supplements previous surveys undertaken.

The general location of the Aboriginal cultural heritage significance sites to be protected are now identified in the Outline Plan Generators and the sites are preserved in Urban Open Space in the Final Variation.

The Committee's third recommendation is that further archaeological assessments be undertaken to better delineate the density and dimensions of the CR 4 heritage site but that its core area be protected in an open space area vegetated with local grassland species. An oval would be an inappropriate use of this area.

This recommendation is supported. A further investigation of Aboriginal heritage places in Crace has recently been completed which better delineates the density and dimensions of the CR 4 heritage site. This site is protected within Urban Open Space in the Final Variation. This site is not located within the proposed Crace neighbourhood oval.

The Committee's fourth recommendation is that heritage site CR 10, an Aboriginal scarred tree, remain in urban open space with a conservation protection zone extending at least five metres from the crown of the tree.

Footpaths should not encroach upon the conservation zone, and neither should there be any special designation of the value of the tree as this may encourage vandalism.

This is supported and the scarred tree is protected within Urban Open Space. A requirement for the protection of the identified heritage sites has been accommodated within the planning principles in the Final Variation.

The Committee's fifth recommendation is that the Minister for Planning reconsider the width of the buffer areas in the proposed suburb of Crace along Barton Highway and adjacent to Gungaharra Grassland Nature Reserve with a view to widening these and strengthening their native landscape character with plants of local provenance.

It is agreed that the native landscape character can be strengthened with plants of local provenance. To address the Committee's recommendation, the general policies in the Recommended Final Variation have been amended to make reference to this requirement. However, the additional vegetation will need to be considered as part of the further bushfire risk assessment that is required at the detailed subdivision stage.

Increasing the width of the buffer area along Barton Highway and adjacent to Gungaharra Grassland Nature Reserve is not supported. Both the National Capital Authority and Environment ACT have been consulted on the width of the buffer as proposed through the Variation, and agree that the current width is appropriate. The buffer adjacent to the Barton Highway is consistent with the existing buffer adjacent to the suburbs of Kaleen, Giralang and Nicholls.

The proposed boundary reflects a practical solution to address issues regarding the approach route into Canberra, bushfire mitigation, and land management of the buffer area. These measures have been adopted by ACT Planning and Land Authority and will be confirmed during further detailed planning processes.

The Committee's sixth recommendation that the Minister for Planning consider whether medium density housing may be more appropriate along an enlarged buffer area adjacent to the Barton Highway and the edge road adjacent to Gungahlin Nature Reserve is noted.

The placement of higher density development at key locations beside transport routes, activity centres, retail, and community facilities is the current planning policy. This is an expected urban form outcome in Canberra and is highlighted in the current Variation. The placement of higher density development along the Barton Highway is not in keeping with this planning outcome, particularly where there is no direct vehicular access from the suburb to the highway.

The variation proposes a mixture of housing types with medium density housing up to two storeys. In addition an area of Residential B9 Area Specific Policy under the Territory Plan is located close to the Crace Local Centre. It is estimated that the medium and higher density areas will comprise up to 20% of the total housing in the suburb. Residential B9 areas may permit development up to 3 storeys where they have been provided for in an approved Estate Development Plan. This B9 provision also applies to parts of other new suburbs in Gungahlin.

The final dwelling types and mix will be determined closer to the time of land release.

The Committee's seventh recommendation is that the need for noise abatement measures for residential and urban residential dwellings in Crace be fully assessed, and appropriate abatement measures incorporated in the design for the suburb.

This recommendation is agreed. A detailed traffic noise assessment has been completed with a number of abatement measures and options being identified and incorporated into the planning for the new suburb through this Variation, to ensure that the noise criteria stipulated by the ACT Planning and Land Authority's Draft Noise Management Guideline are met. These measures include mounding and landscaping in road reserves, together with particular fencing requirements and/or specific design and construction requirements for dwellings where necessary to achieve internal noise levels set out in the Guideline. These will be considered further at the detail design stage. In addition, the Final Variation has been amended to require all development within the suburb to comply with the Authority's Draft Noise Management Guideline.

The Committee's eighth recommendation that the Minister for Planning ensure that an edge road is provided as a buffer for Gungahlerra Grassland Nature Reserve is agreed. The final Variation has been amended to include a specific policy that requires the provision of edge roads as a buffer to Gungahlerra Grassland Nature Reserve.

The Committee's ninth recommendation is that Roads ACT review the comments made in submissions, and traffic conditions at peak times on Gundaroo Drive, Gungahlin Drive and Barton Highway near the proposed suburb of Crace.

This recommendation is noted. Planning to date for the new suburb that has informed the Variation, has specifically included a detail traffic analysis study and a review of traffic related issues associated with Gundaroo and Nudurr Drives and the wider road network. The development of Crace is able to commence and will be staged over a number of years. In the short term, traffic generated by the suburb will have minimal effect on the wider road network. The Government has committed to review the wider road network in Gungahlin in mid to late 2009 following the completion of all stages of Gungahlin Drive Extension to determine the need and timing for an upgrade of Gundaroo Drive as well as improvements to the Gundaroo Drive and Barton Highway intersection. Improvements will be subject to future capital works funding.

The Committee's tenth recommendation is that the Minister for the Territory and Municipal Services determine whether additional traffic studies and measures are necessary to remedy traffic congestion during the construction phase of the suburb, and when the suburb is built.

This recommendation raises similar issues to the previous recommendation, and is noted. Traffic associated with the subdivision construction is subject to a Traffic Management Plan. The Department of Territory and Municipal Services is required to approve the Plan as part of the Development Application for the subdivision prior to construction commencing.

The Committee's eleventh recommendation that in the proposed suburb of Crace, the bushfire protection zone should be established outside nature reserves with adjacent edge roads, where possible, so as not to erode the reserves' biodiversity values, is noted.

Planning for the new suburb, which is reflected through this Variation, has been informed by a Bushfire Risk Assessment consistent with the requirements of the Authority's Planning for Bushfire Risk Mitigation Guideline. Suburb specific bushfire mitigation measures have been incorporated into the planning and include inner, outer and home asset protection zones. Currently, a small part of the outer asset protection zone encroaches into Gungaharra Nature Reserve. Edge roads are proposed around the suburb.

A further Bushfire Risk Assessment is required to be undertaken at the future detail design stage for the new subdivision. This Assessment will confirm the mitigation measures, as well as the width and location of the asset protection zones. The minor encroachment of the outer asset protection zone in Gungaharra Nature Reserve will be reviewed and considered further at this stage in consultation with Territory and Municipal Services and the Emergency Services Authority.

The Committee's twelfth recommendation is that the Planning and Land Authority attach conditions to each approved development application that will result in the loss of a significant tree or trees, requiring the developer to contribute to a biodiversity restoration initiative that will deliver equivalent biodiversity value.

The Committee also recommends that when the detailed residential subdivision work is done for Crace, careful consideration be given to solar access, which may necessitate more innovative residential block design.

These recommendations are agreed in part.

It is agreed that careful consideration should be given to solar access. The Recommended Final Variation has been amended to include a general planning principle that requires careful consideration of solar access in future detail subdivision design.

Attaching conditions to each approved development requiring a developer contribution for a biodiversity restoration initiative is not supported. There is no current policy in place to enable this to be achieved. However, this intent can possibly be incorporated by providing additional landscaping in open spaces, buffer areas etc which could be done by the developer as a part of the estates works.

The Committee's thirteenth recommendation that cat containment be mandatory in the proposed new suburb of Crace and that Gungahlin residents be advised of the importance of this issue through community education initiatives, is agreed in principle.

The declaration could be pursued with some justification. Other adjacent suburbs would need to be considered in the same context and implications retrospectively assessed. Further work is required to establish principles for the declaration of such areas in Canberra given resource and enforcement limitations. This will include consultation with stakeholders and the general public.

Community education campaigns for Forde/Bonner are being developed and there may be scope for these to be widened in the future to include Crace. It should be noted, that any introduction of cat containment would require a further amendment to the applicable legislation.

The Committee's fourteenth recommendation is that 'from local seed provenance' be added to the end of the second dot point in paragraph 1.4.2 of DV 257.

The Committee's fifteenth recommendation is that 'where possible' be replaced with 'as a priority and under the Tree Protection Act 2005' in the third dot point in paragraph 1.4.2 of DV257.

These recommendations are both agreed to and the final Variation has been amended accordingly.

It should also be noted that detail planning of Crace will endeavour to maximise the number of trees to be retained, commensurate with the need to meet residential block yields and other government planning and subdivision objectives including an efficient pattern of urban development. All exceptional classified trees within the suburb will be retained on public land within Urban Open Space or road reserve.

Given that there are many individual mature large trees throughout the suburb it would be impossible to accommodate each one in a pocket type park within the suburb. The retention/removal of trees will need to comply with requirements of the Tree Protection Act 2005 in consultation with the Tree Protection Unit and the Urban Tree Management Unit of the Department of Territory and Municipal Services.

The Committee's sixteenth recommendation that environmental flows in the nearby creek system in Gungahlin be considered when the water quality detention ponds in Crace are designed is agreed.

The Crace Sub-catchment represents a small fraction (0.46%) of the catchment of Ginninderra Creek to this location. Despite this, the importance of environmental flows is recognised at this site. It is proposed that extended detention storage be provided within proposed ponds whereby flows from smaller storms are captured and released over a 1 to 3 day period. This facility thus aims to compensate for the increased speed of runoff due to urbanisation and allows for water quality treatment of the inflows. The urbanisation of the local catchment will increase the volume and speed of runoff, particularly for small storms. A wetland pond with extended detention storage will reduce the impacts of this and more closely mirror the natural hydrological regime.

The Committee's seventeenth recommendation that stringent controls on waste management be applied during the construction phase for Crace to ensure that residential amenity and environmental values in the area are protected, is noted.

Waste management at the estate and block level will be the subject of a submission and plan in accordance with the Development Control Code for best practice waste management in the ACT. This comprehensive Code contains information and requirements for both the construction and operational phases of development including details on reuse and recycling of demolition and construction waste and disposal options. It is considered that the controls specified in this code and any other specific requirements from ACT NoWaste will be adequate for this site.

This issue will also be considered further as part of the future Estate Development Planning Stage for the suburb.

The Committee's eighteenth recommendation that the ACT Planning and Land Authority replace the reference to 'section 7(3)(e)' on page 4 of the Final Recommended Variation with 'paragraph 7(3)(c)' is supported.

Mr Speaker, I table the response to the Planning and Environment Committee report on Draft Variation No. 257 to the Territory Plan – Suburb of Crace Gungahlin. I would like to take this opportunity to thank the Committee for its detailed examination of this Draft Variation and for its Report.

I also table the Variation to the Territory Plan No. 257.

2006

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

GOVERNMENT RESPONSE TO THE STANDING COMMITTEE ON
PLANNING AND ENVIRONMENT - REPORT NO 21

DRAFT VARIATION NO. 257 – SUBURB OF CRACE GUNGAHLIN

Circulated by the authority of
Minister for Planning
Mr Simon Corbell MLA

Recommendation 1

The Committee recommends that the proposed variation to the Territory Plan No 257 – Suburb of Crace, Gungahlin, proceed, subject to the recommendations in this report.

Response: Agreed.

Recommendation 2

The Committee recommends that the ACT Planning and Land Authority amend the Final Recommended Variation before it is tabled in the Assembly to ensure that the sites of Aboriginal cultural heritage significance are appropriately protected and respectfully acknowledged.

Response: Agreed.

A further investigation of Aboriginal heritage places in Crace has recently been completed. This investigation supplements previous surveys undertaken.

As a result of this further investigation, the general location of the Aboriginal cultural heritage significance sites to be protected are now identified in the Outline Plan Generators within the Final Variation. The sites are preserved in Urban Open Space in the Final Variation.

Recommendation 3

The Committee recommends that further archaeological assessments be undertaken to better delineate the density and dimensions of the CR 4 heritage site but that its core area be protected in an open space area vegetated with local grassland species. An oval would be an inappropriate use of this area.

Response: Agreed.

A further investigation of Aboriginal heritage places in Crace has recently been completed which better delineates the density and dimensions of the CR 4 heritage site. This site is protected within Urban Open Space in the Final Variation. This site is not located within the proposed Crace neighbourhood oval.

Recommendation 4

The Committee recommends that heritage site CR 10, an Aboriginal scarred tree, remain in urban open space with a conservation protection zone extending at least five metres from the crown of the tree. Footpaths should not encroach upon the conservation zone, and neither should there be any special designation of the value of the tree as this may encourage vandalism.

Response: Agreed.

This is supported and the scarred tree is protected within Urban Open Space. A requirement for the protection of the identified heritage sites has been accommodated within the planning principles in the Final Variation.

Recommendation 5

The Committee recommends that the Minister for Planning reconsider the width of the buffer areas in the proposed suburb of Crace along Barton Highway and adjacent to Gungaharra Grassland Nature Reserve with a view to widening these and strengthening their native landscape character with plants of local provenance.

Response: Agreed in part.

Agreed that the native landscape character can be strengthened with plants of local provenance. To address the Committee's recommendation, the general

policies in the Recommended Final Variation have been amended to make reference to this requirement. However, the additional vegetation will need to be considered as part of the further bushfire risk assessment that is required at the detailed subdivision stage.

Increasing the width of the buffer area along Barton Highway and adjacent to Gungaharra Grassland Nature Reserve is not supported. Both the National Capital Authority and Environment ACT have been consulted on the width of the buffer as proposed through the Variation, and agree that the current width is appropriate. The buffer adjacent to the Barton Highway is consistent with the existing buffer adjacent to the suburbs of Kaleen, Giralang and Nicholls. The proposed boundary reflects a practical solution to address issues regarding the approach route into Canberra, bushfire mitigation, and land management of the buffer area. These measures have been adopted by ACT Planning and Land Authority and will be confirmed during further detailed planning processes.

Recommendation 6

The Committee recommends that the Minister for Planning consider whether medium density housing may be more appropriate along an enlarged buffer area adjacent to the Barton Highway and the edge road adjacent to Gungaharra Nature Reserve.

Response: Noted.

The placement of higher density development at key locations beside transport routes, activity centres, retail, and community facilities is the current planning policy. This is an expected urban form outcome in Canberra and is highlighted in the current Variation. The placement of higher density development along the Barton Highway is not in keeping with this planning outcome, particularly where there is no direct vehicular access from the suburb to the highway.

The variation proposes a mixture of housing types with medium density housing up to two storeys. In addition an area of Residential B9 Area Specific Policy under the Territory Plan is located close to the Crace Local Centre. It is estimated that the medium and higher density areas will comprise up to 20% of the total housing in the suburb. Residential B9 areas may permit development up to 3 storeys where they have been provided for in an approved Estate Development Plan. This B9 provision also applies to parts of other new suburbs in Gungahlin.

The final dwelling types and mix will be determined closer to the time of land release.

Recommendation 7

The Committee recommends that the need for noise abatement measures for residential and urban residential dwellings in Crace be fully assessed, and appropriate abatement measures incorporated in the design for the suburb.

Response: Agreed.

A detailed traffic noise assessment has been completed with a number of abatement measures and options being identified and incorporated into the planning for the new suburb through this Variation, to ensure that the noise criteria stipulated by the ACT Planning and Land Authority's Draft Noise Management Guideline are met. These measures include mounding and landscaping in road reserves, together with particular fencing requirements and/or specific design and construction requirements for dwellings where necessary to achieve internal noise levels set out in the Guideline. These will be considered further at the detail design stage. In addition, the Final Variation has been amended to require all development within the suburb to comply with the Authority's Draft Noise Management Guideline.

Recommendation 8

The Committee recommends that the Minister for Planning ensure that an edge road is provided as a buffer for Gungaharra Grassland Nature Reserve.

Response: Agreed.

The Recommended Final Variation has been amended to include a specific policy that requires the provision of edge roads as a buffer to Gungaharra Grassland Nature Reserve.

Recommendation 9

The Committee recommends that Roads ACT review the comments made in submissions, and traffic conditions at peak times on Gundaroo Drive, Gungahlin Drive and Barton Highway near the proposed suburb of Crace.

Response: Noted.

Planning to date for the new suburb that has informed the Variation, has specifically included a detail traffic analysis study and a review of traffic related issues associated with Gundaroo and Nudurr Drives and the wider road network. The development of Crace is able to commence and will be staged over a number of years. In the short term, traffic generated by the suburb will have minimal effect on the wider road network. The Government has committed to review the wider road network in Gungahlin in mid to late 2009 following the completion of all stages of Gungahlin Drive Extension to determine the need and timing for an upgrade of Gundaroo Drive as well as improvements to the Gundaroo Drive and Barton Highway intersection. Improvements will be subject to future capital works funding.

Recommendation 10

The Committee recommends that the Minister for the Territory and Municipal Services determine whether additional traffic studies and measures are necessary to remedy traffic congestion during the construction phase of the suburb, and when the suburb is built.

Response: Noted.

Traffic associated with the subdivision construction is subject to a Traffic Management Plan. Territory and Municipal Services is required to approve the Plan as part of the Development Application for the subdivision. This is prior to construction commencing. Also see the response to Recommendation No. 9.

Recommendation 11

The Committee recommends that in the proposed suburb of Crace, the bushfire protection zone should be established outside nature reserves with adjacent edge roads, where possible, so as not to erode the reserves' biodiversity values.

Response: Noted.

Planning for the new suburb, which is reflected through this Variation, has been informed by a Bushfire Risk Assessment consistent with the requirements of the Authority's Planning for Bushfire Risk Mitigation Guideline. Suburb specific bushfire mitigation measures have been incorporated into the planning and include inner, outer and home asset protection zones. Currently, a small part of the outer asset protection zone encroaches into Gungaderra Nature Reserve. Edge roads are proposed around the suburb.

A further Bushfire Risk Assessment is required to be undertaken at the future detail design stage for the new subdivision. This Assessment will confirm the mitigation measures, as well as the width and location of the asset protection zones. The minor encroachment of the outer asset protection zone in Gungaharra Nature Reserve will be reviewed and considered further at this stage in consultation with Territory and Municipal Services and the Emergency Services Authority.

Recommendation 12

The Committee recommends that the Planning and Land Authority attach conditions to each approved development application that will result in the loss of a significant tree or trees, requiring the developer to contribute to a biodiversity restoration initiative that will deliver equivalent biodiversity value.

The Committee recommends that when the detailed residential subdivision work is done for Crace, careful consideration be given to solar access, which may necessitate more innovative residential block design.

Response: Agreed in part.

Agreed that careful consideration should be given to solar access. The Recommended Final Variation has been amended to include a general planning principle that requires careful consideration of solar access in future detail subdivision design.

Attaching conditions to each approved development requiring a developer contribution for a biodiversity restoration initiative is not supported. There is no current policy in place to enable this to be achieved. However, this intent can possibly be incorporated by providing additional landscaping in open spaces, buffer areas etc. which could be done by the developer as a part of the estates works.

Recommendation 13

The Committee recommends that cat containment be mandatory in the proposed new suburb of Crace and that Gungahlin residents be advised of the importance of this issue through community education initiatives.

Response: Agreed in principle.

The declaration could be pursued with some justification. Other adjacent suburbs would need to be considered in the same context and implications retrospectively assessed. Further work is required to establish principles for the declaration of such areas in Canberra given resource and enforcement limitations. This will include consultation with stakeholders and the general public.

Community education campaigns for Forde/Bonner are being developed and there may be scope for these to be widened in the future to include Crace. It should be noted, that any introduction of cat containment would require a further amendment to the applicable legislation.

Recommendation 14

The Committee recommends that 'from local seed provenance' be added to the end of the second dot point in paragraph 1.4.2 of DV257.

Response: Agreed.

The final Variation has been amended accordingly.

Recommendation 15

The Committee recommends 'where possible' be replaced with 'as a priority and under the Tree Protection Act 2005' in the third dot point in paragraph 1.4.2 of DV257.

Response: Agreed.

The final Variation has been amended accordingly.

It should also be noted that detail planning of Crace will endeavour to maximise the number of trees to be retained, commensurate with the need to meet residential block yields and other government planning and subdivision objectives including an efficient pattern of urban development. All exceptional classified trees within the suburb will be retained on public land within Urban Open Space or road reserve.

Given that there are many individual mature large trees throughout the suburb it would be impossible to accommodate each one in a pocket type park within the suburb. The retention/removal of trees will need to comply with requirements of the *Tree Protection Act 2005* in consultation with the Tree Protection Unit and the Urban Tree Management Unit of the Department of Territories and Municipal Services.

Recommendation 16

The Committee recommends that environmental flows in the nearby creek system in Gungahlin be considered when the water quality detention ponds in Crace are designed.

Response: Agreed.

The Crace Sub-catchment represents a small fraction (0.46%) of the catchment of Ginninderra Creek to this location. Despite this, the importance of environmental flows is recognised at this site. It is proposed that extended detention storage be provided within proposed ponds whereby flows from smaller storms are captured and released over a 1 to 3 day period. This facility thus aims to compensate for the increased speed of runoff due to urbanisation and allows for water quality treatment of the inflows. The

urbanisation of the local catchment will increase the volume and speed of runoff, particularly for small storms. A wetland pond with extended detention storage will reduce the impacts of this and more closely mirror the natural hydrological regime.

Recommendation 17

The Committee recommends that stringent controls on waste management be applied during the construction phase for Crace to ensure that residential amenity and environmental values in the area are protected.

Response: Noted.

Waste management at the estate and block level will be the subject of a submission and plan in accordance with the Development Control Code for best practice waste management in the ACT. This comprehensive Code contains information and requirements for both the construction and operational phases of development including details on reuse and recycling of demolition and construction waste and disposal options. It is considered that the controls specified in this code and any other specific requirements from ACT NoWaste will be adequate for this site.

This issue will also be considered further as part of the future Estate Development Planning Stage for the suburb.

Recommendation 18

The Committee recommends that the ACT Planning and Land Authority replace the reference to 'section 7(3)(e)' on page 4 of the Final Recommended Variation with 'paragraph 7(3)(c)'

Response: Agreed.