

Planning and Development (Draft Variation No 327) Consultation Notice 2014

Notifiable instrument NI2014—428

made under the

***Planning and Development Act 2007*, section 63 (Public consultation—notification) and section 64 (Public consultation—notice of interim effect etc)**

Under the *Planning and Development Act 2007* (the Act), section 63(1), the planning and land authority has prepared Draft Variation to the Territory Plan No 327 – Capital Metro Light Rail Stage 1 Gungahlin to Civic (see Annexure A).

Draft Variation No 327 to the Territory Plan proposes to:

- Establish definitions for light rail and its associated infrastructure components.
- Rezone land to accommodate light rail associated road works and the proposed light rail depot.
- Amend TSZ1 Transport Zone Objective to include 'light rail' to ensure that any light rail developments are consistent with relevant zone objectives.

The draft variation and background documents are available online at **www.act.gov.au/draftvariations** until the closing date for written comments.

Printed copies of the draft variation and background documents are available for inspection and purchase at the Environment and Planning Directorate (EPD) Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

Written comments from the public are invited by **15 October 2014**.

Comments should include reference to the draft variation, your name and contact details, and be addressed to the Territory Plan Section.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Comments, GPO Box 158, Canberra, ACT 2601
- delivered to EPD's Customer Service Centre at 16 Challis Street, Dickson

Copies of written comments will be made publicly available 10 working days after the closing date for no less than 15 working days at EPD's Customer Service Centre in Dickson and may be published on EPD's website.

Comments made available will include personal contact details unless excluded under section 411 or 412 of the Act. A request for exclusion under these sections must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria.

Effect of the draft variation

Section 65 of the Act does not apply in relation to the draft variation so it does not have interim effect. The current Territory Plan will continue to apply while the variation remains in draft form.

Jim Corrigan
Delegate of the Planning and Land Authority
27 August 2014



ACT
Government

Environment and Planning

Annexure A

Planning and Development Act 2007

**Draft
Variation to the
Territory Plan
No 327**

**Capital Metro - Light Rail Stage 1
Gungahlin to Civic**

August 2014

Draft variation for public consultation prepared
under s60 of the *Planning and Development Act 2007*

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1. INTRODUCTION

1.1 Summary of the Proposal

The intention of the draft variation is to make the following changes to the Territory Plan to enable the development of a light rail system from Gungahlin to Civic:

- Introduce the terms 'Light rail' and 'Light rail depot' to the Territory Plan. This will include:
 - Adding 'Light rail' and its definition as a sub-category in the definition for 'Public transport facility';
 - Amending the definition of 'Railway use' to exclude 'Light rail';
 - Amending the definition of 'Road' to include 'light rail tracks';
 - Amending the definition of 'Municipal depot' to cover vehicles and light rail vehicles; and
 - adding 'Light rail depot' under Common Terminology for 'Municipal depot'.
- Rezone a parcel of land on a number of blocks to TSZ1 Transport Zone to allow for undertaking light rail associated road works. The proposed sites to be rezoned include:
 - Part Block 1 Section 231 Gungahlin, currently zoned as CZ2 Business Zone and PRZ1 Urban Open Space Zone.
 - Part Block 1 Section 60, currently zoned as NUZ3 Hills, Ridges and Buffer Zone. The Pc Nature Reserve Overlay will be removed from this site and the adjoining area as requested by the Conservator of Flora and Fauna.
 - Part Block 797 and part 798 Gungahlin, part Block 2 Section 61, part Block 5 Section 72, part Block 1 Section 75, part Block 5, part Block 19, part Block 20 and part Block 21 Section 71, part Block 4 Section 67 and part Block 49 Section 59 Lyneham, currently zoned as NUZ1 Broadacre Zone.
 - Part Block 4 Section 67 Lyneham, currently zoned as PRZ2 Restricted Access Recreation Zone.
 - Part Block 49 Section 59 Lyneham, currently zoned as PRZ1 Urban Open Space Zone.
- Amend TSZ1 Transport Zone Objective b) to include 'light rail' to ensure that any light rail developments are consistent with relevant zone objectives.
- Rezone a small triangle area in Block 1 Section 42 Mitchell from NUZ3 Hills Ridges and Buffer Zone to IZ1 General Industry Zone to accommodate the proposed light rail depot. The Pc Nature Reserve Overlay over the site to be rezoned is to be removed.

1.2 Outline of the Process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the Act) establishes the planning and land authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary. The functions of the planning and land authority are administered by the Environment and Planning Directorate (EPD).

The Territory Plan is comprised of a written statement and a map. The written statement contains a number of parts, namely governance; strategic directions; zones (including objectives and development tables and zone or centre development codes); precinct codes; general codes; overlays; definitions; structure plans, concept plans and development codes for future urban areas.

The Territory Plan Map graphically represents the applicable land use zones (under the categories of residential, commercial, industrial, community facility, urban parks and recreation, transport and services and non urban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the volumes of the Territory Plan.

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period the EPD submits a report on consultation and a recommended final variation to the Minister responsible for planning for approval. The Minister has the discretion to determine if referral to the Legislative Assembly standing committee responsible for planning is warranted prior to approval, depending on the nature and significance of the proposal. If the draft variation is referred to the committee by the Minister or otherwise, the Minister must consider the findings of the committee before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

1.3 This Document

This document contains the background information in relation to the proposed variation. It comprises the following parts

Part 1 This Introduction

Part 2 An Explanatory Statement, which gives reasons for the proposed variation and describes its effect

Part 3 The Draft Variation, which details the precise changes to the Territory Plan that are proposed

1.4 Public Consultation

Written comments about the draft variation are invited from the public by **15 October 2014**.

Comments should include reference to the draft variation, your name and contact details, and be addressed to the Territory Plan Section.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- delivered to EPD's Customer Service Centre at 16 Challis Street, Dickson

Copies of written comments will be made available (unless excluded) for public inspection for no less than 15 working days starting 10 working days after the closing date for comment. The comments will be available at EPD's customer service centre in Dickson and may be published on EPD's website.

Comments made available will include personal contact details unless excluded under section 411 or 412 of the *Planning and Development Act 2007*. A request for exclusion under these sections must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria.

Further Information

The draft variation and its background information are available online at **www.act.gov.au/draftvariations** until the closing date for written comments.

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase at the Environment and Planning Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

2. EXPLANATORY STATEMENT

2.1 Background

The Capital Metro - Light Rail Stage 1 Gungahlin to Civic project is the first light rail development in the ACT. It includes a 12 kilometre light rail service linking the City to Gungahlin and associated infrastructure works along the existing transport corridors of Hibberson Street, Flemington Road, Federal Highway and Northbourne Avenue.

There have been numerous transport planning studies that have considered the inclusion of a light rail network in Canberra. Transport for Canberra - Transport for a Sustainable City (2012-2031) has specifically identified light rail to be introduced over time on the current frequent network of the City's public transport system. The Gungahlin to City corridor incorporating Northbourne Avenue was identified by Transport for Canberra to be the initial focus for the implementation of new rapid transit in the City for the medium to long term.

All of the previous transport planning studies included considerations of public transport and land use integration along with extensive public consultation. The concept of light rail in Canberra has been investigated for some time. However the current Territory Plan does not contain any specific definitions of light rail and its associated works. Draft Variation Territory Plan Number 327 (DV327) aims to establish definitions for light rail and associated key infrastructure components to remove any potential ambiguity around the permissibility of the development of light rail in the ACT and to establish a clear assessment path for future light rail proposals.

The Light Rail Stage 1 Gungahlin to Civic project is proposed to be predominately located within the existing road corridors running down the central road medians. The light rail alignment follows the existing Inter-Town Public Transport Route as identified in Transport for Canberra 2012-2013. The majority of the project falls in the existing TSZ1 Transport Zone (light rail line) and IZ1 General Industrial Zone (light rail depot). The project also includes slight encroachments on surrounding zones particularly at the depot location and locations requiring more space for proposed access points, intersections and the inclusion of the light rail within the central road medians. These sites, predominately at Section 231 Gungahlin, the land surrounding Exhibition Park in Canberra (EPIC), the access to Yowani Country Club and Lyneham Sports Precinct, are required to be rezoned (refer to the specific block information below).

2.2 Site Description

The sites proposed to be rezoned are shown in Figure 1 and described below.

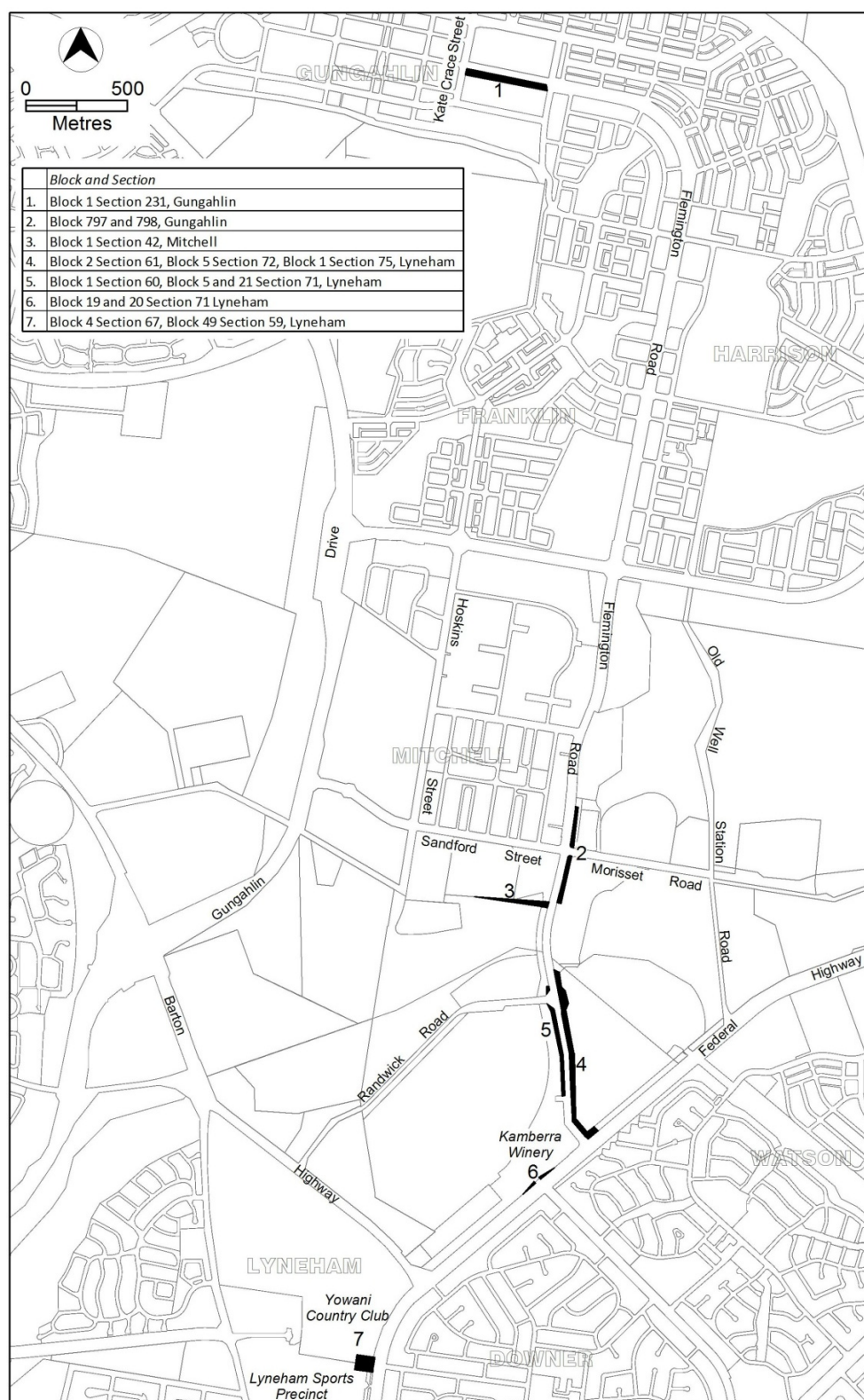


Figure 1 Site Plan

1. Part Block 1 Section 231 Gungahlin

This site is located along Flemington Road and immediately east of Kate Crace Street. It is currently in CZ2 Business Zone and PRZ1 Urban Open Space Zone. This block is unleased Territory land and managed by Land Development Agency. At present there are no active development proposals over it.

2. Part Block 797 and part 798 Gungahlin

These two sites are located at the intersection of Flemington Road, Sandford Street and Morisset Road and are currently in NUZ1 Broadacre Zone. The blocks are vacant unleased Territory land and managed by the Territory and Municipal Service Directorate (TAMS).

3. Block 1 Section 42 Mitchell

Block 1 Section 42 is located west of Sandford Street and covered by two zones: NUZ3 Hills Ridges and Buffer Zone for the majority of the land and IZ1 General Industry Zone for a small section at the north end of the block.

The block is unleased Territory land and managed by TAMS. The Pc Nature Reserve Overlay applies over the area in NUZ3 Zone which is known as the Crace Grassland Nature Reserve. The portion of land to be rezoned from NUZ3 Zone to IZ1 Zone includes some lowland woodland which has been assessed as being substantially and severely modified.

4. Part Block 2 Section 61, part Block 5 Section 72, part Block 1 Section 75, Lyneham

These blocks are located east of Flemington Road and north of the corner of Flemington Road and Federal Highway. They are currently zoned as NUZ1 Broadacre Zone. Block 2 Section 61 and Block 1 Section 75 Lyneham are unleased Territory land and managed by TAMS. Block 5 Section 72 Lyneham is known as the EPIC site and is covered by the *Exhibition Park Corporation Act 1976*.

5. Part Block 1 Section 60, part Block 5 and part Block 21 Section 71, Lyneham

These sites are located at the intersection of Randwick Road and Flemington Road. The small section in Block 1 Section 60 to be rezoned is currently in NUZ3 Hills, Ridges and Buffer Zone with a Pc Nature Reserve Overlay over it. It is on unleased Territory land and managed by TAMS.

The existing Pc overlay also covers Block 1 Section 76 and Block 1 Section 42. These two sites contain an area that adjoins the site on Block 1 Section 60 and has been used for a storm water pond and past spoil dumping. The Conservator of Flora and Fauna has advised that this area is neither used for nature conservation nor managed as part of the nature conservation estate.

The sites in Section 71 are zoned as NUZ1 Broadacre Zone. These two blocks are unleased Territory land and managed by TAMS. Block 21 Section 71 is currently used as the EPIC temporary car park.

6. Part 19 and part 20 Section 71, Lyneham

These two sites are located along Federal Highway and adjacent to the access to Kamberra Winery. The blocks are currently zoned as NUZ1 Broadacre Zone. They are unleased Territory land and managed by TAMS.

7. Part Block 4 Section 67 and part Block 49 Section 59 Lyneham

Block 4 Section 67 is currently zoned as PRZ2 Restricted Access Recreation Zone. It is in the Yowani Country Club site which is under a private lease.

Block 49 Section 59 is currently zoned as PRZ1 Urban Open Space Zone. It is in the Lyneham Sports Precinct which supports several existing sporting and community groups. The block is unleased Territory land and managed by TAMS.

2.3 Current Territory Plan Provisions

2.3.1 Definitions

The Territory Plan currently does not specifically define 'Light rail' nor 'Light rail depot'. The current definitions of the terms subject to change due to the introduction of 'Light rail' and 'Light rail depot' to the Territory Plan are as follows:

Public transport facility means the use of land for the assembly, transport or dispersal of passengers travelling by any form of public transport, whether or not such public transport is provided by a public or private agency, and excludes any facilities required for the parking, and manoeuvring of any public transport vehicle.

Railway use means any of the following uses:

- a) a railway line for passenger and/or freight movement;
- b) a railway station;
- c) a railway freight terminal; and/or
- d) a railway equipment maintenance depot;

and includes land and reservations of land set aside for railway purposes.

Municipal depot means the use of land for the storage of any plant, machinery or materials used in the course of a municipal undertaking, whether or not facilities are included for the parking, servicing and repair of plant or machinery.

Some Common Terminology for Municipal depot includes the following:

Bus depot
Parks maintenance depot
Street cleaning depot
Works depot

Road means any way or street (so called), whether in existence or under reserve, open to the public which is provided and maintained for the passage of vehicles, persons and animals and which may include footpaths, community paths, bus lay-bys and turning areas, or traffic controls.

2.3.2 TSZ1 Transport Zone – Zone Objectives

The current zone objective b) for TSZ1 Transport Zone is as follows:

b) Ensure that major roads and transport infrastructure are developed in a comprehensive manner, including the provision of appropriate landscaping, street furniture and lighting, traffic control devices, and noise attenuation measures

2.3.3 Territory Plan Zones Map

The sites subject to this variation in the Territory Plan zones map are shown in Figure 2 – Figure 8.

The zoning changes to the sites shown in Figure 2 – Figure 7 are proposed to accommodate light rail associated road works which are defined either as ‘minor road’ or ‘major road’. Both ‘minor road’ and ‘major road’ are currently permitted under the existing zones. The rationale for rezoning these sites is to avoid confusion. Because the road works are associated with the light rail development, it could be seen as being part of ‘light rail’ rather than as road works. Although ‘light rail’ is not expressly defined in the Territory Plan, it could potentially be perceived as ‘Public transport facility’ which is prohibited under the existing zones.

The site in Block 1 Section 231 Gungahlin is currently zoned as CZ2 Business Zone and PRZ1 Urban Open Space Zone.

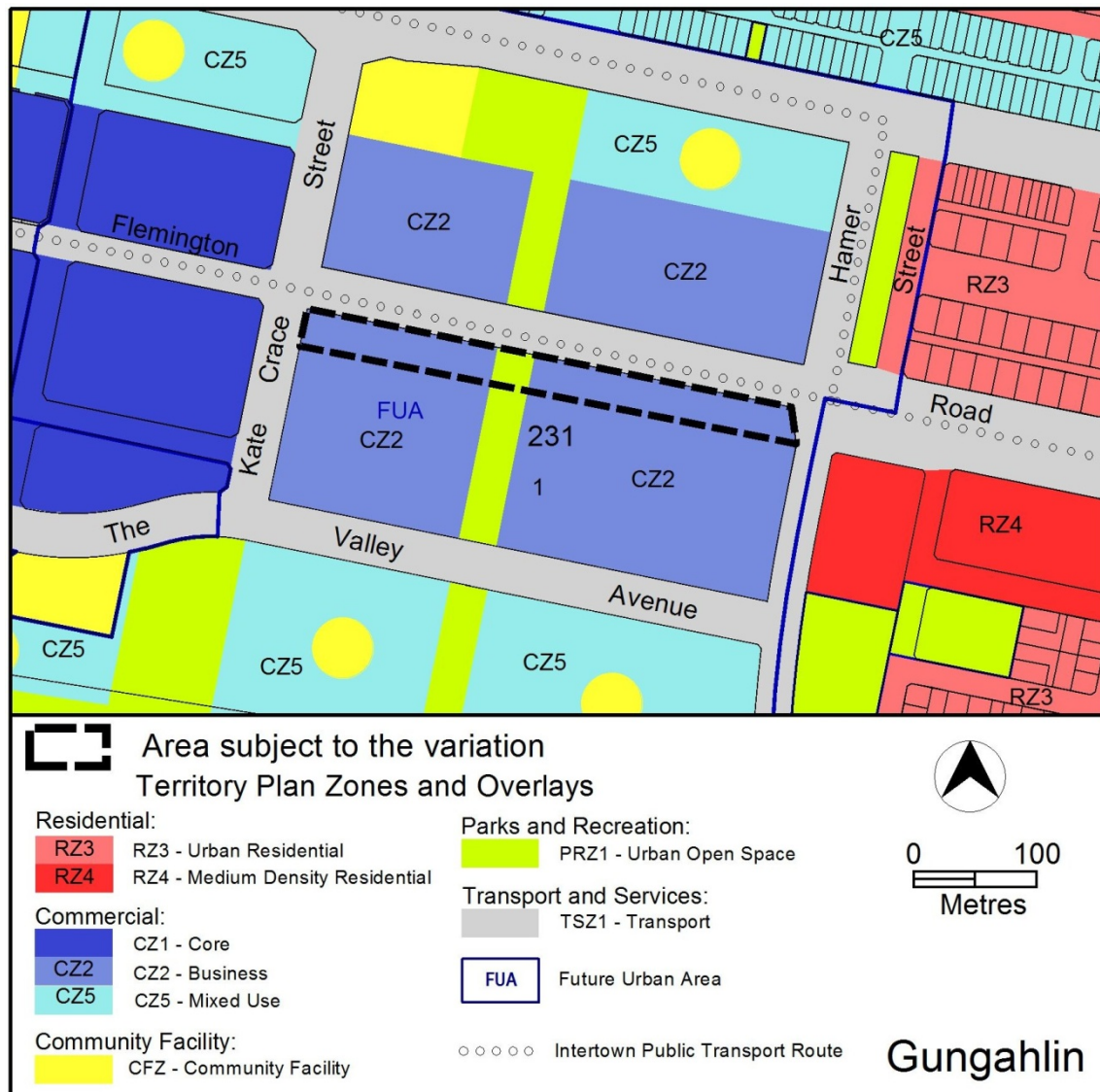


Figure 2 Territory Plan Zones Map for Block 1 Section 231 Gungahlin

The sites in Blocks 797 and 798 Gungahlin are in NUZ1 Broadacre Zone.

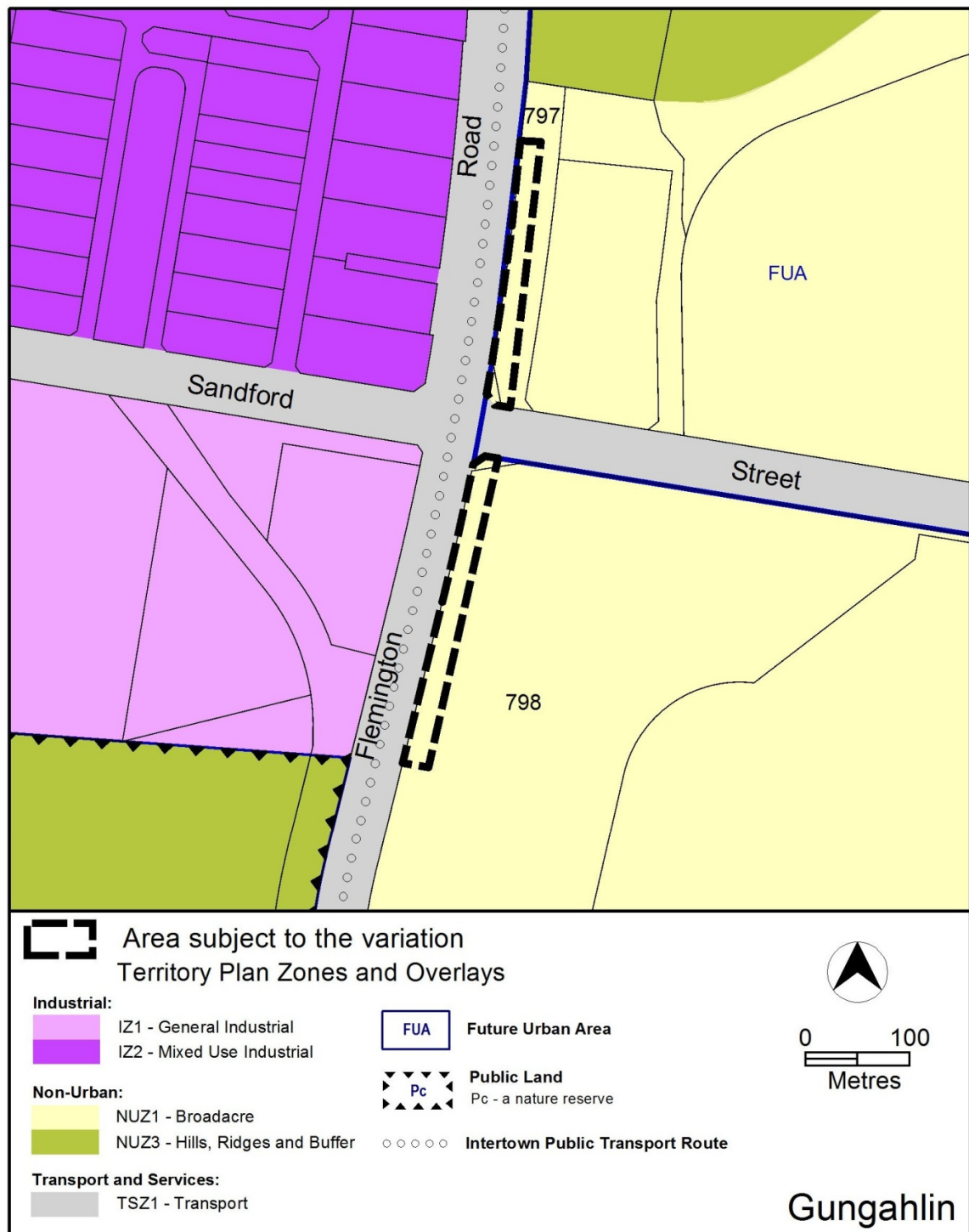


Figure 3 Territory Plan Zones Map for Blocks 797 and 798 Gungahlin

The sites in Block 2 Section 61, Block 5 Section 72 and Block 1 Section 75 Lyneham are in NUZ1 Broadacre Zone.

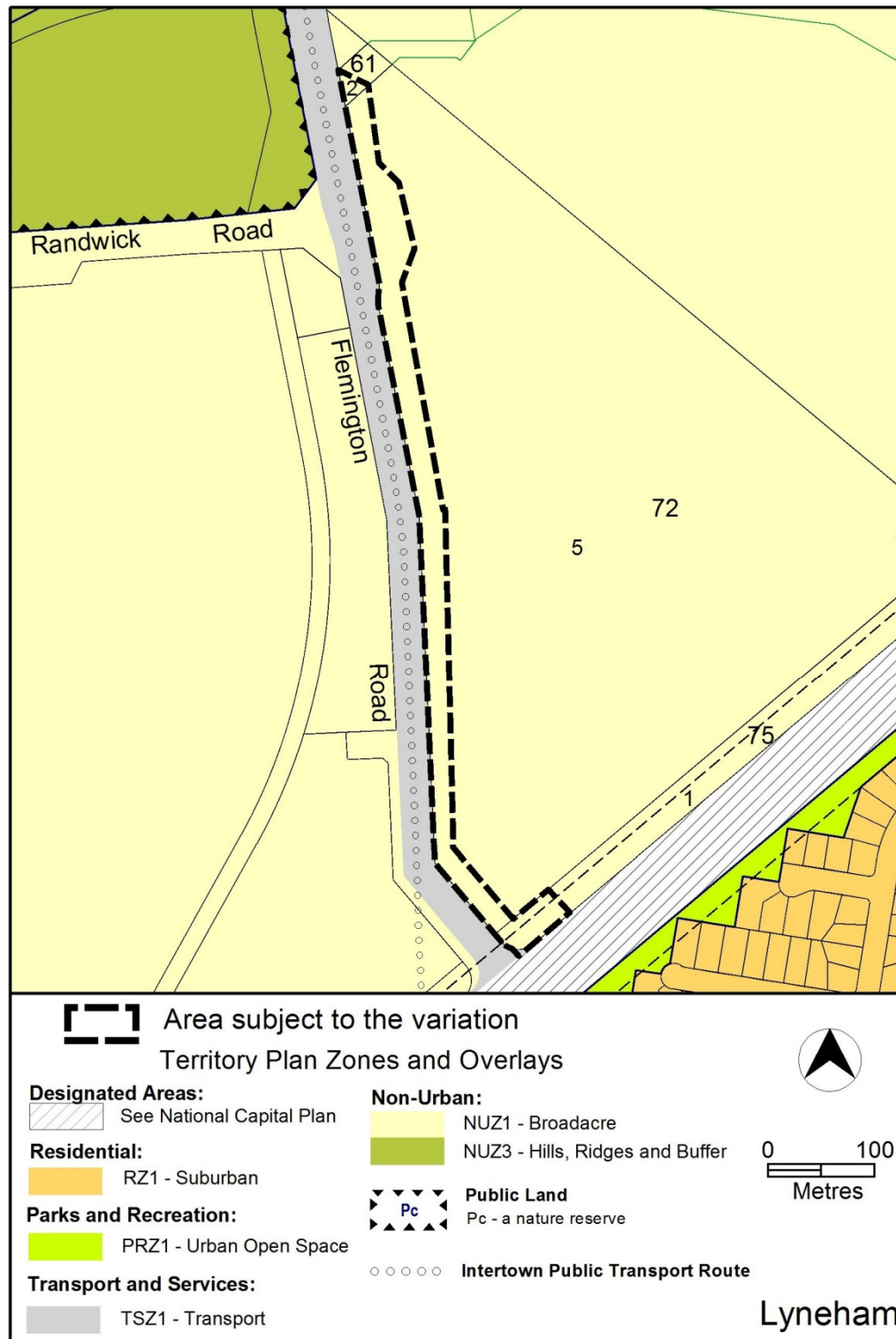


Figure 4 Territory Plan Zones Map for Block 2 Section 61, Block 5 Section 72 and Block 1 Section 75 Lyneham

The site in Block 1 Section 60 is in NUZ3 Hills, Ridges and Buffer Zone with a Pc Nature Reserve Overlay over it. The sites in Blocks 5 and 21 Section 71 Lyneham are in NUZ1 Broadacre Zone.

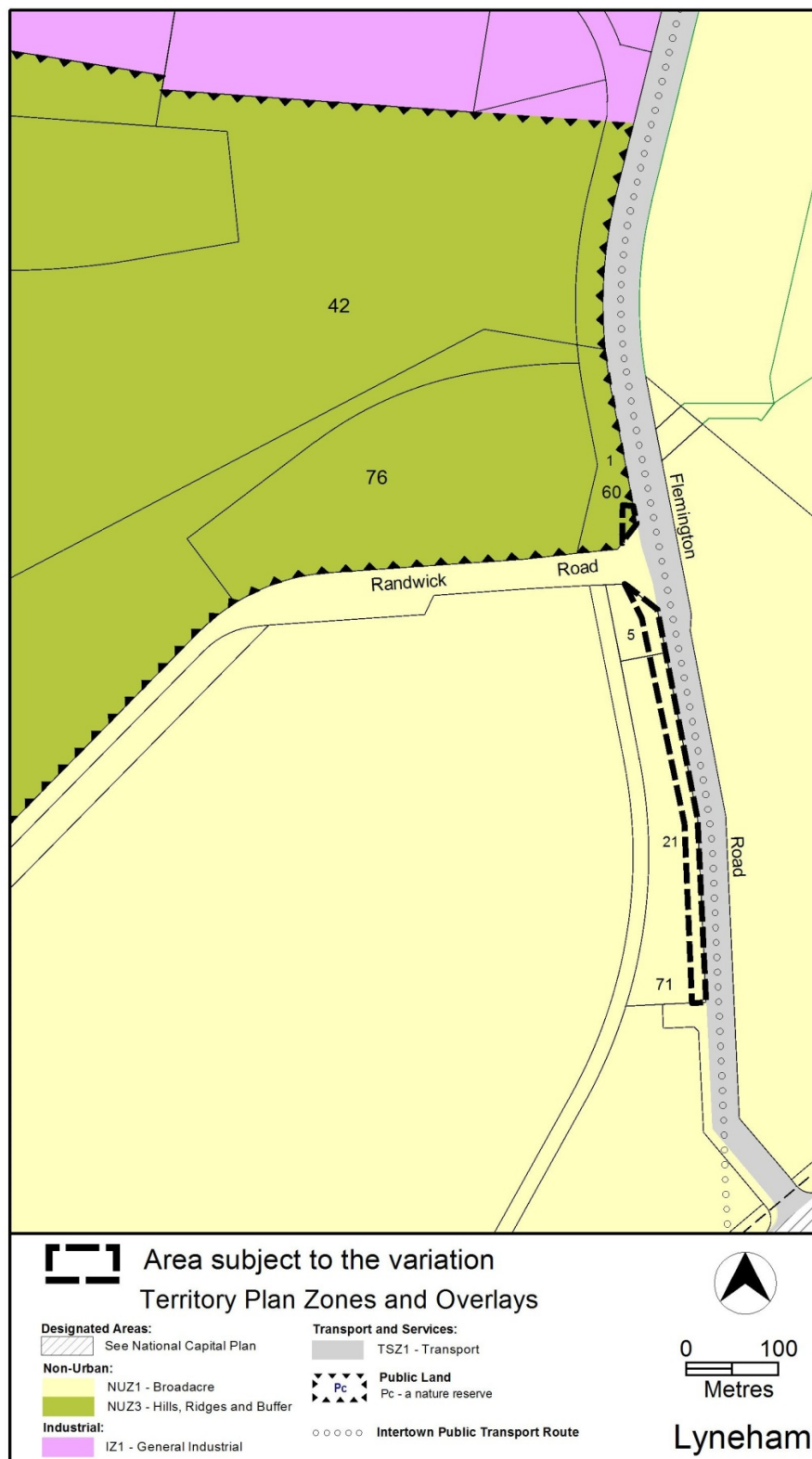


Figure 5 Territory Plan Zones Map for Block 1 Section 60, Blocks 5 and 21 Section 71 Lyneham

The sites in Blocks 19 and 20 Section 71 Lyneham are in NUZ1 Broadacre Zone.

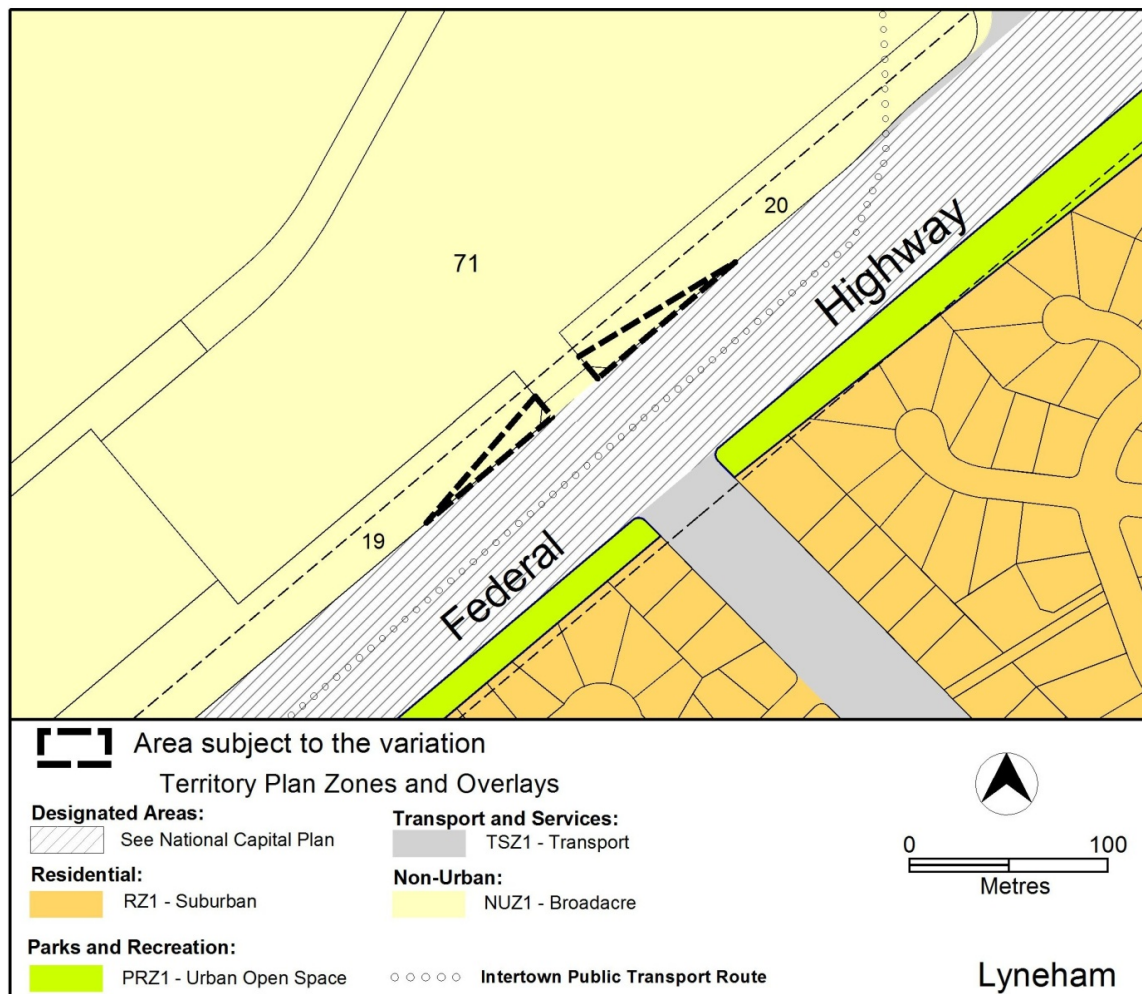


Figure 6 Territory Plan Zones Map for Blocks 19 and 20 Section 71 Lyneham

The site in Block 4 Section 67 is in PRZ2 Restricted Access Recreation Zone.
The site in Block 49 Section 59 is in PRZ1 Urban Open Space Zone.

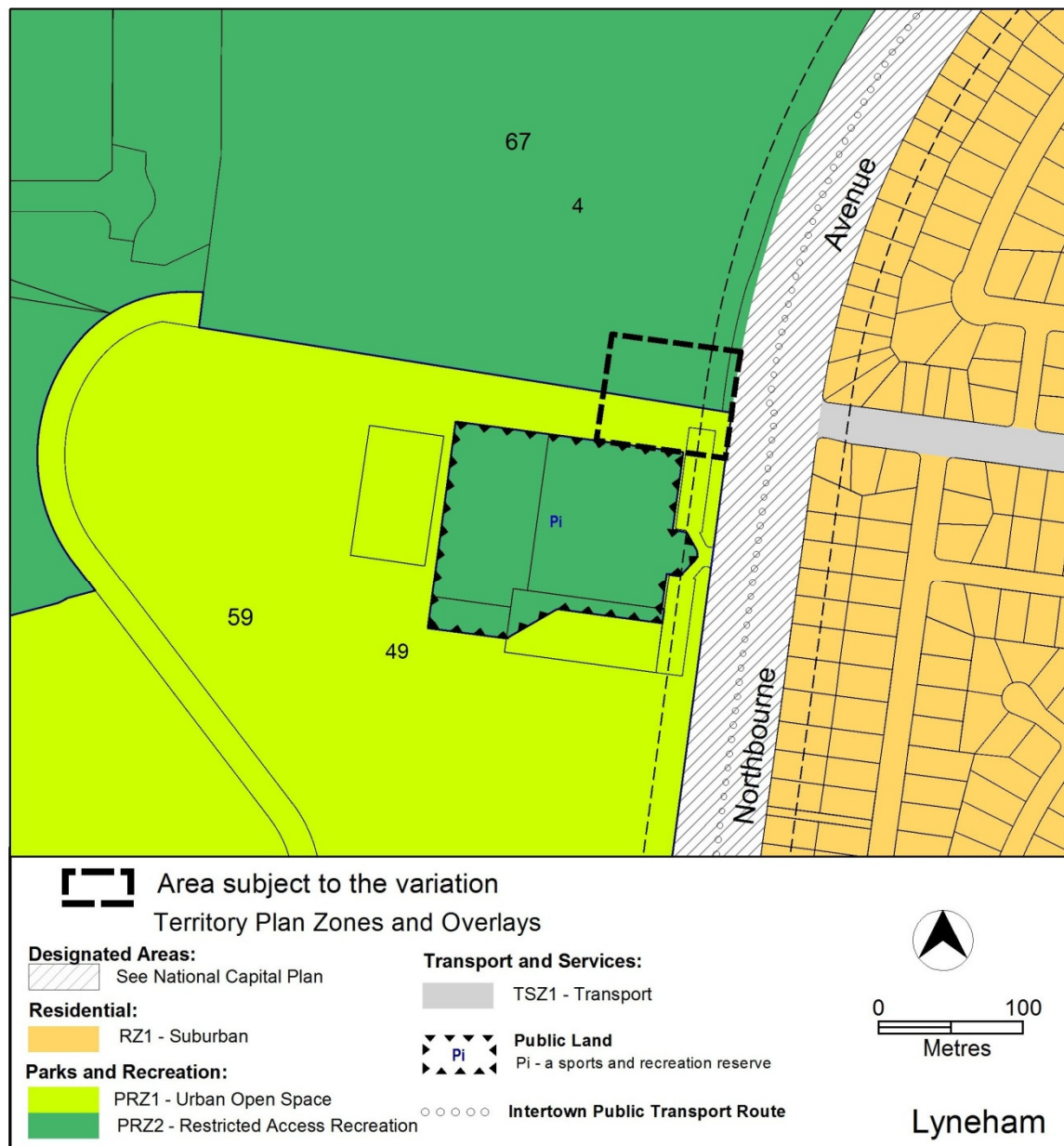


Figure 7 Territory Plan Zones Map for Block 4 Section 67 and Block 49 Section 59 Lyneham

The site in Block 1 Section 42 Mitchell is in NUZ3 Hills Ridges and Buffer Zone in which 'Municipal depot' is listed as prohibited development.

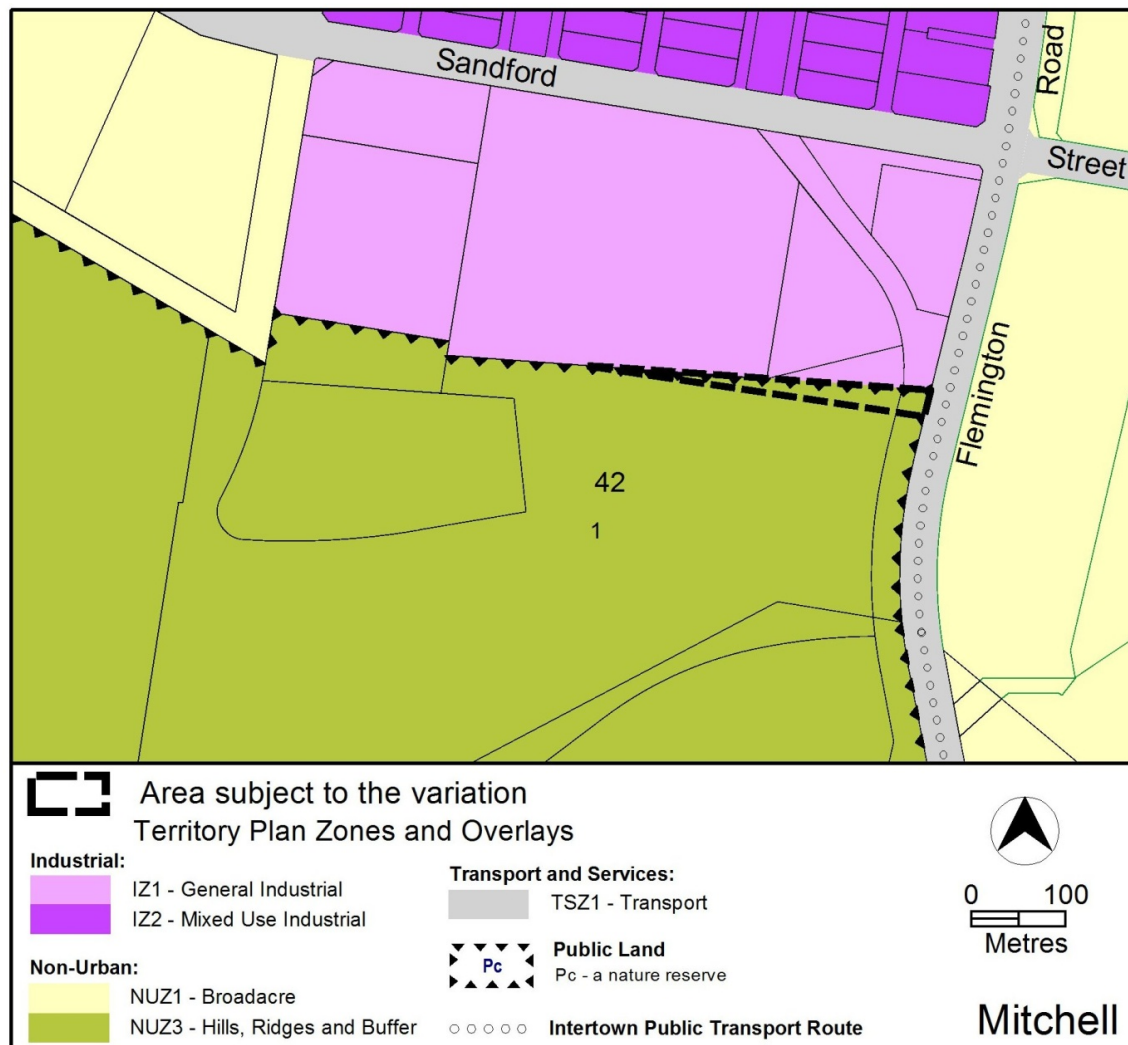


Figure 8 Territory Plan Zones Map for Block 1 Section 42 Mitchell

The draft variation map indicates the proposed zone boundaries as accurately as possible but may be subject to adjustments following the completion of the final design.

2.4 Proposed Changes

2.4.1 Proposed Changes to Territory Plan

Definitions

It is proposed to amend the definitions of relevant terms as follows:

- Add 'Light rail' and the following definition as a sub-category of 'Public transport facility':

Light rail means a system for the provision of light rail public transport services, including tracks, catenaries, supports for tracks and catenaries,

stops, access to stops, signalling and other control facilities and other facilities and equipment associated with the provision of those services.

The term excludes light rail depot and electrical substation facilities.

- Amend the definition of 'Railway use' to exclude 'Light rail'.
- Change the definition of 'Municipal depot' as below and add 'Light rail depot' as Common Terminology for Municipal depot:

Municipal depot means the use of land for the storage of any plant, machinery, vehicles, light rail vehicles or materials used in the course of a municipal undertaking, whether or not facilities are included for the parking, servicing and repair of plant, machinery or vehicles.

- Amend the definition of 'Road' to include light rail tracks as below:

Road means any way or street (so called), whether in existence or under reserve, open to the public which is provided and maintained for the passage of vehicles, persons and animals and which may include footpaths, community paths, light rail tracks, bus lay-bys and turning areas, or traffic controls.

TSZ1 Transport Zone – Zone Objectives

It is proposed to change the current TSZ1 Transport Zone Objective b) as below to ensure that any light rail developments are consistent with relevant zone objectives.

b) Ensure that major roads, light rail and transport infrastructure are developed in a comprehensive manner, including the provision of appropriate landscaping, street furniture and lighting, traffic control devices, and noise attenuation measures

2.4.2 Proposed Changes to the Territory Plan Map

The proposed changes to the Territory Plan Map are indicated in the figures at Appendix A of this document and are detailed as follows:

- Part Block 1 Section 231 Gungahlin

The site on this block is proposed to be rezoned from CZ2 Business Zone and PRZ1 Urban Open Space Zone to TSZ1 Transport Zone to enable widening of the existing road reserve. The additional road reserve will allow for sufficient space for pedestrian paths, curbs and cycle ways to be constructed.

- Part Block 797 and part 798 Gungahlin

The sites on these two blocks are proposed to be rezoned from NUZ1 Broadacre Zone to TSZ1 Transport Zone in order to widen the road reserve to accommodate the central median alignment, a proposed island platform stop at Sandford Street/ Morisset Road, traffic turning lanes and sufficient space for the tracks to run through the centre of the signalised intersection.

- Block 1 Section 42 Mitchell

The site on this block is proposed to be rezoned from NUZ3 Hills, Ridges and Buffer Zone to TSZ1 Transport Zone. The rezoning extends the IZ1 Zone area further to the south to accommodate the proposed light rail depot, stabling facility and associated infrastructure. The Pc Nature Reserve Overlay over the site is to be removed to reflect the proposed zoning boundary.

- Part Block 2 Section 61, part Block 5 Section 72, part Block 1 Section 75, Lyneham

The sites on these blocks are proposed to be rezoned from NUZ1 Broadacre Zone to TSZ1 Transport Zone to enable widening of the road reserve to accommodate a central median light rail alignment with a traffic lane on either side, a stop servicing EPIC, associated pedestrian and cycle paths and an expanded intersection at Flemington Road and Federal Highway.

- Part Block 1 Section 60, part Block 5 and part Block 21 Section 71, Lyneham

The site on Block 1 Section 60 Lyneham is proposed to be rezoned from NUZ3 Hills, Ridges and Buffer Zone to TSZ1 Transport Zone. The sites on Blocks 5 and 21 Section 71 Lyneham are proposed to be rezoned from NUZ1 Broadacre Zone to TSZ1 Transport Zone. These will facilitate the new four-way intersection at Randwick Road and Flemington Road and allow for the slight reduction of the curves in the light rail alignment.

The Pc Nature Reserve Overlay over the site on Block 1 Section 60 is proposed to be removed. As requested by the Conservator of Flora and Fauna, the Pc Nature Reserve Overlay is also proposed to be removed from the adjoining area in Block 1 Section 76 and Block 1 Section 42 to reflect the actual area being managed as the nature conservation estate.

- Part 19 and part 20 Section 71, Lyneham

The sites on these two blocks are proposed to be rezoned from NUZ1 Broadacre Zone to TSZ1 Transport Zone to enable widening of the road reserve to accommodate the light rail tracks, a stop, a four-way signalised intersection at Phillip Avenue and Federal Highway, two lanes in each direction, and sufficient curb space for safe pedestrian and cycle movements.

- Part Block 4 Section 67 and part Block 49 Section 59 Lyneham

The site on Block 4 Section 67 is proposed to be rezoned from PRZ2 Restricted Access Recreation Zone to TSZ1 Transport Zone. The site on Block 49 Section 69 is proposed to be rezoned from PRZ1 Urban Open Space Zone to TSZ1 Transport Zone.

The rezonings for road widening will allow for creating a new signalised four-way intersection at Northbourne Avenue and Swinden Street to facilitate safe access to Yowani Country Club and Lyneham Sports Precinct on these two blocks.

2.5 Reasons for the Proposed Draft Variation

The reasons for the draft variation are as follows:

- to establish definitions for light rail and associated key infrastructure components;
- to remove any potential ambiguity around the permissibility of the development of light rail in the ACT and to establish a clear assessment path for future light rail proposals;
- to enable the development of the first light rail project in the ACT from Gungahlin to Civic; and
- to facilitate the provision of high quality, reliable, convenient and sustainable public transport.

2.6 Planning Context

2.6.1 National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The *Planning and Land Management Act 1988* also required that the Territory Plan is not inconsistent with the NCP.

2.6.2 ACT Planning Strategy

The 2012 ACT Planning Strategy provides long-term planning policy and goals to promote orderly and sustainable development, consistent with the social, environmental and economic aspirations of the people. The draft variation is consistent with the Planning Strategy and in particular the following:

Strategy 2: Improve everyone's mobility and choice of convenient travel by integrating the design and investment of the various networks and transport systems with the land uses they serve.

Strategy 7: Improve the city's efficiency, resilience to change and environmental sustainability by designing and incorporating innovative technologies and 'clean' initiatives into the physical infrastructure.

2.6.3 Transport for Canberra

Transport for Canberra -Transport for a Sustainable City 2012-2031 is the foundation for transport planning for the next 20 years. The draft variation is consistent with Transport for Canberra and in particular the following public transport objective and two principles set out in the document to guide the new transport policies and actions:

Public transport objective: A public transport system that is ready for the future, with smart systems (real time passenger information, journey planners and accessible information) and smart fleet, including clean buses and active consideration of light rail.

Principle 3: provides sustainable travel options and reduces transport emissions

Principle 6: is efficient and cost effective, providing value for money for the government, business and the community by managing travel demand across the whole transport system.

2.6.4 Territory Plan

The proposal is consistent with the Territory Plan's statement of strategic directions in terms of environmental, economic and social sustainability and spatial planning and urban design principles:

The most relevant Strategic Directions are outlined below:

1.1 Planning processes and decisions will be focused on the combined achievement of economic vitality, community wellbeing, and environmental quality. Broad community involvement will be a key element in the pursuit of sustainable development, as will complementary regional strategies and agreements.

1.5 Planning policies will seek to ensure the efficient use of all resources and to reduce consumption of non-renewable resources. Waste minimisation, reuse and recycling will be encouraged, whilst energy-rating and conservation measures will be applied wherever appropriate, particularly in transport, subdivision planning, and building design and construction.

1.10 Integrated land use and transport planning will seek to maximise accessibility and transport efficiency, reduce energy consumption, support the preferred pattern of development, promote safety, safeguard environmental quality, and minimise greenhouse gas emissions.

1.17 In planning future development and redevelopment, particular emphasis will be placed on cost-effective provision and management of existing and new infrastructure and services, taking into account whole-of-life and whole-of system costs, including the ecological footprint of proposed developments and activities.

2.7 Development will be planned to encourage use of public transport, walking and cycling, including commuter cycling. Routes will be reserved for an enhanced inter-town public transport system. Requirements for vehicle parking will be related to commercial needs and transport policy objectives.

2.9 A planned hierarchy of roads will be maintained in order to promote road safety, protect the amenity of residential and commercial areas, and facilitate the efficient movement of major traffic flows and heavy vehicles.

2.7 Interim Effect

Section 65 of the *Planning and Development Act 2007* does not apply in relation to the draft variation so it does not have interim effect. The current Territory Plan will continue to apply while the variation remains in draft form.

2.8 Consultation with Government Agencies

The EPD is required to, in preparing a draft variation under section 61(b) consult with each of the following in relation to the proposed draft variation:

- the national capital authority

- the conservator of flora and fauna
- the environment protection authority
- the heritage council
- if the draft variation would, if made, be likely to affect unleased land or leased public land – each custodian for the land likely to be affected

National Capital Authority

The National Capital Authority provided the following comments on 12 August 2014:

“The NCA has no objection to the introduction of new terms and amendment of others to cover light rail proposals. The NCA also has no objection to amending the TSZ1 zone objective.

The proposed rezoning of blocks to TSZ1 Transport Zone, as listed in DV327, is not inconsistent with the National Capital Plan (the Plan). These blocks are currently within either Urban Areas or Broadacre Areas under the Plan. A ‘Transport facility’ as defined under the Plan (and under which the proposed uses of the land could be classified) is a permitted use within each of these land use categories.

The rezoning of Block 1 Section 42 Mitchell to IZ1 General Industry Zone could be perceived as being inconsistent with the Plan. Part of B1 S42 and Part B1 S60, currently listed as IZ1 under the Territory Plan, are within Broadacre Areas under the General Policy Plan of the Plan. The additional triangle to be rezoned (part Block 1 Section 42 Mitchell) also falls in this category. Industrial uses are typically not permitted within Broadacre Areas of the General Policy Plan (with the exception of the Harman industrial area).

This is considered a minor inconsistency between the two plans. The NCA suggests that the draft variation proceed as proposed. Through the National Capital Plan review process, the NCA will propose changes to the General Policy Plan in the Mitchell area to accommodate both the current situation and the proposed change.”

Response: noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 14 August 2014:

“... The proposed rezoning to allow for light rail associated road works will rezone part Block 1 Section 231 Gungahlin, currently zoned as CZ2 Business Zone and PRZ1 Urban Open Space Zone. This block is significant habitat of the nationally vulnerable striped legless lizard. In a 2011 survey three grids of 50 roof tiles were placed within or immediately adjacent to the area proposed for rezoning. 64 individual lizards were recorded under the three grids, which is one of the highest densities of lizards ever recorded anywhere. However, as indicated in the supporting documentation, the development of the block has been approved under the Gungahlin Strategic Assessment, with a large grassland reserve at Kenny to be created as an offset for the loss of lizards here and elsewhere in Gungahlin. It is hoped that some of the lizards from Block 1 Section 231 may be the subject of a trial translocation project to vacant habitat elsewhere. As lizards can only be readily captured during spring and early summer, prior consultation should occur regarding the timing of any potential works in this area.”

It is also proposed to rezone part Block 1 Section 60 Mitchell from NUZ3, Hills Ridges and Buffers to TSZ1 Transport Zone and to remove the Pc Nature Reserve Overlay over the site. Block 1 Section 60 is unlikely to have retained biodiversity values. This corner of the reserve has been redeveloped for a stormwater pond that is used for water harvesting and not managed for nature conservation. Adjoining the pond is a formed carpark approximately 1ha in size that is used primarily by the Racecourse and EPIC for overflow carparking. As these two assets are not managed as part of the nature conservation estate it is recommended that the nature reserve boundary be amended to reflect the management fenceline as marked in red on the attached aerial photograph.

The proposed change to the nature reserve boundary on Block 1 Section 42 Mitchell appears to be relocating the reserve boundary to the existing management fenceline. The area that is being excised from reserve has been subject to past spoil dumping which means that the proposed area to be rezoned is probably unlikely to be either striped legless lizard or golden sun moth habitat, but these possibilities can't be definitely dismissed.

There are planted eucalypt trees in the adjoining area of reserve, and within Block 1 Section 16 Mitchell, which have local conservation value as bird habitat. It is recommended that any development of the site include endemic tree species to support the local bird populations.

If the change to the reserve boundary, and subsequent development of the depot, will result in a change to the existing management boundary then further ecological surveys will need to be undertaken before this could be supported.

Response: because the loss of the habitat on Block 1 Section 231 Gungahlin as a result of future development is covered by Gungahlin Strategic Assessment, it is expected that specific mitigation measures should be able to be managed at the Environmental Impact Statement (EIS) process and Development Application (DA) stage.

The Pc Nature Reserve Overlay has been proposed to be removed from the area defined by the Conservator in Section 60, Section 76 and Section 42 Lyneham to match the management fence line as per the above comment.

In regards to the comments made about Block 1 Section 16 Mitchell (the light rail depot site), DV327 does not propose any changes to the existing management boundary. If any changes to the management boundary are proposed in the subsequent developments of the light rail depot, further ecological surveys will be undertaken by the proponent and assessed as part of the EIS or the DA process.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 20 August 2014:

“...I have reviewed the documentation and support the variation in its current form.

It should be noted that the findings of the Phase 2 Environmental Assessment (referenced in the Planning Report) and any subsequent remedial works, or proposed site management plans into potential contamination management, must be reviewed by the EPA approved environmental auditor.

In accordance with the ACT Government Strategic Plan - Contaminated Sites Management, 1995 and the Contaminated Sites Environment Protection Policy, November 2009, prior to changes to the use of the land the Auditor's site audit statement or interim advice into site suitability and/or the adequacy of any site management plan must be reviewed and endorsed by the Environment Protection Authority.”

Response: noted that EPA supports DV327 in its current form. It is envisaged that all the documents required above will be reviewed and endorsed at either the EIS or the DA stage and prior to any construction activities.

Heritage Council

The Heritage Council provided the following comments on 4 August 2014:

“ACT Heritage notes that none of the places to be rezoned are nominated to or included on the ACT Heritage Register. The changes to definitions and introduction of new terms will not create any detrimental heritage impacts. In view of this, ACT Heritage does not believe there will be any detrimental heritage impacts in relation to DV327.”

Response: noted.

Land Custodian- Economic Directorate

The land custodian Economic Directorate (ED) provided the following comment on 27 August 2014:

“...I would like to offer my unconditional support for the variation to proceed to public consultation...”

Response: noted.

This support from ED followed detailed briefings to the Sport and Recreation Services Section and the Land Policy and Strategy Section on the potential impacts and opportunities arising from the Capital Metro project and how the proposed changes may affect ED's properties. In particular ED had concerns regarding the proposed change to Northbourne Avenue and Swinden Street and its impact on the recently redeveloped access into and out of the Lyneham Sports Precinct. There was also concern regarding the impact of rezoning commercial land in Gungahlin town centre. It was considered to be unclear whether the land take and rezoning was based on any detailed intersection design and in the event that the land is not required to support the Capital Metro project, if the land rezoning would be reinstated.

Land Custodian- TAMS

The land custodian TAMS provided the following comments in relation to DV327 on 8 August 2014:

“...the listing of blocks and their current zoning in the document on page 1 of ‘Draft Variation No 327 – for public consultation’ at 1. Introduction, 2nd dot point at:

- 2nd dash point – not all the blocks listed in this point are zoned NUZ1 – this text is very confusing;*
- 3rd & 4th dash point – the suburb (Lyneham) needs to be inserted after the Section number;*

- *The details given for the blocks on pages 6-7 under 2.2 Site Description appear to have correctly listed block details and their zoning”*

“...it is expected that comprehensive assessment of impacts on existing public landscape and appropriate replacement landscaping will be included as an essential component of this project.

Where Urban Open Space Zone is proposed to be re-zoned the proposal should ensure that maintenance access to adjacent and surrounding areas can still be achieved.

Where an Open Space Zone is proposed to be re-zoned ensure public access ways and linking routes are not adversely affected.

Ensure that impacts of unauthorised vehicle access of public open space is also considered.

Where bollards, access gates and other TAMS infrastructure needs to be changed or modified due to the re-zone, consultation is required with the relevant land manager.”

Response: DV327 has been amended in accordance with relevant comments. The Sport and Recreation Services Section in ED has been consulted and advised that it is not opposed to DV327. The potential impacts mentioned above and landscaping details are expected to be considered and managed during the EIS process and at the DA stage.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan Map

The Territory Plan is varied in all of the following ways:

Variation to the Territory Plan map

1. Territory Plan Map

Substitute with Figure 9 – Figure 15 for the areas shown as subject to the variation

Remove Pc Nature Reserve Overlay from the area subject to this variation in Block 1 Section 60, Block 1 Section 76 and Block 1 Section 42 Lyneham

Remove Pc Nature Reserve Overlay from the area subject to this variation in Block 1 Section 42 Mitchell

3.2 Variation to the Territory Plan Code

Variation to the Territory Plan TSZ1 Transport Zone – Zone Objectives

2. TSZ1 Transport Zone – Zone Objective b)

Substitute Zone Objective b) with the following

b) Ensure that major roads, light rail and transport infrastructure are developed in a comprehensive manner, including the provision of appropriate landscaping, street furniture and lighting, traffic control devices, and noise attenuation measures

Variation to the Territory Plan Definitions (13.1)

3. Definition of Public transport facility

Insert in the sub-category of Public transport facility the following:

Light rail means a system for the provision of light rail public transport services, including tracks, catenaries, supports for tracks and catenaries, stops, access to stops, signalling and other control facilities and other facilities and equipment associated with the provision of those services.

The term excludes light rail depot and electrical substation facilities.

4. Definition of Railway use

Substitute the definition of 'Railway use' with the following:

Railway use means any of the following uses:

- a) a railway line for passenger and/or freight movement;
 - b) a railway station;
 - c) a railway freight terminal; and/or
 - d) a railway equipment maintenance depot;
- and includes land and reservations of land set aside for railway purposes.**

The term excludes light rail.

5. Definition of Municipal depot

Insert in the Common Terminology for Municipal depot the following:

Light rail depot

Substitute the definition of 'Municipal depot' with the following:

Municipal depot means the use of land for the storage of any plant, machinery, vehicles, light rail vehicles or materials used in the course of a municipal undertaking, whether or not facilities are included for the parking, servicing and repair of plant, machinery or vehicles.

6. Definition of Road

Substitute the definition of 'Road' with the following

Road means any way or street (so called), whether in existence or under reserve, open to the public which is provided and maintained for the passage of vehicles, persons and animals and which may include footpaths, community paths, light rail tracks, bus lay-bys and turning areas, or traffic controls.

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APPENDIX 1 Proposed Territory Plan Zone Maps

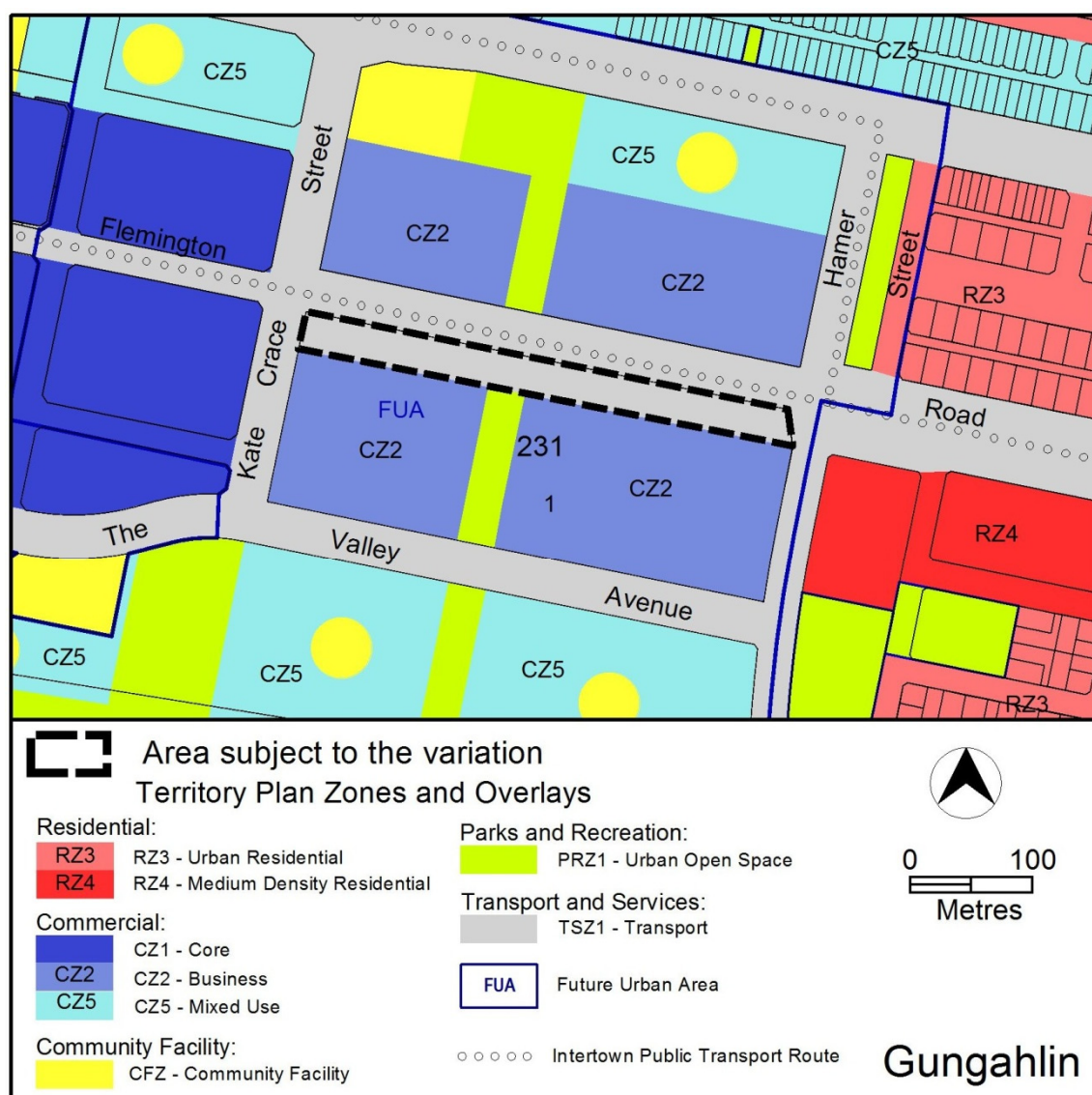


Figure 9 Proposed Territory Plan Zones Map for Block 1 Section 231 Gungahlin

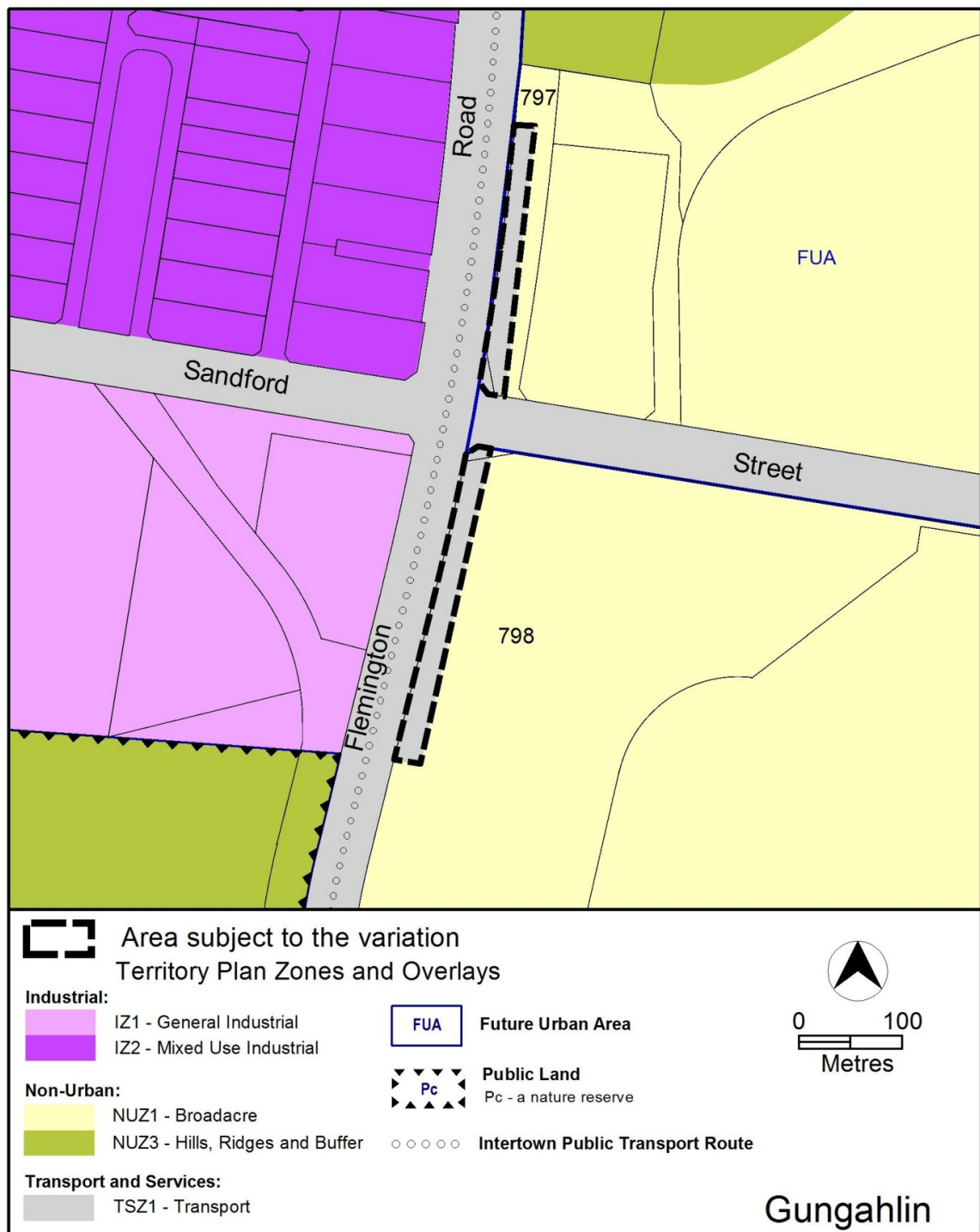


Figure 10 Proposed Territory Plan Zones Map for Blocks 797 and 798 Gungahlin

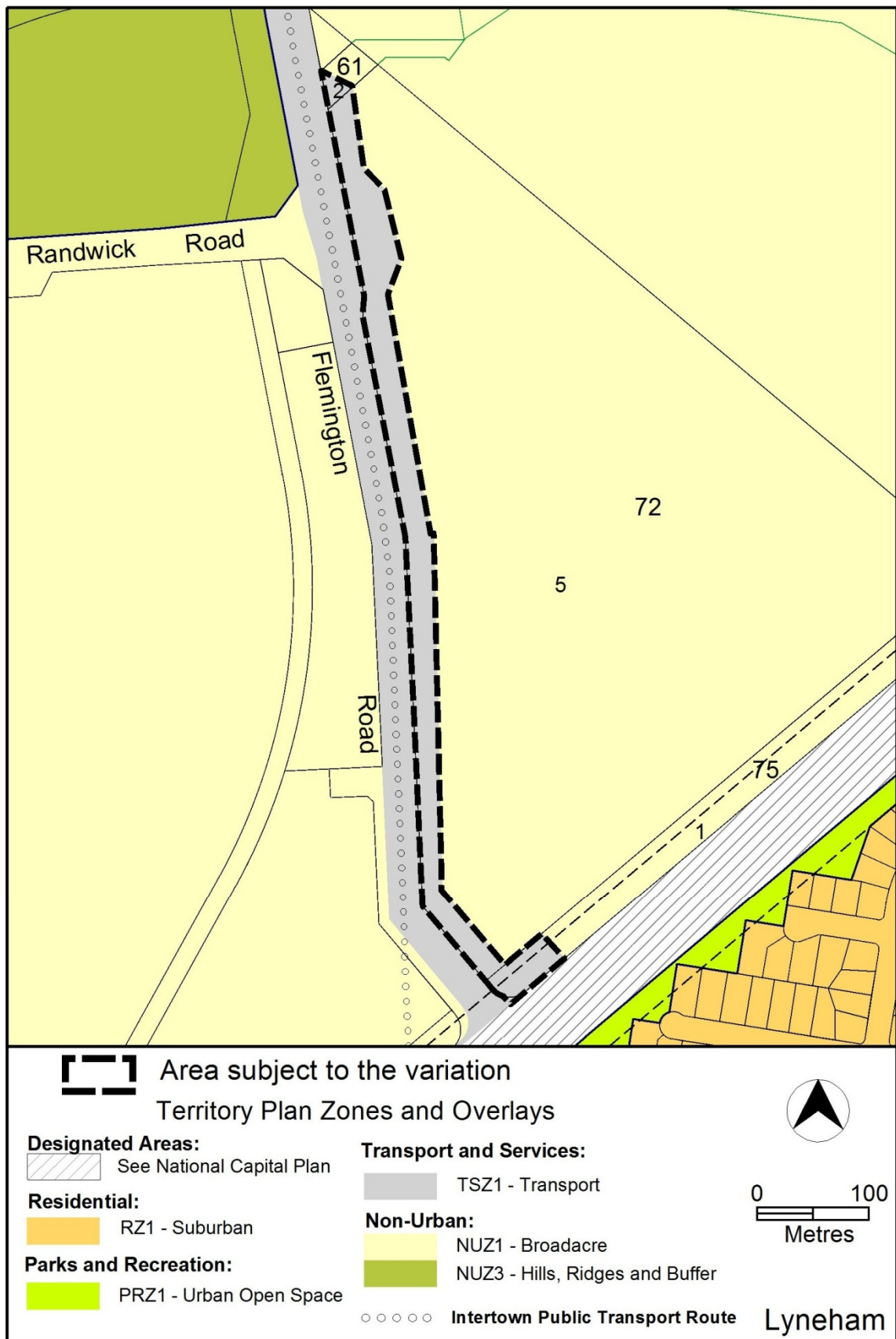


Figure 11 Proposed Territory Plan Zones Map for Block 2 Section 61, Block 5 Section 72 and Block 1 Section 75 Lyneham

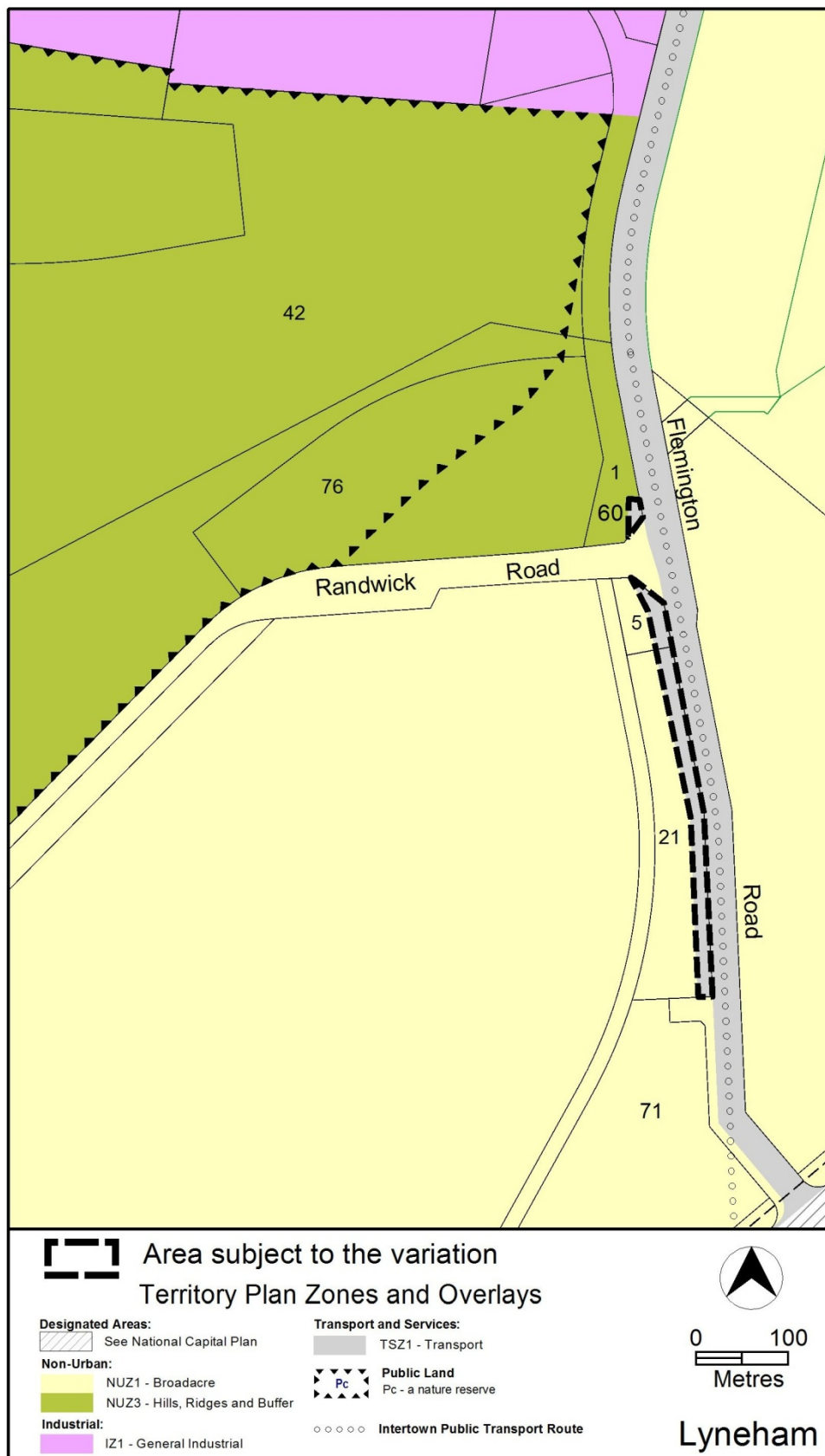


Figure 12 Proposed Territory Plan Zones Map for Block 1 Section 60, Blocks 5 and 21 Section 71 Lyneham

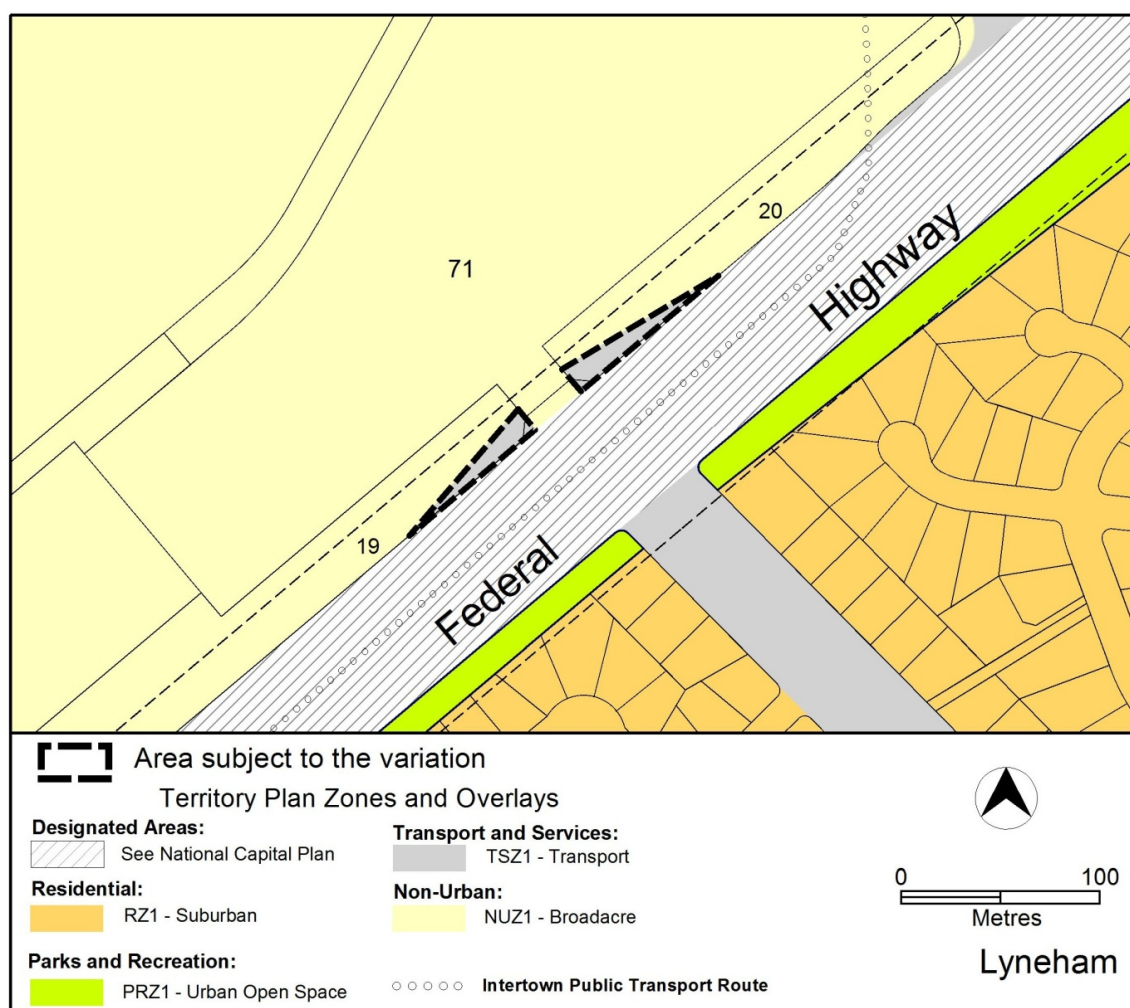


Figure 13 Territory Plan Zones Map for Blocks 19 and 20 Section 71 Lyneham

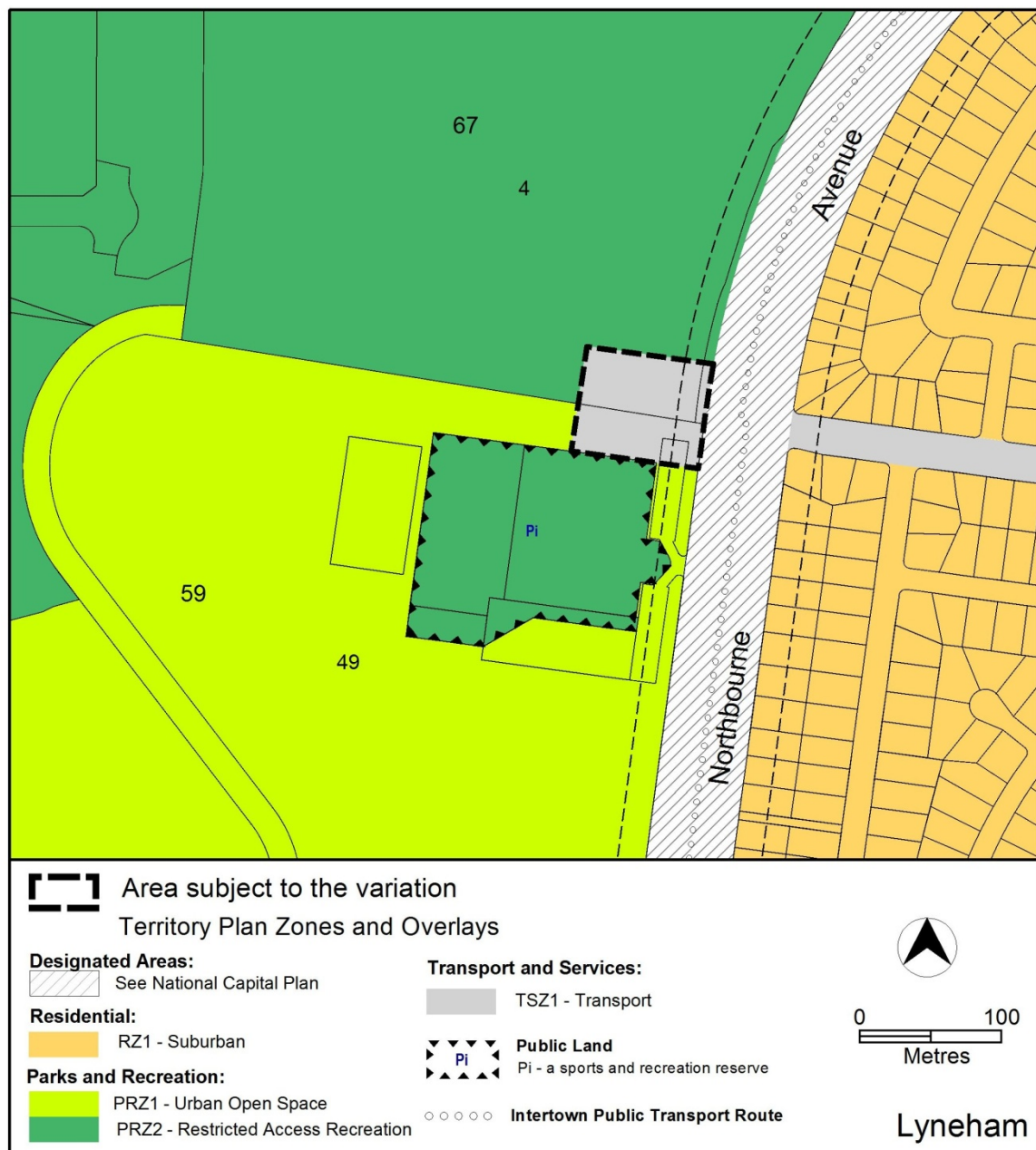


Figure 14 Territory Plan Zones Map for Block 4 Section 67 and Block 49 Section 59 Lyneham

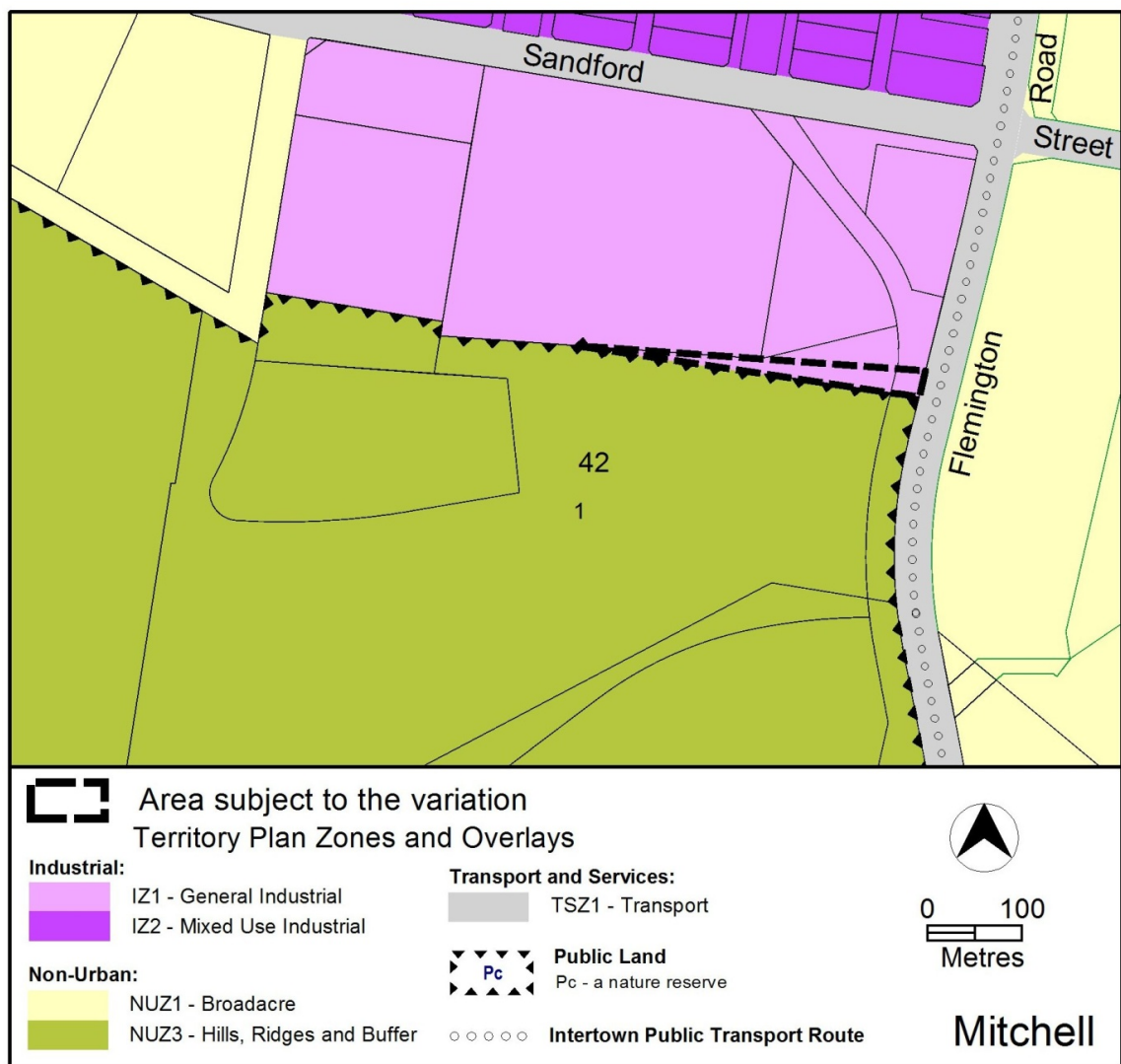


Figure 15 Territory Plan Zones Map for Block 1 Section 42 Mitchell