

# Planning and Development (Draft Variation No 341) Consultation Notice 2015

## Notifiable instrument NI2015—638

made under the

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

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Under the *Planning and Development Act 2007* (the Act), section 63(1), the planning and land authority has prepared Draft Variation No 341 to the Territory Plan – Gungahlin bus station – change to Public Land ‘Pe’ urban open space overlay for part of Boulevard Park, Gungahlin Town Centre (see Annexure A).

Draft Variation No 341 to the Territory Plan proposes to adjust the Public Land ‘Pe’ Urban Open Space overlay over part of Boulevard Park, Gungahlin Place (part block 1 Section 36, part block 1 section 37 and part block 1 section 38 Gungahlin) to permit the relocation of the Gungahlin town centre bus station to be in close proximity to the Capital Metro light rail terminus on Hibberson Street.

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

Printed copies of the draft variation and background documents are available until COB Wednesday 23 December 2015 for inspection and purchase at the Environment and Planning Directorate 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. Further information may be obtained by emailing [Terrplan@act.gov.au](mailto:Terrplan@act.gov.au) and include reference to the draft variation.

Written comments from the public are invited by **COB Wednesday 23 December 2015**.

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](mailto: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.

Gary Rake  
Delegate of the ACT Planning and Land Authority  
9 November 2015



**ACT**  
Government

Environment and Planning

**ANNEXURE A**

*Planning and Development Act 2007*

**Draft  
Variation to the  
Territory Plan  
No 341**

Gungahlin bus station – change to Public  
Land ‘Pe’ urban open space overlay for  
part of Boulevard Park, Gungahlin Town  
Centre

**November 2015**

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 draft variation proposes to reduce the Public Land 'Pe' urban open space overlay over parts of Boulevard Park in the Gungahlin town centre to permit the location of a bus station in close proximity to the proposed light rail terminus in Hibberson Street. The bus station will be located in Gungahlin Place and the road and pedestrian plaza (Boulevard Park) will need to be modified to accommodate the construction of the bus station. Parts of adjacent blocks to the north and south which also have a 'Pe' overlay will also be adjusted to accommodate changed intersection configurations and signalisation.

## 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 by **COB Wednesday 23 December 2015**.

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](mailto: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 background documents are available online at **[www.act.gov.au/draftvariations](http://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 district of Gungahlin has experienced substantial growth in the past decade. To accommodate this growth and respond to the increased transport needs of the Gungahlin community the ACT Government is implementing a light rail connection between the city and Gungahlin town centre. Capital Metro, the government agency responsible for the facilitation of the light rail and route corridor envisage that a terminus for the light rail will be located on Hibberson Street near Gungahlin Place (see Figure 1). Residents of Gungahlin suburbs can travel to this terminus via other transport modes, including bus, to catch the light rail into the city. Providing seamless and efficient connections and integration with the terminus will be central to the operation of the light rail and overall transport network.

In June 2015, Roads ACT commissioned a detailed planning exercise to provide recommendations for the integration of the bus and light rail modes within Gungahlin town centre. The review evaluated potential bus route options, bus station arrangements, bus layover locations and associated supporting infrastructure to develop a preferred bus network for the town centre. Gungahlin Place between Hibberson Street and Ernest Cavanagh Street was identified as the preferred location for the new bus station (see Figure 1).

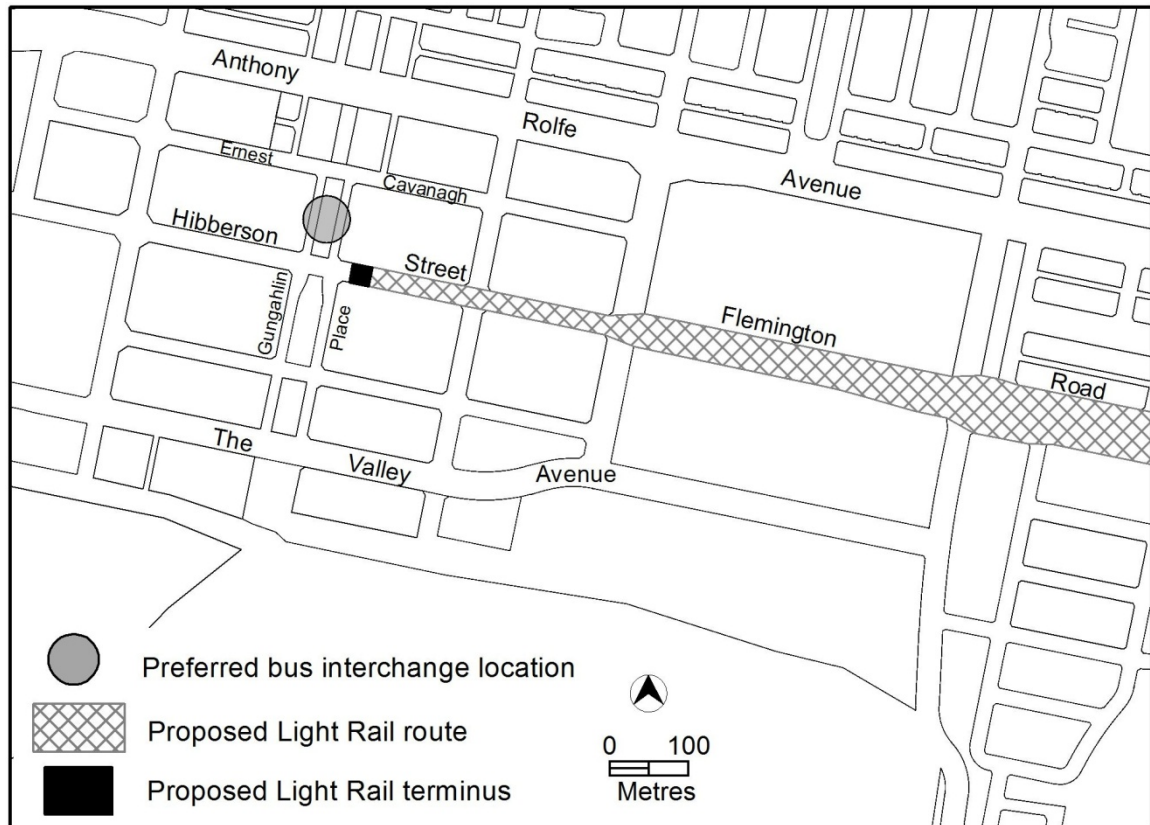
To accommodate proposed plans for the layout of the future Gungahlin town centre bus station, the existing verges along the median pedestrian plaza in Gungahlin Place will need to be moved to allow space for bus stops and a lane of traffic.

The underlying zoning of the pedestrian plaza, known as Gungahlin Boulevard Park, is commercial CZ1 core zone with a Public Land 'Pe' urban open space overlay. The overlay is subject to a plan of management which restricts use of the open space to public and community use including activities of interest to the community and hosting of special events.

The development of the new bus station will involve works partially within Block 1 Section 36, Block 1 Section 37 and Block 1 Section 38 Gungahlin within the bounds of the Pe overlay. Although the underlying CZ1 zone allows for a 'public transport facility', this is inconsistent with the current use of the land as described in the Plan of Management for Urban Open Space and Public Access Sportsgrounds in the Gungahlin Region for Gungahlin Boulevard Park. See:

<http://www.legislation.act.gov.au/di/2007-298/20080307-35549/pdf/2007-298.pdf>

In order to facilitate the development of the bus station in the preferred location, it is proposed to adjust the 'Pe' overlay by reducing its coverage in the CZ1 zone over the subject blocks to allow the optimum positioning of bus platforms and a lane of traffic. This requires a change to the Territory Plan map to adjust the overlay which will be undertaken through this draft variation process.



**Figure 1: Proposed light rail terminus and preferred bus station location**

Further information and background studies to support the proposed changes referred to in this draft variation can be found in the Gungahlin Bus Planning Report available at:

[http://www.planning.act.gov.au/tools\\_resources/legislation\\_plans\\_registers/plans/territory\\_plan/draft\\_variations\\_to\\_the\\_territory\\_plan](http://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/territory_plan/draft_variations_to_the_territory_plan)

## 2.2 Site Description

The subject blocks are Block 1 Section 36, Block 1 Section 37 and Block 1 Section 38 all of Gungahlin.

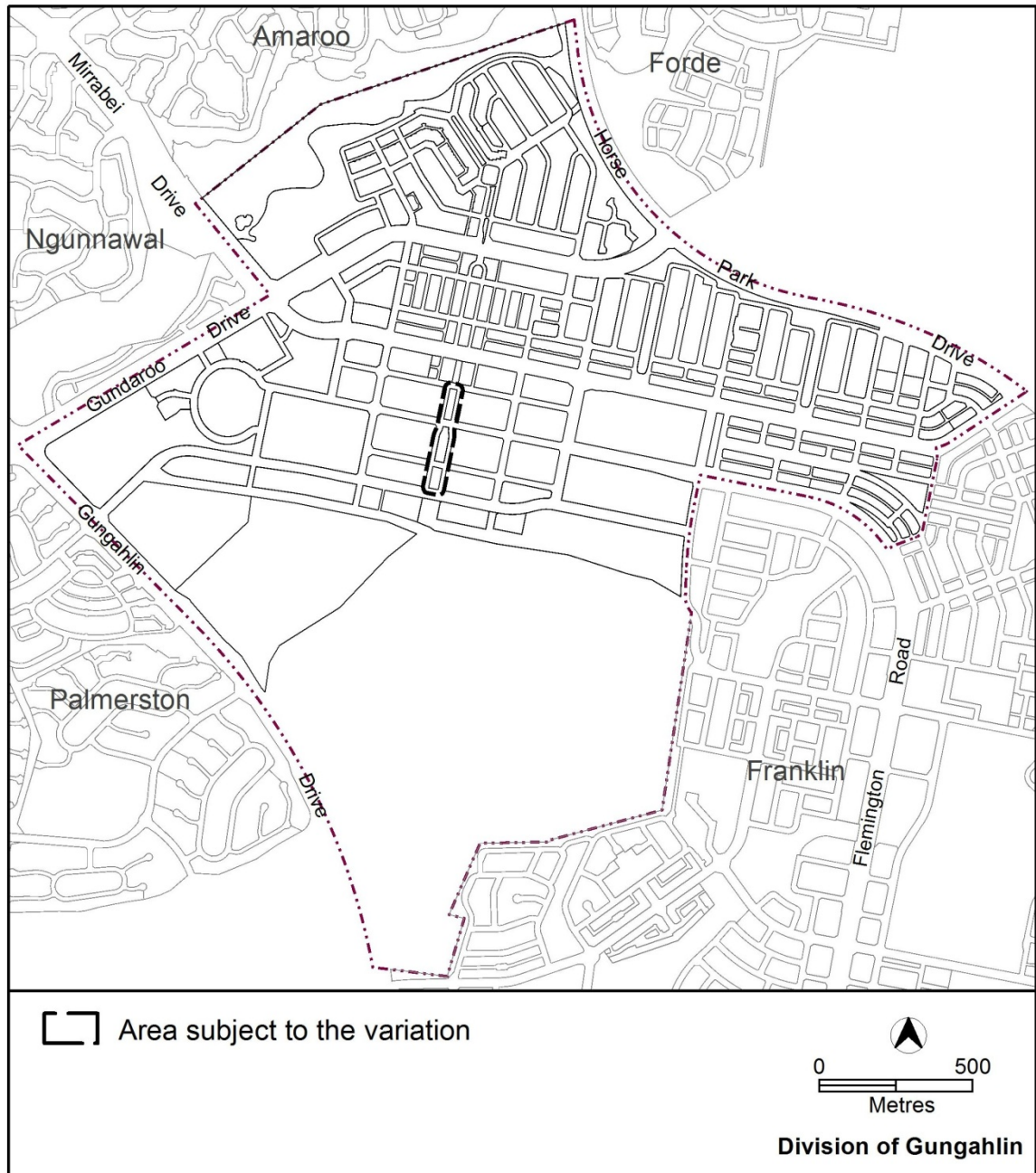
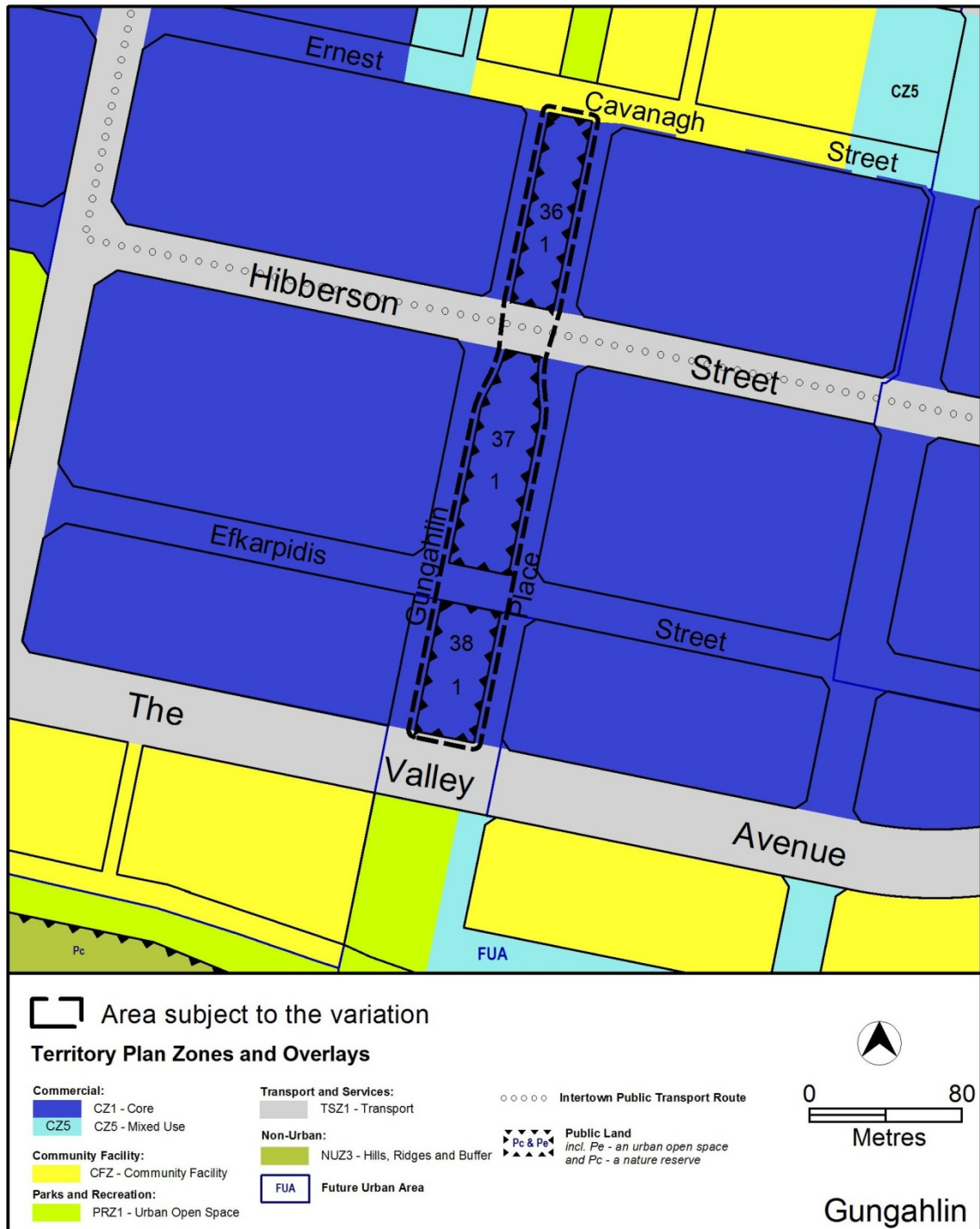


Figure 2 Location Plan

## 2.3 Current Territory Plan Provisions

The Territory Plan map zone and overlay for the area subject to this variation is shown in **Figure 3**.



**Figure 3 Territory Plan Zones Map**

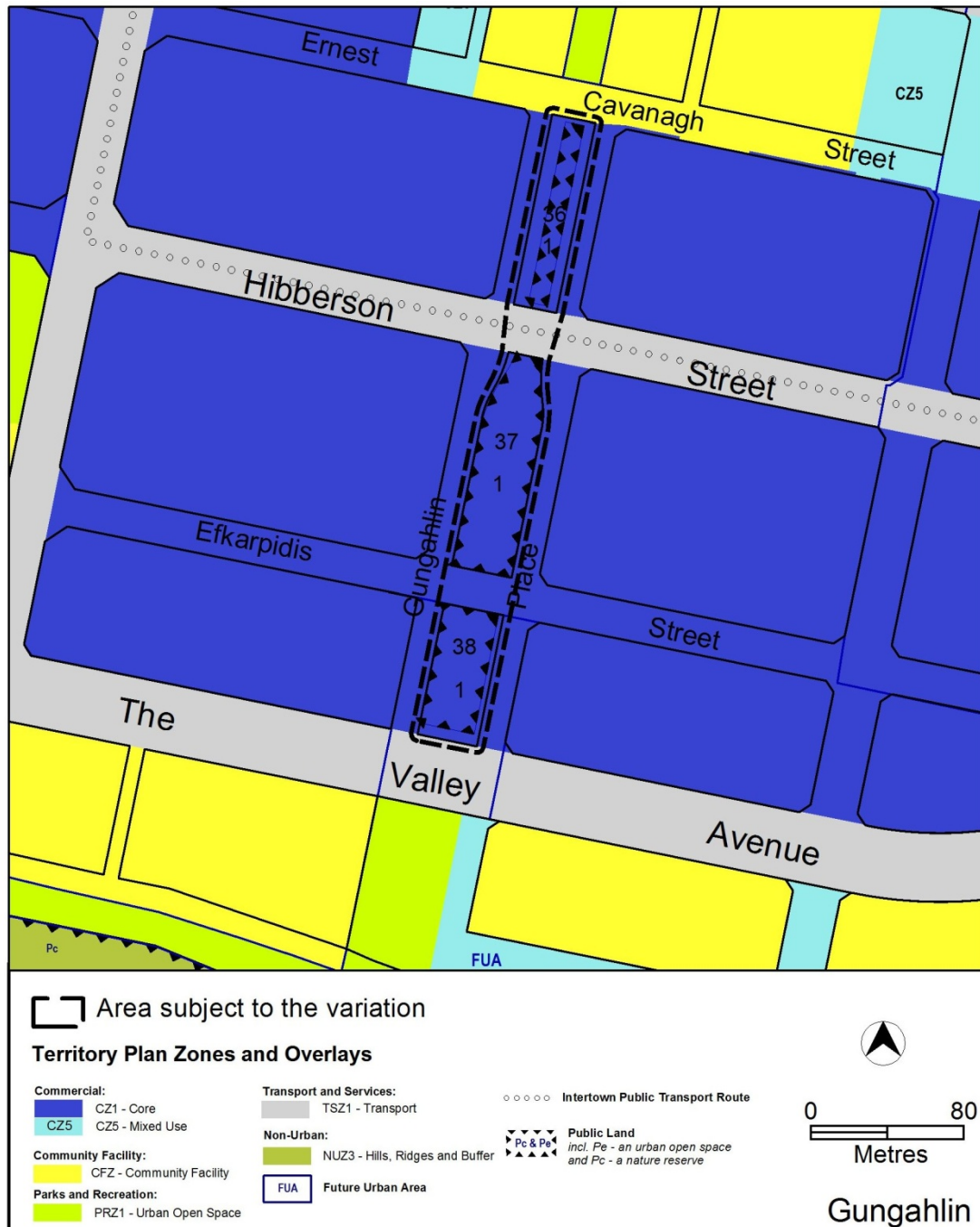


## 2.4 Proposed Changes

### 2.4.1 Proposed Changes to the Territory Plan Map

The proposed changes to the Territory Plan map are indicated in **Figure 4** and are detailed as follows:

It is proposed to remove the Public Land 'Pe' urban open space overlay from part Block 1 Section 36, part Block 1 Section 37 and part Block 1 Section 38 Gungahlin.



**Figure 4 Proposed Territory Plan Map**

The draft variation map indicates the proposed zone boundaries as accurately as possible but may be subject to adjustments following detailed surveys.

## 2.5 Reasons for the Proposed Draft Variation

The reasons for the draft variation are as follows:

- to support the development of the light rail project from Gungahlin to Civic in the ACT
- to enable seamless transport modal shift integration between buses and light rail in close proximity to the proposed light rail terminus in Gungahlin town centre
- to facilitate the provision of high quality, reliable, convenient and sustainable public transport in Canberra

## 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

#### Statement of Strategic Directions

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:

*1.5 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.*

The draft variation is consistent with this principle by facilitating accessible and efficient public transport provision to the public, and consequently encouraging reduction in consumption of non-renewable resources.

*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.*



This principle is supported through the provision of improved and more efficient public transport opportunities to encourage the reduction in the use of private motor vehicles and in turn minimise greenhouse gas emissions.

*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.*

This principle is supported as the proposed development of the relocated Gungahlin Bus Station is planned to encourage use of public transport, by facilitating the seamless transition between transport modes including walking, cycling, bus and light rail.

## **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 15 October 2015:

*“The subject site is located within Urban Areas of the General Policy Plan – Metropolitan Canberra of the National Capital Plan. The area is also situated outside of Designated Areas of the National Capital Plan.*

*The National Capital Authority has no objection to DV341.”*

## Response

Noted.

### **Conservator of Flora and Fauna**

The Conservator of Flora and Fauna made the following comments on 17 September 2015:

*"In accordance with s.314 of the Planning and Development Act 2007 I am writing to recommend changes to the Territory Plan public land overlay provisions. The proposed changes are to facilitate the construction of a bus station in Gungahlin Town Centre that is required to support the light rail project.*

*The medium strip of Gungahlin Place, Block 1 Section 36, Block 1 Section 37, and Block 1 Section 38 Gungahlin, has an overlay provision in the Territory Plan making this area 'urban open space'. A bus station is required within the Gungahlin Town Centre to support passenger transfers from buses to the proposed light rail. The preferred location of the bus station is within Gungahlin Place but this use is not permitted under the Territory Plan within an area designated as 'urban open space'. To facilitate the use of the area as a bus station it is recommended that the overlay provision is removed.*

*The open space in this area is hard landscape and does not contribute to either ecological connectivity or water sensitive urban design. The trees have not reached maturity so any unforeseen loss of existing vegetation will not cause a significant impact.*

*I look forward to the Variation being progressed at your earliest convenience."*

## Response

Noted.

### **Environment Protection Authority**

The Environment Protection Authority provided the following comments on 28 October 2015.

*"The Environment Protection Authority has reviewed the documentation and is unable to determine if the proposal will have an undue impact on existing premises, including businesses and residents with regard to air and noise pollution. The report identifies there will be a localised impact from the planned bus station but does not expand on what the impact will be and how the pollution will be mitigated to acceptable levels.*

*The EPA has received numerous complaints concerning air and noise pollution from town centre terminals and bus layovers. Further assessment should be completed to demonstrate impacts are able to be sufficiently mitigated."*

## Response

Territory and Municipal Services (TAMSD) have committed to completing the additional noise and air quality assessment work requested by EPA for the site. TAMSD have also agreed that the outcomes of the assessments will be made publicly available once completed.

TAMSD are aware that further consideration of the draft variation by EPD will not be progressed after the public consultation period until EPA accept and endorse the outcomes of the reports and that any issues can be satisfactorily addressed and mitigated.

On 5<sup>th</sup> November 2015 EPA advised that based on this approach the draft variation is acceptable for the release for public consultation.

## **ACT Heritage Council**

The ACT Heritage Council provided the following comments on 21 October 2015:

*“Thank you for referring the above Draft Variation to the Territory Plan to the ACT Heritage Council (the Council) for comment.*

*The Council understands that the Draft Variation proposes to:*

- *Construct a bus interchange and associated infrastructure on Block 1 Section 36, Block 1 Section 37 and Block 1 Section 38 Gungahlin.*

*The Council does not object to Draft Variation 341 as there are no known heritage places or objects located within the impact areas.”*

## Response

Noted.

## **Land Custodian (Territory and Municipal Services Directorate)**

The land custodian is the proponent for this draft variation (Roads ACT is within the Territory and Municipal Services Directorate), and has been consulted with in the preparation of the changes proposed in this document.

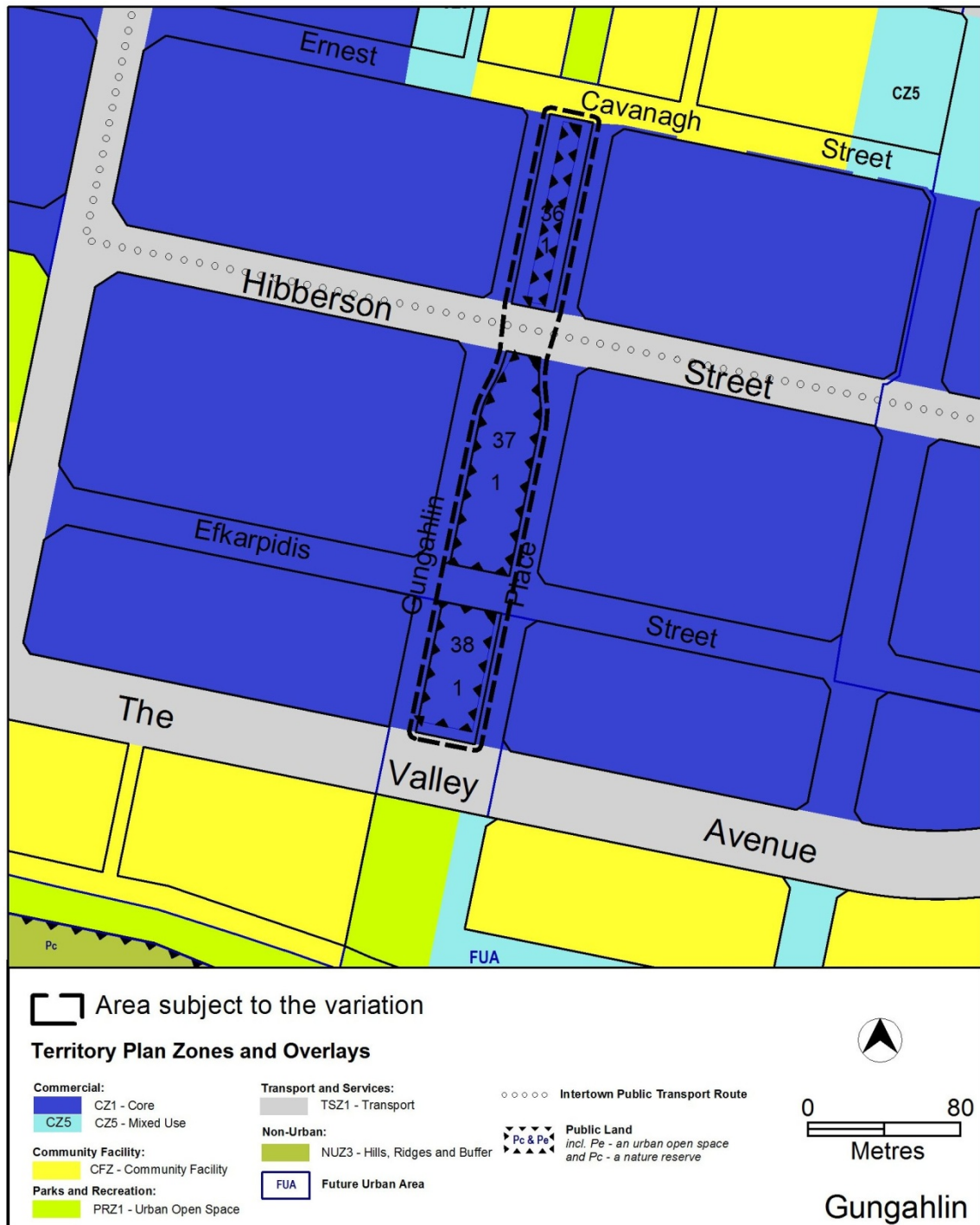
### 3. DRAFT VARIATION

#### 3.1 Variation to the Territory Plan

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

#### Variation to the Territory Plan map

*Substitute*



## Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

### TRANSLATING AND INTERPRETING SERVICE

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