



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON PLANNING, ENVIRONMENT
AND TERRITORY AND MUNICIPAL SERVICES**

(Reference: [Draft variation to the territory plan No 309: Turner bus layover](#) and [Draft variation to the territory plan No 327: capital metro – light rail stage 1 Gungahlin to Civic](#))

Members:

**MS M FITZHARRIS (Chair
MR A COE (Deputy Chair)
DR C BOURKE
MR A WALL**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 8 APRIL 2015

**Secretary to the committee:
Mr H Finlay (Ph: 620 50129)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 20 May 2013

The committee met at 2.02 pm.

GENTLEMAN, MR MICK, Minister for Planning

CARMICHAEL, MR TONY, Executive Director, Strategic Planning, Environment and Planning Directorate

CORRIGAN, MR JIM, Executive Director, Planning Delivery, Environment and Planning Directorate

THE CHAIR: Good afternoon, minister and officials. Welcome to this public hearing of the Standing Committee on Planning, Environment and Territory and Municipal Services, which is inquiring into two draft variations to the territory plan: DV 309, the Turner bus layover, and DV 327, capital metro light rail—stage 1 Gungahlin to Civic. Thank you for coming along this afternoon. Can I draw your attention to the probably by now very familiar pink privilege statement that is before you. Could you confirm for the record that you understand the implications of the statement?

Mr Gentleman: Yes, indeed.

THE CHAIR: Can I also remind witnesses that the proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live. Minister, do you have an opening statement? I was going to suggest that the way we could proceed, because there are two draft variations before us, is to cover capital metro first and then the Turner bus layover, because we have other witnesses after you to cover the Turner bus layover.

Mr Gentleman: Yes, certainly.

THE CHAIR: If you would like to make an opening statement, I am very happy for you to cover both at the outset.

Mr Gentleman: I will take the opportunity to do that. Thank you, Madam Chair, and can I thank members of the committee for the invitation to come here this afternoon, and for the work that the secretary is doing as well. After I have provided my statement, directorate officials and I will answer any queries that you have.

I have supported draft variation 309, Turner bus layover, and 327, capital metro, on the basis that they are consistent with the strategic planning framework for the ACT. First of all, I would like to talk about 309, Turner bus layover. Draft variation 309 facilitates the development of a bus layover facility at block 8 section 25 Turner. The proposal includes the addition of the MT4 area to the Turner precinct map, which will introduce a “public transport facility” as a permitted use on the site. Draft variation 309 will also remove the public land (urban open space) overlay from the subject site and insert an “X overlay” to the Turner precinct map, which states that the site is urban open space but not public land.

The proposal is consistent with the ACT’s key strategic planning documents, the ACT planning strategy 2012 and transport for Canberra 2012-31, by assisting with a high quality and efficient public transport system.

During the public consultation DV 309 attracted 46 submissions from the public. Of

these 46 submissions, 43 were from individuals and three were from interested community groups. One submission supported the variation while the rest objected to it in some way. The main issues raised during the public consultation were the loss of parkland to further city growth and the consideration of alternative sites. The location of the bus layover facility proposed in this draft variation is ideal and is consistent with the recommendations of the feasibility studies which have been undertaken.

In response to concerns about the loss of parkland, the draft variation was amended after the conclusion of public consultation to retain the current PRZ1 urban open space zoning and uses. This means that if the bus layover relocates in the future the land will not be able to be developed for those uses that would have been permitted if the zoning had changed to TSZ1 transport zone.

Due to the amount of public interest in the variation, I decided to refer the variation to the standing committee so that a robust assessment could be undertaken and a general consensus on the project's merits could be sought before determining the variation.

Draft variation 327 provides an opportunity to establish definitions for light rail and its associated infrastructure components in the territory plan. This would remove any potential ambiguity around appropriate territory plan definitions to apply to light rail development. It also includes several land rezonings to accommodate light rail associated roadworks and the proposed light rail depot.

The proposal is consistent with the ACT's key strategic planning documents, the ACT planning strategy 2012 and transport for Canberra 2012-31, by facilitating, as I mentioned, high quality, reliable and convenient public transport along one of the city's busiest corridors. In particular, transport for Canberra, transport for a sustainable city 2012-31, has specifically identified light rail to be introduced over time on the current frequent network for the city's public transport systems. The Gungahlin to the city corridor, incorporating Northbourne Avenue, was identified by the transport for Canberra program to be the initial focus for the implementation of a new rapid transit into the city for the medium and long term. This draft variation is to put these intents into effect.

There are some community concerns, and I acknowledge those. There were 10 submissions during the public consultation. The majority of comments—seven submissions—expressed views opposing the proposal to develop light rail in general rather than the specific nature of this draft variation. The light rail proposal is a public transport initiative committed to by the ACT government and led by the Capital Metro Agency. As the variation itself does not give approval to the project or its specific details, opposition to the light rail proposal is considered a separate matter to this draft variation.

With respect to some of the issues, three submissions related to the potential impact on existing uses of that area. These include the Belconnen Dog Obedience Club and the National Archives of Australia, as well as the equestrian trail at Crace grasslands nature reserve and the equestrian crossing on Flemington Road next to EPIC. Since these issues are matters for consideration at the environmental impact statement or development assessment stage, no changes to the draft variation were made in relation to them.

Despite this, due to the amount of media and community interest expressed regarding the light rail proposal, I was aware that the community should be given the opportunity to allow their concerns to be heard and debated. I also hope that this public hearing gives the community a unique opportunity to better understand this draft variation and its real intention. That is the reason why I referred DV 327 to the standing committee.

Madam Chair, once again, thank you for the opportunity, and we are here to take your questions.

THE CHAIR: Thank you, minister. I will start by asking about capital metro and DV 327. If the draft variation goes ahead, can you outline what some of the zoning changes might mean—that is, what will be built and constructed on or underneath those various locations along the route?

Mr Gentleman: I will give you a bit of background on that as well. The draft variation is to introduce the terms “light rail” and “light rail depot” to the territory plan. We have not had that in the territory plan before. As you mentioned, there are some parcels of land there. We will rezone a number of those blocks along the route between Gungahlin and Civic to allow for the undertaking of light rail, associated roadworks and depots. Numerous transport planning studies have been concluded and considered in the light rail network for Canberra. In particular, as I mentioned, transport for Canberra and the territory plan do not contain any specific definitions of light rail, so it is important that we get those changed. On the particular areas for light rail, associated roadworks and depots, I will go to my directorate officials to give you some more detail.

Mr Corrigan: There are seven rezoning proposals. The first one, starting at the Gungahlin end of the corridor, was a site along Flemington Road immediately east of Kate Crace Street. It is currently zoned as a CZ2 business zone and part of it is also an urban open space zone. We are proposing to rezone that to allow for it to be in the transport zone. We are getting indications at this stage, while we are doing these rezonings in general, of how Capital Metro propose to construct light rail. They need some additional parts of land that currently the zoning does not allow for; that is why we are doing these.

The second site is further down. It is the intersection of Morisset Street, Sandford Street and Flemington Road, adjacent to Mitchell, on the eastern side of Flemington Road, to the north and south of Morisset Street. It is to allow for intersection upgrades and widening of the road to allow light rail to go down there; hence that led to comments from the Dog Obedience Club, as they were wanting to know how construction would impact on access to their site.

The third site is parts of block 1 section 42 and block 3 section 15 Mitchell. These are sites to the south of Mitchell and the National Archives site. This is part of where Capital Metro are considering putting the depot for light rail. Some zonings are being done there to, again, widen the road and the extent of the roadworks to allow the depot to be constructed.

The fourth site, moving further down Flemington Road, is adjacent to EPIC. This is to allow for widening of the road corridor adjacent to EPIC to allow light rail to be constructed as well as the lanes of traffic. The fifth site is on the western side of Flemington Road to EPIC and near the racecourse, and it is for the same reason—to allow widening of the road corridor there. The sixth site is the intersection where Phillip Avenue comes into the Federal Highway at the Kamberra Winery intersection. Again, it is for intersection upgrades to allow access to the Kamberra Winery. The seventh site is the intersection to access Yowani Country Club. Again it is for intersection upgrades to allow for the construction of light rail and the roadworks.

They are the seven zonings. In themselves they are not at all significant. They just allow widening of the corridor to allow capital metro to be built, if and when it goes ahead.

MR COE: Minister, how have you addressed concerns raised by the National Archives regarding the variation?

Mr Gentleman: The Archives raised concerns during the consultation. They were concerned about increased levels of airborne dust and particulate, heightened possibility of localised flooding, vibrations that might have an impact on their sensitive laboratory and digital equipment, some increased noise and traffic. These issues are related to the construction stage of light rail and that is not part of this draft variation. We have made it clear to them that this variation does not actually have to do with the construction of light rail. That is a secondary process. The potential impacts to the Archives are to be assessed and dealt with at the environmental impact statement or the DA stage of any construction for light rail.

MR COE: The vibrations and the construction phase were included in the EIS, weren't they?

Mr Corrigan: Mr Coe, it is a matter for the EIS to address. Capital Metro are still preparing the EIS. They are still going through the environmental impact phase. The process from here is that, once they have finished preparing the EIS, they submit a draft EIS to the Planning and Land Authority; we commence our process and feedback and then start the consultation on the EIS process. So they are still looking at these issues and they are still taking on board the feedback from the National Archives. With respect to the specific concerns they have raised, they have been referred to the Capital Metro Agency as part of that work.

MR COE: One of the background documents for the variation is appendix D—noise and vibration preliminary impact assessment. If that is a background document, isn't it appropriate for the Archives' concerns to be heard in this environment?

Mr Gentleman: It is important that their concerns are heard, and that is why we have referred them to the Capital Metro Agency. As I mentioned, this actual variation does not have anything to do with the construction period later on or the EIS—the development application for construction after this.

MR COE: So why is it an appendix to the variation?

Mr Gentleman: It is part of the comments that were received during the process.

MR COE: No, I am talking about the noise and vibration preliminary impact assessment, DV 327, which was included in this variation. In response to that, National Archives have passed comment. Isn't it appropriate that their concerns are addressed in this forum?

Mr Corrigan: Absolutely. The information is a background report to the variation to help explain the proposal. As mentioned, with respect to those impacts that they are concerned about, we are not saying that it is not important now; it is important. This variation is about some rezoning to allow construction and intersection upgrades along the route and then obviously get the definitions right. We have raised this with the Capital Metro Agency because concurrently, now, the Capital Metro Agency are preparing an EIS. The EIS is actually the best mechanism to address those specific concerns. So that is happening concurrently with the variation. It is not a case of ignoring the comments; not at all.

Mr Gentleman: It is just a practical way of dealing with it.

Mr Corrigan: We have heard the comments and we have—

MR COE: Does that mean, minister, that the noise and the vibrations will not form part of your assessment of this variation?

Mr Corrigan: The process, Mr Coe, is that we put the variation out and we receive the comments. We go through the issues; we note the issues. We look at it in terms of the territory plan variation itself. This component is a rezoning component, so we look at the effects of the rezoning. The effects they raise are important. Because we have an EIS process, we pass those to Capital Metro and say, "With the EIS process, these things need to be addressed."

The rezoning for the intersection upgrade, as I say, involves the site adjacent to where the Archives are located. It is to allow for a widening of the road and those sorts of things. That is all that the territory plan variation is proposing at this stage—the rezoning of land on the western side of Flemington Road adjacent to the Archives building to allow for the expansion of the road and the works required for capital metro. We then make a recommendation to the minister on the variation—that is the process—with further comments. We have done that. The minister has referred it to the committee. Our recommendation to the minister was that the rezoning is still okay because it just allows for a widening of the road for the works to go ahead. But these important issues that the Archives have raised have been passed to Capital Metro to deal with in the EIS phase.

MR COE: I am concerned because obviously the natural and built form of neighbouring blocks is relevant to any rezoning, whether it is this rezoning or any other one that the committee considers. Therefore, I am curious as to why there would be a noise and vibration impact assessment attached to the variation if in actual fact it is being passed to a subsequent decision.

Mr Gentleman: As we have discussed, that is the appropriate place for it to be dealt

with, in the environmental impact assessment and the development application phase of the construction of light rail.

THE CHAIR: Minister, if the noise and vibration impact assessment is not in this draft variation, it is a broad impact assessment. With respect to the preliminary noise and vibration impact assessment of the capital metro light rail proposal, Capital Metro have usefully, in sharing information, provided this as an appendix to the draft variation. This is the first step in a process which will have subsequent processes in order to fully articulate these issues of noise and vibration. It is not a specific assessment on the draft variation?

Mr Gentleman: No, but it is appropriate that we respond to the Archives' submissions. The best way of responding is to forward it to Capital Metro for that process of the development.

MR COE: I am curious as to why this is not actually part of the decision-making for land use planning, because in many other variations we would consider the environmental impact on neighbouring blocks as part of the variation. So why isn't it appropriate that it forms part of your decision-making for this variation?

Mr Corrigan: We do take it into consideration. That is what we have done. That is why I have tried to outline the process. The territory plan variation is proposing a rezoning only at this stage to allow for the widening of the road. The impacts that the Archives have raised would come from the construction activities and things like that and from the operation, eventually, of light rail. So that is the land use aspect.

With respect to the appropriate way to deal with their issues, important as they are, as I was saying, we have the advantage of having an impact assessment being undertaken at the moment. That is the appropriate way to deal with those specific issues and then consider the actual impacts on the Archives. In a way, I am making a distinction about the land use planning, which changes the colour on the territory plan map to say that the road can be widened to allow for the roads, the capital metro tracks and those things. With the actual impacts, because the issues they have raised very much come with the construction of the facility and the operation of its infrastructure, we say the most appropriate vehicle to deal with that is through the EIS. So that is the separation. That is not to say we have not taken account of it in the land use planning. We very much have, but this is how we are managing it.

MR WALL: Just as a supplementary on that, minister, I guess the concern here is if the noise and vibration assessment is an appendix in there, it means that some consideration is being given to it at this point. I guess the fear for, say, an organisation like the Archives is: if it is not given proper consideration at the draft variation stage, any subsequent application through the environmental impact statement or applications to build, construct or operate the light rail will be deemed consistent with the zoning for that land. What we are discussing here today is what the land may be used for into the future. If those concerns are not raised at this point and the zoning is changed and an application to use that land for something that is consistent is made, will those concerns not then be disregarded again because constructing and operating light rail on that parcel of land will be consistent with the zoning which we are discussing here today?

Mr Gentleman: Yes. I think directorate officials and I have made it very clear it is not being disregarded. I want to make that clear. Also we should make it very clear that the Archives do not object to the variation. They have not objected to this variation. They have simply raised some concerns.

MR WALL: But they have raised significant concerns about the impact that this project might have on the amenity of their existing facility.

Mr Gentleman: I do not think they have talked about amenity. They have talked specifically about some areas of concern for their operation. They have just raised several concerns but they have not said that they are opposed to the variation. I think if their concerns were of a heightened level, then they would raise serious objections to the variation. I think we have dealt with it in an appropriate way through the environmental impact statement. Jim, do you have any further comment on that?

Mr Corrigan: Not at this stage.

MR COE: Has your directorate responded to the Archives or simply referred the Archives' concerns to the Capital Metro Agency?

Mr Gentleman: They were in correspondence with the Archives over this process.

MR COE: Yes, but the question was: has ACTPLA—I imagine it has been acknowledged—formally responded to their concerns or simply passed them on?

Mr Corrigan: When comments are received we prepare a consultation report and obviously we go through those things. We summarise the comments and we take action as necessary. We have passed those comments to Capital Metro Agency. Capital Metro Agency are in dialogue with the stakeholders along the route, obviously talking to Archives. The planning report that referred to the appendix to the variation was provided by Capital Metro themselves in support of the variation.

There is a process before the minister agrees to proceeding with a draft variation to the territory plan. We usually ask proponents to prepare a planning report to justify the rezoning and those things. So they provide information to demonstrate where they are at in their process of looking at the infrastructure and, obviously, its impacts. We take it in good faith if it is a good planning report and justifies the variation to proceed.

The long answer to your question is: we have not sat down with Archives and said, "Have we understood your concerns properly?" We have heard the concerns and summarised them. We passed them to Capital Metro, made them aware that, as the proponent for the scheme, these things should be taken account of in the EIS. But, bearing in mind that it is based on the planning report, this information was provided to us by Capital Metro as part of their investigative work. Capital Metro continue in dialogue with Archives and other stakeholders for the planning of infrastructure.

THE CHAIR: On other draft variations is it usual to go through all the flow-on implications that might be raised if the zoning were to be approved? Is the DA submitted and examined and are there multiple stages along the process where issues

of concern to people can be raised and dealt with? Would draft variations normally be subject to raising all the potential issues, should the rezoning occur and then construction take place on that site? Would they always all be raised through the draft variation?

Mr Gentleman: No, not always. There certainly are a number of issues that are raised during the variation process. Indeed, it might have been the year before last that, during an inquiry, we heard submissions from the public about whether or not we could do applications, environmental impact assessments and variations at a similar time so that members of the community could look at what the final outcome would be and therefore could comment on the variation of the DA at a similar time. Quite often you will see comments come out of an application process that is separate to the variation.

THE CHAIR: Dr Bourke.

DR BOURKE: Minister, returning to the variation, on figure 7, around the Yowani Golf Club, could you reiterate the purpose of that piece of the variation? I think you mentioned it before but I did not quite catch it.

Mr Gentleman: Block 1 section 231 is—

DR BOURKE: Block 4 sections 67 and 49.

Mr Corrigan: Figure 7?

DR BOURKE: Figure 7.

Mr Corrigan: Figure 7, the Gungahlin end?

DR BOURKE: Sorry, figure 11. I meant figure 11. We are looking at the bit around the Yowani Golf Club. There is a square bit there.

Mr Gentleman: Yes that is the line opposite Phillip Avenue, is it?

Mr Corrigan: That is right.

Mr Gentleman: As described by Mr Corrigan earlier, that is the intersection. It is the Lyneham sports precinct.

DR BOURKE: It is Lyneham sports precinct, edging up against Yowani.

MR COE: It is Windeyer Street, I think, is it not?

Mr Gentleman: What it does is support several existing sporting community groups. At the moment it is unleased territory land, currently PRZ1 urban open space. So the idea there is to facilitate that intersection. Is that correct, Jim?

Mr Corrigan: It is. Capital Metro, in variation, asked for this rezoning in their preliminary work. Obviously constructing light rail would need a reasonably

significant intersection upgrade at that point too because it is accessing a number of sporting venues. You mentioned the Lyneham sports precinct and the Yowani Golf Club itself. We have allowed rezoning in a fairly broad area there to allow the intersection to be upgraded as necessary.

DR BOURKE: Does that provide—

Mr Gentleman: Sorry, you have got to go from urban open space to TRZ1 in order to construct traffic lights or road interfaces.

DR BOURKE: Does that provide an opportunity for Yowani to benefit from this nearby light rail project?

Mr Gentleman: I think you would see that once the facilitation of the entrance into the sporting facility is more appropriate then it would provide easier access for sure.

DR BOURKE: And you have done the same thing at the entrance to the Kamberra Winery as well. Did they have any comment on that?

Mr Corrigan: No. The Kamberra Winery is owned by the Elvin Group and they did not make a comment on the draft variation.

DR BOURKE: Just going back to the business with the Archives, it is your experience that people make comments but they do not necessarily object to things. I am just trying to understand their thinking around it. Do you have any insight?

Mr Gentleman: I have seen it in the past, serving on the committee that you are serving on, where members would make comment on a variation. While supporting it they would certainly like to see, perhaps on occasions, a variation proceed but want to make sure that the comments they make are pertinent to it. I think that is what you see here.

DR BOURKE: And noted.

Mr Gentleman: Yes.

THE CHAIR: Mr Wall.

MR WALL: Minister, what contamination is believed to exist on any of the sites included in the variation?

Mr Gentleman: Jim can answer that.

Mr Corrigan: The EPA are a mandatory referral entity for territory plan variations. I just want to find those comments. I guess they did not object to the territory plan variation proceeding, which is the first test.

MR COE: The planning report, page 33, includes some information.

Mr Gentleman: On page 6 of the consultant report we see 3.4, which says:

The EPA made the following comments on 20 August 2014:

... 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 ... and the Contaminated Sites Environment Protection Policy ... prior to changes to the use of the land the auditor's site audit must be reviewed ...

The response is:

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 ...

That is similar to how we are dealing with the National Archives in an environmental sense.

MR WALL: Have any contamination or any environmental issues so far been identified on any of the sites involved?

Mr Corrigan: At the draft variation stage, no. Obviously there are more assessments being undertaken.

MR WALL: And what about the impact of the proposed depot at the Crace grasslands nature reserve?

Mr Gentleman: I am sorry?

MR WALL: The impact that the proposed depot would have on the site at the Crace grasslands nature reserve?

Mr Corrigan: The variations also refer to the Conservator of Flora and Fauna. The conservator noted what is proposed there but also did not object to the draft variation. Noting that on that particular block—just looking at the conservator's comments—the site is being pretty largely affected so the values are very much eroded, he did not object to any sort of variation proceeding. Yes, that is correct.

THE CHAIR: Minister, any further information you would like to provide on 327?

Mr Gentleman: No. If there is any further information that the committee requires we are happy to provide that for you.

THE CHAIR: Thank you. We might now move to the Turner bus layover. Mr Coe.

MR COE: Minister, will you please give an update as to the time line for approving this variation, should that be the path you go down?

Mr Gentleman: We will wait and hear from the committee and any submitters to the committee, and the committee's report, and have a look again at the variation to see if there are any amendments needed and then go back to the Assembly.

MR COE: This variation has been current for some time. How long has it actually been, I guess, desired by the government and not just in the variation stage? How long, pre-draft variation, has this been an option the government has been considering?

Mr Carmichael: The trigger for looking at an alternative site was the Australian National University purchasing or about to purchase the current bus layover on Marcus Clarke Street. There was an investigation to look at what alternative sites there would be in the city region. There were 24 sites looked at and two sites were identified—one on the east side of the CBD and one on the west side. The one on the west is the one in Turner.

MR COE: With regard to the concerns already raised by residents of the Avenue complex, how they are being taken into consideration at this stage?

Mr Gentleman: Yes, I remember reading some concerns by the Avenue. I will just find those comments.

Mr Corrigan: Mr Coe, we might seek further clarification. From memory, there were two major comments that the Avenue and others joined in. It was actually a very useful suggestion made because the original proposal was to rezone the whole block to a transport services zone. There was a concern expressed about the loss of open space, because obviously the site is linked to that whole broader open space network through Turner; hence the recommended territory plan variation. We recommended to the minister and the minister outlined in his opening statement that we are changing the proposed zoning. We are going to keep it as an urban open space zone but allow an overlay that allows the bus layover facility to be used on the site. Even when the time comes that the bus layover facility is no longer required, the zoning fundamentally stays as urban open space. That was the first issue.

The second issue, from memory, was the effect on McKay Gardens and the adjacent streets there. Obviously there would be a construction-level impact should the bus layover go ahead in that location. There were concerns raised about the impacts of buses on those streets and things like that. Our understanding from the proposal is that the access very much will be from Barry Drive and so on into the site, so the buses are not to impact on those minor streets adjacent to McKay Gardens. I am doing that from memory, Mr Coe, because there were 46 submissions from the Avenue. There were a number of submissions along those lines and there may have been other things raised, but they are the 10 key points.

Mr Gentleman: I can add to that too. There is no proposed construction, apart from a meal room and a restroom, for the bus drivers that will be using the layover.

MR COE: Is there a reason that this work has not been timed to coincide with the

work that was done on this regarding the bus priority measures on Barry Drive?

Mr Gentleman: That was prior to my time.

Mr Carmichael: I think the consideration of this site was really precipitated by the sale of the current bus layover. It works well operationally, but obviously it is a high value site now that the ANU have purchased it to extend their campus. The Turner site was chosen because it is adjacent to the university bus exchange. The noise and amenity impact analysis show there would not be any more impact than currently exists. There are about five buses that will sit trying to turn right from Barry Drive into the university exchange. There will not be any further impacts on that. It is very efficient to have the bus layover adjacent to the university bus exchange because it ensures on-time bus services. Also, it is a strategic location to service the city centre from the western side.

DR BOURKE: Was there no possibility, minister, to have a land swap with ANU as part of the sale, given that it has got quite a bit of land over there?

Mr Gentleman: That would be a matter for EDD.

Mr Carmichael: It is about the efficiency of the ACTION bus service. Any of the other ANU sites would not necessarily have been as efficient as the site being chosen in terms of supporting the bus network. That is why that site was chosen. There was another site chosen on the eastern side for similar reasons, because that is the most strategic place to support the bus network and maintain on-time servicing.

THE CHAIR: The eastern side was Coranderrk Street?

Mr Carmichael: I have got the address.

Mr Corrigan: Yes, east of the city.

THE CHAIR: Yes.

Mr Carmichael: It is block 6 section 37, city. It is beside the Civic pool.

THE CHAIR: Are you able to explain why the Turner option was the preferred option over the alternative?

Mr Carmichael: We might end up using both. It is about augmentation of the current bus system. Over time we might be developing that site, but the one we need currently is the Turner site as part of the broader network planning.

THE CHAIR: Thanks. Dr Bourke.

DR BOURKE: Thank you, chair. I used to work around the corner in McKay Gardens. I think this has been a car park for at least 20 years. What zoning has allowed that, minister?

Mr Gentleman: It certainly has been used for that facility. That is not the zone that is

in place, though. Mr Corrigan, how long has it been zoned in this—

Mr Corrigan: I do not know, Dr Bourke. We would have to come back to you to answer that detail on the history.

DR BOURKE: Who controls the car park? Who meters it?

Mr Corrigan: It is TAMS. I am pretty sure it is a public asset. It is a TAMS car park.

Mr Carmichael: It is a pretty minor car park. There is a bit of parking through the week. There is not much parking there on the weekend. There is a parking strategy that the government is developing that will deal with parking right across the whole of Civic. It no longer fitted where we strategically wanted to place parking. It was becoming redundant in terms of the forward strategy for parking for Civic.

DR BOURKE: Have there been objections to the car park in its current position, minister?

Mr Gentleman: Not that I recall.

Mr Corrigan: It was not a response raised in the variation, although, being a zoned urban open space, there is certainly a strong feeling in the community, from the submissions, that they see it as part of that whole Turner open space network that follows Sullivans Creek, so it is important to them. In terms of specifically why this car park, it was not like that. It was more, “This is part of a broader network. How are you taking that all into account?”

MR COE: But if there was to be a complaint or if there has been a complaint it is quite possible they have gone to parking operations rather than to the planning directorate; is that so?

Mr Gentleman: Yes, there could have been complaints. I have not heard those. But there were certainly some concerns during this process about the current use of the site, where it would feed into Sullivans Creek. So there are some environmental concerns from the public as well. Of course, the car park use is prohibited under PRZ1.

Mr Corrigan: Normally, yes.

DR BOURKE: So why is the car park still there and operating?

Mr Corrigan: We would have to find out more information. I am not sure how long it has been there.

DR BOURKE: You can take it on notice, if you like.

Mr Corrigan: Car parks of a temporary nature are permissible in PRZ1 zones, so they do occur around the territory.

THE CHAIR: Temporary? If you could take that one on notice, that would be very useful.

MR COE: Temporary with a parking machine; that is right.

DR BOURKE: There is a landscape plan here. I am looking at page 78, minister. Is there a binding commitment on the government to implement that landscaping plan or is it just a schematic proposal?

Mr Gentleman: Certainly around the area. Mr Corrigan?

Mr Corrigan: In preparing the variation and consulting with agencies TAMS, or Roads ACT particularly—obviously they would be looking to construct the facility in these things—have given some early commitments to look at the landscape plan and to start an implementation of certain aspects of it because of tree planting and the like adjacent to the site and along Sullivans Creek. There is an acknowledged commitment from TAMS to start implementing the phase. But it is a concept plan for the whole area and obviously it will be followed in time.

DR BOURKE: Speaking of the whole area, the North Oval was fenced off, as I recollect, some years ago. What was the purpose of that?

Mr Gentleman: Again, Dr Bourke, that was prior to my time, but I am happy to seek and provide that information for you.

MR COE: The relevance of that, I think, is the access to open space. If that was an oval that was previously not enclosed and was therefore open to broader community use—in addition to the removal of this space—I am sure there would be a lot of people that would be sceptical that it was ever going to return to parkland. So what assurances can you give to residents in the area that there is not going to be a continued degradation of urban open space up and down that Sullivans Creek corridor?

Mr Gentleman: It is certainly within the views of government that we have the appropriate levels of urban open space and amenity and allow the community to recreate in those areas as well. The areas around Sullivans Creek and the urban open space have been of great use for people walking and cycling into the city, but we want to make sure we keep that flowing through. That is why the zone would remain as is and the overlay allows the operation of the layover.

DR BOURKE: Of course, there are those large stormwater storage facilities on the west side of Sullivans Creek as well, as I recollect.

Mr Gentleman: Yes, so it is a great way of improving amenity and dealing with water control at the same time.

DR BOURKE: You would probably have to say, minister, whatever you are going to do will be an improvement upon the interim car park. It has been there for 20 years—the interim car park that is there now.

Mr Gentleman: I think that this variation will allow, as we have talked about, the layover to proceed and for us to deal better with public transport as a whole, as well as

the way that we allow commuters to interact with public transport. And then, of course, it will give the officers that drive the buses an opportunity to stop, rest and take a break.

THE CHAIR: Thank you. Mr Wall.

MR WALL: Minister, I will just touch on a couple of the submissions that we have received relating to this draft variation. Also, the report itself talks of the 46 submissions that were received, and 45 of them objected to the proposal. I think you mentioned just previously that some of them were deemed to be inconsistent with the variation or—

Mr Gentleman: That was in regard to DV 327.

MR WALL: Yes, okay. It is just starting to be a concern. An issue that is raised with me time and again is consultation on these sorts of projects, and, from a planning perspective, better transparency on what will form a valid submission in a consultation on a draft variation and what will be disregarded as being inconsistent with the proposal. I feel that the example here is much the same. We have had 46 submissions; 45 of them raised concerns. Ultimately the committee inquiry is another round of consultation.

Mr Gentleman: Indeed.

MR WALL: We are hearing that many of those concerns that were raised in the initial phase have not been taken into consideration. I think that is largely why residents—particularly, in this instance, in Turner—feel as though their concerns are being disregarded and the government is steaming ahead. What engagement does the directorate have with people who have made submissions in the original consultation round about what aspects of their submission have been taken on board and what changes or amendments are being made to address them?

Mr Gentleman: I can answer part of your commentary on steaming ahead. As we heard previously, we certainly are not steaming ahead in this regard. It has taken quite a while to get to this point. It is important that we hear from everybody during these processes. Whilst we make commentary on submissions made, we certainly take them on board. So we might respond in this case, as we have said, by saying that they do not associate directly with the draft variation, but we certainly take those submissions on board.

MR WALL: Yes. But saying that they do not associate directly with the draft variation ultimately means that the concerns that are being raised are not being given the same weighting as they would be if they were considered consistent with the variation. So ultimately you are saying, “Not completely relevant; we will put it to the side.”

Mr Gentleman: Mr Corrigan.

Mr Corrigan: A couple of things, Mr Wall. Further to what the minister has said, any submission on a territory plan variation we take into account—we have to and we do.

You say “disregard” but we are careful not to do that. Every variation gets a report on consultation prepared. That gets published online—those sorts of things—and in that we are very careful. We summarise the submissions. Often, similar issues are raised by a number of people so we try to summarise and group them together, and in that we try to respond to all of those.

You say “disregard”. We do not disregard them. Sometimes people raise issues. They are all valid, but in terms of a territory plan variation often it is just a rezoning or just changing some of the codes or rules that apply to future development. They may raise an issue particular to the development phase, and the territory plan variation in itself may not be able to address that particular concern. So you may read sometimes in the consultation reports that we say, “That is a matter for construction,” or, “That is a matter for later development application stage.” It is not disregarding the comment; it is just saying, “We note the comment but in the territory plan variation we may not be able to do anything specifically about that comment.” That is often what happens, but that is not disregarding the issue raised.

Mr Gentleman: It does come back to the conversation we had a little earlier about whether you align applications to variations and EISs at the same time so that the community can see what the outcome would be and therefore you can align the comments from the community with a particular part of that track. So if there is an application there and it shows a piece that the community is unhappy with, you can directly relate those comments to that if they were to run together.

MR COE: But when the government is a proponent as well as, in effect, the arbiter of the variation, you can do that. You can run the DA and the variation concurrently. Whilst technically it will be difficult, there is no reason why the government cannot say, “We will consider commentary on the DA or, in effect, the DA at the same time as the variation.” It might be hard when the government is not the proponent, but when the government is the proponent you should be able to control that process.

Mr Gentleman: Mr Corrigan.

Mr Corrigan: Thanks, Mr Coe. I am not quite sure that I follow you. Currently, under the Planning and Development Act, it is actually not possible to lodge a DA if it is inconsistent with the territory plan. So when you—

MR COE: No. To clarify, I am not saying technically to lodge the DA but, given that the government does control the subsequent DA, you can, for all intents and purposes, take the commentary on the DA now and factor that into your consideration, surely.

DR BOURKE: You mean the draft variation?

THE CHAIR: Yes, the draft variation.

MR COE: Yes, sorry, the variation.

Mr Corrigan: And that is what is occurring here. Many of the comments made on the Turner bus layover are provided through TAMS. We consult other agencies and make them aware of the commentary received. There were comments made about the

floodway and flood issues, the gross pollutant trap and things like that. The territory plan variation itself is not the vehicle to deal with a problem with the gross pollutant trap. But when TAMS go to designing the bus layover facility—if in fact it goes ahead and the variation is approved and all those processes happen—they get this feedback and they can take that on board. So at that stage, yes, they can look at the DA and design it and work it out and take on board this feedback. If that is what you are getting at, absolutely.

MR COE: Yes, that is right.

Mr Corrigan: And that that is what happens now.

MR COE: But I think what would be reassuring to submitters would be that they are not just told “this is actually a DA stage” but that you give an assurance that the DA will incorporate what their concern is, not simply refer it down the track.

Mr Gentleman: Take on board their comments.

MR COE: Not just take them on board but, if you agree with it, give an assurance at this stage that, as the proponent, the government will make sure that the DA does include that. I think that would be very reassuring to submitters in the absence of being able to do a variation and a DA concurrently.

THE CHAIR: This will be subject to a DA if the variation goes ahead, yes?

Mr Gentleman: Indeed, yes.

THE CHAIR: Questions?

MR COE: How much was the block of land at ANU sold for? Was that question asked earlier?

Mr Gentleman: No, I have not had that question.

Mr Corrigan: I cannot answer that.

Mr Gentleman: It is not within my remit, but I will—

MR COE: If you can take it on notice to find that out from one of your colleagues, minister, that would be useful. I think it would be useful to look at the economics of this whole project with regard to selling the existing layover and then to either—

Mr Gentleman: Facilitate the second.

MR COE: take away revenue from parking or an urban open space and then to construct it at a cost of at least \$5 million. I note the cost estimate is \$5 million, but I think we all expect to see that increase significantly. So I do wonder about the whole-of-government—

Mr Gentleman: Why would you expect it to increase significantly, Mr Coe?

MR COE: If the GDE is anything to go by, it should be about \$20 million. So I do, yes, have concerns—

Mr Gentleman: Yes, we will take that on notice. It is not my—

MR COE: about the economics and whether this has been a whole-of-government decision.

Mr Gentleman: Mr Coe, it is not my portfolio, but I am happy to talk to my colleagues.

MR COE: If it is a whole-of-government decision there should be an assessment, should there not, on whether this whole project stacks up?

Mr Gentleman: That is not a matter for the variation; that is a matter for the project. It goes to the discussion we have just been having about at what point you talk about comments in a variation that may be subject to a development application. You are coming back to a government decision and you are asking, “What is the reason behind the government decision?” That is in turn what we have been talking about for a variation and comments made to a variation that then inform a development application later on.

DR BOURKE: Chair, I was going to ask about the bike path that runs alongside this proposal. Is that going to be affected in any way?

Mr Gentleman: Certainly during construction, I think, yes.

Mr Carmichael: That is a very important regional bike link and it will be maintained. I am not sure it will be impacted by the construction because the construction is away from it. I ride that path every day, so I know it is not in great condition and the gravel coming out of that car park makes it dangerous for cyclists negotiating across the street, turning right and riding up beside the park. So the development will actually make overall site improvements across that area.

DR BOURKE: And, indeed, cars coming out of that car park that will not be coming anymore.

Mr Carmichael: Yes.

THE CHAIR: All right. Thank you. Minister and officials, thank you very much. There are a couple of questions that you have taken on notice.

Mr Gentleman: Yes, certainly.

THE CHAIR: If we could have those back by Friday, 24 April, that would be terrific. Thank you very much.

Mr Gentleman: Indeed. Thank you, Madam Chair; thank you, committee members; and thank you, directorate staff, as well.

INDIAN, MS MAGGIE, Turner Residents Association
PARSONS, MR NEIL, Turner Residents Association

THE CHAIR: Thank you very much for coming in this afternoon, Mr Parsons and Ms Indian, from the Turner Residents Association. As you would have heard earlier—I think you were in the room at the outset—I would like to draw your attention to the privilege statement in front of you that I believe the secretary will have sent to you before today. Could you just confirm for the record that you understand the privilege implications in the statement?

Mr Parsons: We do. I do.

THE CHAIR: Thank you very much. If you would like to make an opening statement—we have your submission; thank you very much for providing that—I will hand over to you.

Mr Parsons: Thank you. Thanks to the committee for giving us the time. Up front, I would like to say that we support public transport. We are not against public transport at all. I hope I am not sounding too preachy, but I would like to start with an opening quote:

Canberra's open space system is an important element of the city's structure and design and has helped maintain its garden city image.

This is a quote not from us but from the ACT government. This is taken directly from the Environment and Planning Directorate website. Open space has purposely and deliberately been set aside for this generation and future generations to enjoy. The availability of existing open space should not be used as an excuse for lazy urban planning.

The community looks to the government's planning maps and documents to identify the types of uses permitted by specific zones, and a rational person does not associate a bus layover as an appropriate use for open space and parkland. In our initial submission on this matter, the Turner Residents Association supported measures to improve and encourage the use of public transport. However, we firmly opposed using gazetted parkland to improve transport infrastructure, and we set out the following reasons for that position.

Firstly, existing open space needs to be protected. It should not be used to compensate for past inadequate planning decisions like not requiring a bus layover as a condition of giving ANU the current site as part of the city west—I understand, selling it—revitalisation project. It could have been incorporated perhaps, as you suggest, as a land swap. It could have been done on the corner of Barry Drive and Marcus Clarke Street, where there is still a car park. It could have been at the basement of one of the buildings, and possibly still could be.

Secondly, parks are a valued community resource and will become increasingly important as the city continues to grow and its residential densities in and around Civic increase. The territory's spatial plan anticipates an additional 45,000 people living along the Northbourne Avenue corridor. Just immediately to the south of the

site there are 2,000 students now living in the new student colleges that have been built in the last five to eight years.

The area between Watson Street, which is adjacent to the site, and Northbourne Avenue is going to be really dense. There are going to be many more people changing from suburban single block houses to high-rise density. All those people and their children will need parks to recreate in. For office workers in city west, this is the nearest park to them for lunchtime. This site is the gateway to that park.

Thirdly—I think you raised this, Dr Bourke—when the existing dirt car park that currently occupies the site was set up, there was fierce community resistance to it becoming a temporary car park. We were assured that the site would revert to public open space once the short-term needs at the time were met. There is still a sign there that says, “This site has been protected as open space by the ACT government”, yet the association believes that the government should fulfil its commitment to the community on that aspect of it. It has always been a temporary car park. That is why it is not paved; it is gravel.

We, as a residents association, have been fighting for a long time to try and get that reverted to parkland. We have had competitions conducted for designs for the park, and Dianne Firth from UC did a competition with her students. We displayed them. Zed Seselja came to view them. Three were voted the best by Professor Firth, and we submitted those—this was probably 10 years ago—to the government.

We feel that the Turner parkland should be improved. It is being treated as an infrastructure asset—that gross pollutant trap. They are actually not for stormwater; they are sewerage holding tanks in the corner. There is fencing of the oval, which is now not available to anyone. The other oval directly across the road has been fenced too. You have to book those ovals to use them now.

The car park around ANU North Oval is a paid parking site. It was originally just a place for people to go and park when they used the oval. The rest of the parkland is in very poor condition. It has been our project for the last 10 years for this parkland to be improved because it is the closest parkland to the city west. We feel it is equivalent to Glebe Park. It should be treated that way, and the site is the gateway to that park.

Ms Indian: I would reinforce what Neil has been saying. I have been involved with the Turner Residents Association for a very long time. Our vision has always been to think of Melbourne, think of Adelaide, think of those parklands that were threatened at times in the 19th century. They fought for them and they protected them. This is an opportunity on this side of Civic to protect what will be seen in the future to be an absolutely key part of a green corridor going right back into the inner north. So that has always been our vision.

Mr Parsons: Perhaps this would be an appropriate time to refer to this map. This is a map of the Sullivans Creek corridor—the green parts—and its offshoot goes off to Watson, Downer and Hackett. It goes down there and this goes up to Lyneham, Mitchell and Gungahlin. We are just so fortunate that we have got this continuous green zone that goes from the north right down to ANU, which is this hatched area. Even though it is hatched, obviously the creek continues down to the lake.

It is unfortunate that the directorate does not seem to communicate with the ANU. The ANU have developed a master plan, the 2030 master plan, and they have got two axes on that. They have got University Avenue, and Sullivans Creek is the other axis. That plan, I think, was agreed two years ago. They intend face buildings onto the Sullivans Creek axis—face any new buildings onto the creek—and to build footpaths and bike paths all the way from the lake up to Barry Drive on both sides of the creek.

It just seems madness to put, effectively, a brick wall across that bike path by building a bus layover which would stop traffic continuing up along that green spine. That green spine should continue right down to the lake without that bottleneck. If we look at the map—perhaps this one would be best—in the bottom corner is where the bus layover is going to be. You can see it is going to be a bottleneck. There is the oval here, which has got a fence all the way around it. There is the paid car parking and then this concrete channel of a creek that goes down to this really smelly gross pollutant trap. It is ancient technology. We can talk about that for hours, but it is not relevant. Then there is a bank up here and directly there will be the bus layover. There will not be room for that corridor to continue. It will be stopped there.

Ms Indian: You would be aware of the consultancy exercise that is going on at the moment, the urban design planning framework exercise for one kilometre each side of Northbourne Avenue. I am part of that for the Turner Residents Association. From very early on, in our first meeting, the consultants have sung the praises of the possibilities of the Sullivans Creek green space as the spine of that whole area through the inner north. At the first meeting someone raised the bus layover and they were pretty surprised that what they saw as a key part of the planning for that part of the green spine had already been almost spoken for as a bus layover.

There is a very expensive planning exercise going on, and an ad hoc decision that was made some time ago has just been lobbed into the middle of it. That is another of our contentions—that this is piecemeal and ad hoc and a lot of government money is being spent on a potentially wonderful planning exercise but it is having to deal with roadblocks like this. Sorry, I—

Mr Parsons: No, that is very relevant, thanks.

THE CHAIR: Thank you. I am conscious that we might run short of time. We have got you for 20 minutes, I think.

Mr Parsons: We thought originally we were getting half an hour.

THE CHAIR: Right. Is there anything else you would like to add? Otherwise I might throw it open to questions so that every member has an opportunity.

Mr Parsons: Yes, sure. I would like to quickly address the selection process of the site, if I could.

The directorate staff said there were 24 sites originally chosen. There were actually closer to 30. Some of them were ridiculous. They were over in Barton and some of them were in the middle of roundabouts, so I am not sure how many were seriously

considered. The history actually goes further back. There was a plan called the Canberra city area action plan that was done in about 2010. We made submissions to that during the draft stage, and when it came out in the final stage the bus layover was included in that plan. It was not included in the draft. We had not had a chance to do it. It was subsequent to that that all the 24, 32 or whatever sites that were chosen were decided to be investigated. But it was after it was put into the AAP proposal.

For an outsider it looks like the site was chosen. The consultation period and looking at all the other sites was just a way of ticking boxes to legitimise the original choice, so we were disappointed in that process. We feel that there must be better sites than this current one and that they should look a bit harder.

THE CHAIR: Thank you. We are at a slight disadvantage to some extent in not having heard from the proponents or the ultimate users of the site—that is, ACTION—and we are confronted with a sort of a public transport-urban open space potential conflict. It is not an ideal one to have.

If there were to be no alternative sites but this site could be reduced somewhat from the current size that it is and positioned slightly differently on that piece of land, is there a compromise, noting your longstanding interest and involvement in the issues and also that there are some landscaping issues that are obviously present in the proposal? Could there be a smaller version of the layover, if it turns out that that is the only option for the efficiency of the network as a whole?

Mr Parsons: You say it is the only option, but I do not accept that it is.

THE CHAIR: Point taken.

Mr Parsons: It is still galling that the ANU is able to buy a block of land in one place and then effectively have another block of land in parkland allocated to the previous use of that block they bought. They are effectively buying. It is like they are buying the parkland and building on it. It is a terrible swap. I did print out all the alternative sites. For instance, there was one site in Hobart Place—the car park—that was examined. That was quite close to the bus route. Perhaps, if you really had to, you could even put it at this corner instead of across the Sullivans Creek corridor. I have not even thought about that one and I have not talked about that to the Turner residents.

Ms Indian: I was just going to say that since that site has been identified—Neil has suggested that it was identified probably prior to the consultation exercise—a whole lot of other things have happened; for instance the potential tram route. I know that in Dickson if the tram route goes ahead there is to be a bus-tram interchange depot. I have been told by officials that it would not possibly be big enough to be also a bus layover. But my point would be that things have moved on a lot and we are now talking tram.

Surely this should be looked at again in light of the potentially huge changes to public transport in this area that are being proposed. Shouldn't this be looked at again? Shouldn't we be saying, "Hang on. All the balls are up in the air, really; let us take this one back to the drawing board; let us try harder; and let us get something that is

going to be more in step with, in tune with, the way our planning is proceeding on public transport”? This is pretty old-hat stuff.

THE CHAIR: Thank you. Mr Coe.

MR COE: With regard to the maintained urban open space, with North Oval being gated and with Willows Oval being gated as well, for someone who lives in that south-eastern part of Turner near Barry Drive where would be the nearest landscaped space or maintained space?

Mr Parsons: Possibly O’Connor oval.

MR COE: That far away?

Mr Parsons: Yes. I used to be able to take my daughters across to North Oval and play. When it was locked we went across to Willows, and now that is fenced off and locked as well. The 2,000 ANU students over on city west cannot use those urban open spaces; they have to go over to O’Connor, up near Macarthur Avenue.

THE CHAIR: Dr Bourke.

DR BOURKE: I put to you the question I put to the minister. The site has been a car park for 20 years. How much worse, in your opinion, is it going to be if it is a bus layover? You talk about a brick wall to a bike path but a bus layover is essentially a car park.

Mr Parsons: We do not think it should be a car park either.

DR BOURKE: So how much worse is the proposal than what is there now, or is it no worse, in your opinion?

Mr Parsons: I think it is probably worse because you have even less chance of getting it converted back to its original use—its original promised use—once you build meal rooms and rest rooms, toilets and so on. We were already feeling despondent. Every three years or so, we understood, the temporariness of the car park had to be readdressed but that seemed to get lost over time.

We have been fighting this temporary car park for quite a long time. There was a proposal for a multi-storey car park there about six years ago. There are proposals for bigger car parks on the north end of the park. There is a proposal from ANU to put in a childcare centre just next to North Oval. There were proposals to put a childcare centre over in another part of the park that the department of education were looking at. They decided not to do that. But you can see that the parkland has been a target for infrastructure projects just because it is open space. It is not being valued properly as parkland.

There is a quote in here, for instance, from the environment directorate. They say that one of the reasons this site is a good site is the limited potential for the site to be used for higher order uses such as retail or residential. That is not what a park is about.

DR BOURKE: So you are not taking any comfort from the minister's proposal to have this as an overlay so that if the bus layover is no longer required it reverts to parkland?

Mr Parsons: No. We feel that it will eventually get developed. It is very hard to un-develop a site that is already developed.

Ms Indian: And we were given assurances that it will only be a gravel car park; it will be temporary; no thought to any further development on that site; it will revert to open space.

Mr Parsons: While city west's car park is built.

Ms Indian: And what do we see? A bus layover.

THE CHAIR: Thank you. Mr Wall.

MR WALL: Mr Parsons, you said that a wide number of sites were considered. Why do you think this one was ultimately chosen?

Mr Parsons: If you worked for Roads ACT and there was an empty site next to the road you would grab it and you possibly might not consider the parks side of it. They developed this landscape plan only after some badgering and they are not taking ownership of this plan. Dr Bourke, you asked whether or not they are committing to the plan, and they are not. They put this on the website as a sop and it went up whenever there was a display. The residents who went and saw these displays thought this was what was going to happen. We hope it still will. We encourage this committee to recommend that it gets implemented. They do not show any ownership of that plan. We say that the roads people are just interested in roads and if there is an empty site that is why they will choose it.

THE CHAIR: I believe the Canberra City Farm is on this as well. Were you involved in the development? It is a city farm, but I guess it is still development on the site.

Mr Parsons: They came to see us. We have been liaising with them ever since they first proposed it. In fact, the first site they wanted was the car park. They thought that would be ideal because it was so close to the city. They wanted it to be close to where people could visit it. When they realised that was not possible, they chose the site further up. We are very happy. It is only there for two years, but that is the sort of proposal that parkland is good for, I think.

Ms Indian: And we do believe that one is only there for two years. We trust them!

Mr Parsons: They have got bigger ambitions.

THE CHAIR: Are you aware that they have to rezone the land for that?

Mr Parsons: No, it was not rezoned. They have got a two-year licence to use that site. They want a bigger site to be able to do more than they are doing now.

THE CHAIR: Thanks for your time and for staying an extra few minutes.

DEY, MR PETER, Chairman, Avenue apartments

THE CHAIR: Welcome, Mr Dey. Could I just draw your attention, as I have of others, to the privilege statement? Could you confirm for the record that you understand the statement?

Mr Dey: I understand; thank you.

THE CHAIR: Thank you. We have your submission, but I will hand over to you to give an opening statement, if you like.

Mr Dey: Thank you, Madam Chair. I guess you already have my submission so I will try and keep it short. I am the chairman of the Avenue apartments at the corner of Northbourne Avenue and Barry Drive. I represent 239 unit owners, one commercial unit and around 400 residents. I come with the full support of the executive committee of the building as well.

I firstly would like to say that I fully support improvements to public transport. My partner and I live in my unit. We do not own a car. We both walk to work. My partner works at the ANU as well. I certainly support revitalisation of city west. It has been welcome to see the amount of development happening in the area, certainly with the new restaurants. It is looking quite good. So I understand the rationale behind selling the current bus layover facility to the ANU with the hope of redeveloping that particular block of land.

Minister Gentleman mentioned that when DV 309 went out for the first round of consultation 46 representations were received and 45 of them were in opposition to the draft variation. The crux of the opposition that was stated was in relation to the conversion of parkland, basically into a heavy vehicle facility. The revised draft variation that was submitted to the minister does not actually address these concerns. In the consultation report a lot of the concerns were dismissed outright, which I think was alluded to earlier.

This brings me to the proposed overlay for block 8, section 35. DV 309 proposes to insert an overlay to this section which is currently zoned as PRZ1. As I am sure the committee is aware, the objectives of the PRZ1 zone are to provide an appropriate quantity and distribution of parks and open spaces that will contribute to the recreational and social needs of the community. A heavy vehicle facility at this location is quite clearly in contradiction to these objectives, regardless of the means by which it is achieved.

It has often been referred to by ESSD, and a number of times in both versions of DV 309, that section 25 is merely an underutilised dirt car park. That has been alluded to a number of times here. What seems to be forgotten is the fact—and Mr Parsons referred to this earlier as well—that the car park was meant to be temporary in nature and assurances were given to nearby residents that it would be converted back to urban open space once the parking problem was alleviated in the city.

At the core of the representation from the Avenue is the fact that another, more

suitable site exists. I think, Ms Fitzharris, you mentioned earlier that the Coranderrk site was raised as a suitable alternative. The committee at the Avenue strongly believes that the Coranderrk site is a far more suitable alternative. In fact, the planning study itself stated that the surrounding land at the Coranderrk site is less sensitive to the visual and environmental impacts of a bus layover facility.

The site is not located close to any residential zones, it has no footpaths, it rarely sees any cyclists nearby, due to its proximity to Parkes Way, and it can be expanded further in the future to vacant land which is adjacent to the site. Alternative uses for this site are also possible, such as during major events in the city centre. A great example recently was the Multicultural Festival, when the bus interchange at East Row was temporarily closed. The Coranderrk site would have made for an excellent temporary bus interchange for that period. The feasibility study also notes that the Coranderrk site was supported by all organisations consulted, with the exception of CIT. I will now throw it over to you for questions.

THE CHAIR: Thank you. Mr Coe.

MR COE: Firstly, thank you for the role you are doing at the body corporate. I know that is a thankless task, and to come to an Assembly committee is going well above and beyond the requirements. With regard to recreational areas for residents of the Avenue, where would be the main open space?

Mr Dey: The Turner parklands that we are talking about here would be the closest open space for the Avenue residents.

MR COE: Is that space maintained to a standard that is befitting of the population density of the area?

Mr Dey: I would have to say no. In my submission to the committee I also noted that the population density, particularly in the Northbourne Avenue corridor, is increasing. So these open spaces become increasingly important. To answer your question, I would say no, the Turner parkland is not maintained to an adequate level.

Mr Parsons previously mentioned the removal of North Oval from the use of residents in the close vicinity. I support Mr Parsons's comments. You cannot even go on a Sunday and kick a football with a couple of beers on the oval anymore because it is technically trespassing now.

MR COE: I am conscious of the time, so I will pass to Dr Bourke.

DR BOURKE: In your submission you mentioned a need for greater retail activity around Turner.

Mr Dey: Absolutely.

DR BOURKE: Where do you envisage that might happen?

Mr Dey: There is a derelict PCYC building in Hackett Gardens. I think that would be an ideal location for low density retail, specifically considering its proximity to the

childcare centre and the senior citizens centre.

DR BOURKE: Do you have much more background as to the genesis of the dirt car park?

Mr Dey: Unfortunately, the Avenue has only been built for around nine years; the dirt car park was there previously. My understanding is that it has been there for around 20 years now.

MR WALL: Mr Dey, what concerns do you or residents of the Avenue have that this proposal is just the next step in a gradual creep to eventually develop the parkland?

Mr Dey: You have hit the nail on the head there. The biggest concern that we have is basically that this is a precursor to a development application which would just be signed off because the DA now supports the change of zoning.

MR WALL: What fears do your residents have about further development along that parkland corridor?

Mr Dey: None that have been expressed to me. It is more about the loss of that open space. Like I said before, the Turner parklands would be the closest open space we have available to us. Haig Park would be the next closest.

MR COE: Not discounting the value or benefit of a landscaped open space, what value is that space as a car park to residents, as well as visitors?

Mr Dey: At present minimal; there is minimal use for a utility of that kind of space.

MR COE: Most visitors would park on the street in and around the Avenue?

Mr Dey: We actually have plenty of visitor parking at the Avenue, so parking is not a huge concern.

THE CHAIR: I wonder, instinctively, if a major route like Barry Drive makes more sense for a bus layover than having to wind through the city as they currently do. I could be wrong on that.

Mr Dey: Of course.

THE CHAIR: Mr Parsons indicated there are other sites, potentially. For example, there is McCaughey Street, heading up along Turner there—that corner of Barry Drive and McCaughey Street—because it does not feed into the parkland coming down. Is that something that you think could be considered?

Mr Dey: Absolutely. Another site that I do not believe was given consideration was also on the corner of Barry Drive and the street up near the CSIRO. It is currently a dirt car park that is owned by the ANU. The difference in terms of bus timings would be minimal.

THE CHAIR: On the Turner side or on the Acton side?

Mr Dey: The Acton side.

THE CHAIR: Is there anything else you would like to add?

Mr Dey: Just with respect to the consultation process itself. I am probably preaching to the choir here. I had some quite grave concerns about the way in which consultation was performed. There was a notice placed up at the O'Connor shops, which for most Turner residents is a bit of a hike. Particularly for residents who are in close proximity to the proposed site, that is a 25-minute walk. I do not imagine you would be getting many submissions from Turner residents in close proximity to that particular site.

Secondly, the Avenue made two submissions for this draft variation. The first one was to the environmental sustainability directorate. We never received a response to that. The only indication we had that this draft variation was submitted to the minister was when one of our residents raised it with us, with a copy of the media release. It does not surprise me that you only received two submissions from residents because it was not advertised very well and residents who had made submissions were not notified that it was going any further.

THE CHAIR: Are you referring to the committee's inquiry now or to the work that the directorate did?

Mr Dey: I do not quite understand the question.

THE CHAIR: This is part of the consultation process as well. Once the minister receives the consultation report from the directorate and determines whether or not he may refer the DV to the committee, it is another stage in the process. In terms of not being notified, do you mean of the committee's further inquiry or do you mean of the original consultation on the draft variation?

Mr Dey: Of the committee's further inquiries. We did make a representation approximately a year ago to ESSD, but we were not notified by either ESSD or the committee that the consultation was going any further or that further submissions were being invited.

THE CHAIR: Certainly the committee can take that on board in terms of its own notification of a further inquiry. It is on our website and advertised through Twitter, I believe, but we will take that comment on board in particular.

Mr Dey: In the past when the executive committee of the Avenue have made representations to ESSD we have received written responses, whereas no response was received this time.

MR WALL: So the bigger concern is that no response was received in relation to the original submission.

Mr Dey: Yes.

THE CHAIR: Do you mean an acknowledgement that your submission was received or a substantive response to your submission?

Mr Dey: A substantive response is normally received.

THE CHAIR: So not in the form of the actual final draft variation?

Mr Dey: That is right.

THE CHAIR: Thank you for your time.

The committee adjourned at 3.39 pm.