

## **Response to the Report on Consultation – Draft Variation to the Territory Plan No. 261 – Part Blocks 2 and 3 and Block 5 Section 75 Watson Changes to Commercial CZ6 Leisure and Accommodation Zone – May 2008**

I am providing my reply to the Report on Consultation on Draft Variation 261, recently authored and released by the ACT Planning and Land Authority (ACTPLA). In this document ACTPLA portends to reply to the written submissions provided by “the public, the National Capital Authority, the Conservator of Flora and Fauna, the Environment Protection Authority and Heritage Council...”.

In my view this document provides inadequate responses, raises more questions than it answers, is patronising, shows contempt for the community at large – including their time and effort in participating in this so-called ‘consultation process’, is misleading at best and illustrates that ACTPLA have already made their decision on the fate of the area. Why bother to have a ‘consultative process’ at all.

This reply challenges yet again, the competence of ACTPLA to manage this process by showing the glaring holes in their responses. First and foremost, there is still a fundamental question unanswered: “The Territory” (whomever that is) has a duty under the terms and conditions of the lease agreement to ensure that the lessee (Olenty Holdings) maintain the grounds according to the lease provisions (p. 7 of their lease). This has clearly not been done, and so, the Australian Heritage Village has been purposely allowed to be ‘not commercially viable’ and in breach of the lease arrangements. Why has the lease been allowed to be continued when there is an obvious breach? The Territory, by law, should have intervened years ago. This is highly dubious practice at best and could be construed as collusive practice.

This is not about reinvigorating a pub. It is about saving a precinct that is unique in the National Capital and providing working environments, arts, entertainment and facilities that are rapidly diminishing in the ACT. New suburbs are going to need to be built – that is a given, but why do you have to destroy an existing precinct on such flimsy grounds? It is viable and the owners themselves know this – they are still reaping in \$2 million a year without doing anything.

Don't sell off the farm, once it's gone it is gone.

I am not prepared to let this site go without proper public consultation. I call on this committee to have a public debate, properly publicised, and not from the view of the developer. This is not ‘affordable housing’. It would be a brave government that would turn down this variation and not allow this development to take place but it might restore some standing in the community.

Albee Sedaitis and Laurie Mattheson had a vision for Canberry Fair, as it was then known, and they were hamstrung every step of the way. This vision started well but was never completed for a variety of reasons. It doesn't mean that that vision can't be reinvigorated. There are people with passion and money who are more than willing to reinvigorate the Village and provide a valuable recreational, creative and inspiring place for Canberrans and interstate visitors alike. The current drop in Canberra tourism shows that there is a desperate need for more creative options to be provided and the location and buildings of the Heritage Village are ideal to foster and meet this need.

What we have at the moment is Government and Opposition support for this draft variation based on the political show-front for the need for affordable housing. What we really need is long term land release planning and a view of the future that isn't about creating a corridor of flats/units and townhouses along the Northbourne Ave/Federal Highway corridor – the northern entrance to our

city. What happened to the National Capital Plan from rural to semi-rural to semi-urban to urban? The profit was too great to resist?

What follows are my comments in response to the ACT Planning and Land Authority response to the community consultation process in the order received:

## **Response to Standard Letter Submissions**

### **2.2.1 Standard Letter Submissions (408 Total)**

#### **A. STANDARD LETTER COMMENTS**

##### **1. Retain and re-open Clancy's:**

ACTPLA's response to retaining and re-opening Clancy's hotel is inadequate and not factual. It was a viable business – a \$1 million a year turnover I would describe under any criteria as viable – and more importantly, a central meeting point/hub for people inside and outside the ACT. The previous owners, Stewart Wiggins and Kevin Darmody were running a thriving business when forced out by Olenty Holdings as they were instructed that their lease conditions had suddenly changed from a 12 year agreement (optional at 3 year increments) to a month by month lease once the owners decided that changing the Variation to allow residential development was a possibility and far more profitable. How could any business, let alone a long term investment such as a tavern be maintained and improved on a month to month basis?

This is one of the few free standing, purpose built, authentic replica, and atmospheric taverns existing in Canberra that is now scheduled to be destroyed. This is a much loved place with fond memories of many Canberrans.

The owners and current tenants of the Village have been approached on numerous occasions by prospective tenants who want to re-open the tavern only to be turned down or not provided with any realistic lease conditions. Each attempt was met by restrictive, prohibitive leases given the amount of money needed to be invested to indeed make it again viable. This shows that the current owners were not interested in making even this one business a viable business proposition. The greater want of the lessees was to keep this place 'unviable' to be able to have this variation agreed to and replace the Village with townhouses. They – the owners – are not stupid, this is a prime piece of real estate. They were perfectly happy to sit on this investment for as long as needed to get through this draft variation.

However, paradoxically, the growth in the surrounding areas (the other side of Antill Street and Gunghalin etc) means that there is even more demand for a tavern in this part of Canberra. There are no other alternatives for 'locals' in this area and this would be a viable business proposition given appropriate leasing arrangements. See further comments on this below.

##### **2. Retain the mill-pond**

I don't know if ACTPLA actually read the non-standard submissions (which provide greater clarity), as the mill-pond is not only a pond but a structure, a building, one of only 3 remaining in Australia. It may not yet have heritage stature but it is a significant building and architectural achievement in its own right. It is not just about 'water runoff', it is a mill, a working mill, one that has a large wheel that turns when there is water running through it. It has been a fabulous place for children to look in wonder at what a water wheel does and find out why. The maintenance of this has of course been stopped by the lessees. Lack of providing money by the lessee is one factor, willingness to want it not to be significant is another interpretation.

This mill-pond is an authentic replica, as mentioned only one of three existing in this country, which demonstrates how these buildings and water systems have been used in Europe for centuries.

##### **3. Preserve other beautiful buildings at Heritage Village**

ACTPLA's response says that the buildings have no heritage significance etc. That is not what the submissions were trying to establish. People want to save these buildings because of the whole site and its possibilities. There is no claim here for heritage listing or recognition in that category, it is well documented that these buildings were built in 'heritage style', the point of contention is that we, as a community, will be losing well-built, useful and functional buildings under the then Entertainment, Accommodation and Leisure zoning and have replaced with flats/units and townhouses under the draft variation proposal. Over 400 people in the local area don't want it. There was no publicity campaign to garner this support, it was purely by word of mouth, and 400+ people submitted a submission to say they don't want to lose these buildings.

#### **4. Development should not be allowed until sewerage, road capacity, school and recreational amenities issues have been addressed and rectified**

As stated in my personal previous submission all of these studies were conducted in 2004 and are now out of date. These studies were performed on behalf of the Village Building Company and not by the Government. ACTPLA's specific responses to these issues on pages 15 - 16 for sewerage, page 16 for road capacity, pages 26 -27 for recreational and page 14 for recreational amenities indicate that either the cost will be borne by the taxpayer or responsibility and cost by the developer. The latter is particularly dubious (see the following pages of this report for a more detailed response).

#### **5. Traffic and/or aircraft noise would be too loud for residents on the proposed site**

ACTPLA's response indicates that the traffic noise for the proposed development will be "designed to meet ACT guidelines", I still find it contradictory with the NLA proviso on the entrance corridors to the ACT. Building medium density housing right next to the Federal highway 'slow down' zone with air compression braking trucks at all hours does not seem to me to be in line with the guidelines.

The noise from the flight path information has been provided, according to ACTPLA's documentation, by the Canberra Airport and Air Services Australia. I would like to see this report, its date particularly, and the plan for the Canberra Airport. Sydney has well and truly made the mistake of not forward planning the impacts of flights and airport noise that has cost them and their citizens dearly. Do we really need to recreate that mistake? This is supposed to be a planned city, it doesn't seem so at the moment.

#### **6. Concerns about Flow-on changes to the management of the Canberra Nature Park [sic]**

I am curious as to why the fencing along the back of part block 3 and all of block 2 (currently part of the nature reserve) to protect drivers and kangaroos from colliding has been stopped. Was there a decision to halt this work as it encroached on the proposed ownership of the land? Also, there were re-fencing works finished along Antill Street by ACT Government rangers that would, under usual conditions, be paid for by the lessee. Can you confirm that this is indeed the case and that the ACT taxpayers are not footing the bill for the current lessee, as I would see this as misspent public monies.

#### **7. Bad planning to put high or medium density housing where the residents don't have ready access to shops, recreational facilities and, particularly, consistent public transport**

ACTPLA's response states that there is "a convenience store at the adjacent service station and Watson local shops". As mentioned in my previous submission, the Watson shops are already coming under strain from inadequate parking and, with an additional 300 residences in the vicinity, this will further increase the pressure. As ACTPLA mention, I am sure the shop owners will be rejoicing but the new residents won't enjoy not being able to get into the shopping centre. Is the ACT Government going to address this issue before the new development is built? ACTPLA's response also states that "Antill Street is a bus route with regular services." Not any more. Four bus stops were shut down last week on Antill Street. ACTION are not looking after

current residents, what guarantees can be provided for the 'affordable housing' site whose residents might need to depend even more strongly on public transport? This is of course assuming that the 'affordable housing' is actually affordable and not used by either the developers or future investors as a straight mechanism for profit.

There was some emphasis expressed in the ACTPLA response to show that this development was not high density given height restrictions etc. The point of this part of my initial, and now subsequent, objection was the adherence to the objectives of the Territory Plan and the visual impact on the entrance to the Territory. I have noted that the ACT Government has taken the time to deal with this issue by altering the intent of the said Territory Plan by altering the Spatial Plan so that development along the entrance corridors can now be referred to as 'urban intensification'.

**8. Concern about process where buildings are left to rot so that the owners can claim the tourist facility would require refurbishment to operate as originally intended and then redevelop the site with Government support.**

As mentioned above, The Territory is in breach of its duty of care in managing the current lease and the behaviour of the current lessees.

The lessee has not allowed more than month by month leases on any building for more than 4 years, meaning that potential tenants can not justify their start up and investment costs in a business on the site. With the argument to destroy the existing buildings predicated on the notion that this site is not viable is patently wrong, it has been the owners who have obstructed the site from being commercially viable.

It is not just a tourist facility, it is also for entertainment and leisure – hence the previous wording of ACTPLA's zoning legislation. It does not have to operate as a fun park to meet these criteria, other options highly desirable to the Canberra community, which have been turned down by the lessees are: restaurants, cafés, coffee house owner barristas, function centre operators, photographers, artists, publicans, wood crafts, music teachers, black smiths, plant nursery operators, side show operators, the Scouting community, vintage car restorers, the list goes on and on.

Further, ACTPLA's own internal documents outline problems with defining affordable housing, so how can ACTPLA or the Government guarantee that there will be "community benefit"? For example, in a letter obtained under FOI provisions, Neil Savery, Chief Planning Executive, ACTPL says "It is also worth noting the difficulty in defining and setting parameters on 'affordable housing' provision. This may impact on the price that the proponent would be willing to pay for the additional land and generate comparatively lower revenue" (Feb 13 to Anne Skewes, CEO LDA). Not to mention the land grant – yet.

**9. Cats and dogs will have free, easy and uncontrolled access to the Canberra Nature Reserve, putting excessive pressure on native animals**

ACTPLA's response indicated that this would be managed by the developer under the Community Title scheme. Other documents obtained under the FOI provisions indicate a concern for the implication of applying Community Title to the cost of 'affordable housing'. "It is understood that the proposal involves the possible use of community title for the development. The approach raises the issue of potential high costs for ongoing maintenance of the communal areas and may be contrary to the purpose of such affordable housing provision." (Neil Savery to Anne Skewes, CEO LDA Feb 13)

**10. There are far too many box-like, crowded together, environmentally unsound buildings in North Watson already**

The purpose of this topic was to show that the development controls in the relevant codes are continuing to build inappropriate boxes. Therefore, to continue with this will result in repeating the planning mistakes already made.

## **B. ADDITIONAL STANDARD LETTER COMMENTS**

In the interests of brevity I have only selected a sample of specific and poignant excerpts from ACTPLA's Response document. There are, obviously, many more that I would like to explore in detail so I again request that there be a public forum on this matter.

### **1. Preference given to developer**

- a) Concern that developer is gaining a lot of access to developments in ACT and making money by claiming to be setting up 'low cost' housing and gaining the Government's ear.*
- b) Pandering to developers' wishes with no oversight or control from relevant authorities and Minister.*
- c) Development does not consider wellbeing of existing Watson residents.*

### **Response**

- a) Every proposal and application for variations to the Territory Plan and development assessment is assessed on its merit in accordance with the Territory Plan's Statement of Strategic Directions and development controls.
- b) ACT legislation imposes a rigorous and transparent process on the development and redevelopment of land in the Territory.
- c) The proposed development is not considered to result in a significant negative impact on existing Watson residents. It provides opportunities for other potential home-owners to share and invest in the suburb at more affordable prices.

### **My response:**

- a) and b) The developer not only has the Government's ear, it seems to have it by the pocket. The Opposition is included in this as they are as willing to support the development. So, who represents the community interest against developers and unwanted construction? The development of the Territory Plan is not open and transparent, the changes were introduced without the understanding by the community of what was actually going on, what the ramifications are/will be, and any proper consideration on what the community actually wants this city/territory to look like or become.
- c) Who measures this stuff? Does anyone at ACTPLA actually talk to the residents? Most of them don't even know that this is planned to happen and certainly not the magnitude of the redevelopment. I understand that this is just another part of the 'intensification' program and that most of Antill Street will be submerged under more 'affordable housing'. Please feel free to be 'rigorous and transparent' on this issue. How can ACTPLA categorically state that this "proposed development is not considered to result in a significant negative impact on existing Watson residents? People that have bought at Solstice did so with the knowledge that they were going to be looking out at a semi-rural or nature park setting, not another bunch of townhouses and a new development across the road(s).

Further, "more affordable" than what? ACTPLA's response says that the body corporate fees will be set by the developer, how will it be more affordable? There is also no published agreement by the Government as to what constitutes "affordable housing", (see above) so how does anyone measure ACTPLA's or the developer's success or failure? And, who will monitor this and how and over what period of time?

## 2. Parking and traffic issues

- a) *Shortage of parking at Watson Shops will be exacerbated.*
- b) *Additional traffic will increase congestion on existing roads.*
- c) *Access to Watson Pre-school already very difficult for current residents.*

### Response

- a) If there are parking issues at Watson shops this would need to be resolved rather than limiting the number of customers. It is most unlikely that the Watson centre traders, who are also significant stakeholders in the community, would accept a decision to limit their customer base.
- b) The traffic analysis has found that the additional traffic is within acceptable limits
- c) If there is a problem with pre-school capacity then it may be necessary to expand the pre school capacity in the future.

### My response:

As a planning authority I would have imagined that ACTPLA would have an understanding of the traffic issues in, not only Watson but also issues impacting on Hackett, Downer, Dickson, Lyneham and Ainslie, particularly concerning parking. Without suitable planning for appropriate infrastructure, the proposed development will swamp these areas with additional cars, and the associated problems, as there is no suitable public transport. Indeed 4 bus stops on Antill Street have recently been closed as mentioned above. I obviously support more patronage for local businesses as there are three very profitable tenants at the Village who are about to lose their livelihood, but where will people park to go to the corner store, chemist, etc?

And, as I have witnessed, the owner of the Watson IGA is very vigilant and enthusiastic about including the local parking inspectors in ensuring that the management of the car park at said local shops is kept under control. I'm sure new residents will appreciate this vigilance when trying to buy their necessities on the way home from work. More revenue coming the Government's way no doubt.

Can the Committee guarantee that the Government will build infrastructure that supports this development rather than relying on a further process to be managed by residents to point out that this is a problem for them?

- b) The traffic analysis that ACTPLA refer to was conducted in 2004, before the extension to Gunghalin existed. The Hackett Community Association has been very active in the impact that they are seeing on their suburb, and surrounding suburbs, already. This advice has been accepted by Mr Tony Gill, Director of ACT Roads, and a presentation was made to Chief Minister, John Stanhope. These road problems will obviously increase and there are no known proposed infrastructure upgrades to manage this, I can't see that the Government can call this within acceptable limits based on an outdated study. I ask that the Government produces a new report on traffic impacts given the changes to land release and occupation numbers in surrounding suburbs and the potential impacts of this development. I also ask that this study is conducted by the Government, as our representatives, rather than relying on an assessment paid for by the developer as has happened in the past.
- c) If the Government's previous track record is anything to go by, I won't plan on giving birth in the next 5 years in this area and expect to get into a child care centre.

## 4. Limit on development

*Antill Street should be northern boundary for development so as to avoid ribbon development northward.*

Response

Territory plan zoning controls have and will continue to prevent inappropriate development including ribbon development. This site has been and is still considered suitable for urban development. The Authority considers affordable housing residential development an appropriate development outcome for the site.

**My response:**

I am sure they do. The point here is that I, a tax and rate payer, don't. According to the 'intensification' plan all of this area is going to be built out. The quality of life of Canberrans is being objectified – at what cost? Of course the site is considered "suitable for urban development", it meets the guidelines and the land is obviously valuable. However, what are the other elements that make people want to live in a community such as ours? Open space, family friendly places, natural environment, native animals and birds, an ability to get away from the built up environment. I go back to one of my original points: the site is viable as it is and can provide a creative, family friendly, multifunctional, tourist friendly environment. I also reiterate my point that there is no Government, or ACTPLA, definition of "affordable housing". Can we please have an agreed definition of what we are talking about? Who will monitor the developers?

## **5. Lack of public consultation with Inner North community**

Response

The Territory Plan Variation process and the associated legislation (previously the *Land (Planning and Environment) Act 1991* and currently the *Planning and Development Act 2007*) include requirements for public engagement and in this case this is evidenced by the substantial volume of submissions received on the proposal. Further public notification will also be required at the Development Application stage.

**My response:** Public notification at the Development Application stage indicates that this is a 'done deal'. I thought the purpose of 'community consultation' was to raise objections to the DVA not to assume that this had already been decided by the Government or ACTPLA. This area should not be redeveloped at all.

By the way, the substantial volume of submissions seem to have been 'devalued' by ACTPLA as possibly 'misrepresenting' individual objections; a good two-thirds of the first page of the 'Report on Consultation' (after the title page and the contents page) imply that there were underhanded dealings in getting this many submissions submitted. It is highly offensive to those that took the trouble to garner as much community awareness, support and input to read those opening comments. What were ACTPLA trying to achieve? The community is deceitful? They really don't care that much? They can't really trust the submissions? We don't need to be listened to?

Isn't this supposed to be a community consultation process and that the Government and ACTPLA are listening to the community? I was horrified to read this first up. Granted the stats and numbers need to be clarified but the terminology and innuendo were a bit rich to say the least. Whose side are they on? Which goes back to my point, this is about the DVA 261, and opposing it, not about accepting that this is a done deal and the this DVA will go through. In short, again, I oppose it and hope that the Government does not support this change under the dubious political gain of the undefined "affordable housing" banner. We are not at the DA stage – yet.

## 8. Other comments

- a) *Concerns about light pollution of night sky.*
- b) *This is an old Aboriginal site that should not be built on.*

### Response

- a) Any alternative future development under the existing zoning is likely to have a comparable impact on night sky lighting.
- b) Part of the subject site already contains the buildings of the Heritage Village complex. The archaeological status of the site has been established and Aboriginal heritage considered.

### My response:

- a) Comparable to 300+ dwellings? Has anybody thought about the move of the Downer telescope (soon to be moved for yet more housing development) to the Village? This could be yet another business opportunity and tourist attraction, particularly given its proximity to the Formule 1 hotel, which isn't going anywhere, and the adjacent nature reserve. The encroaching lights of development are not as bad at the Village as elsewhere in Canberra and this seems to me to be a perfect blending of the existing zoning and saving an existing 'institution' for the Canberra community and for tourists alike.
- b) From memory, the original submissions that I have read, I don't think that the intention of these comments was to object to development per se as this has obviously already occurred, it was to object to the variation on the grounds that this site has been, so far, developed in a manner sensitive to the cultural environment. The comments included the objection to the removal of an indigenous cultural relic existing on the site. Ask the Ngunnawal people for an appraisal – or is that outside the 'consultation process' and reliant on the assessment already provided, and paid for, by the developer?

## Response to 2.2.2 Individual/Organisational Submissions

### 2.2.2 Individual/ Organisation Submissions (25 Total)

#### 1. Impacts on Native Fauna and Flora (17)

- a) *Houses in close proximity/adjacent to the Canberra Nature Park will put extra pressure on native fauna and flora, including endangered species. It will inevitably compromise the integrity of the Canberra Nature Park.*
- b) *No reference to prior history of area as a breeding site for the endangered Regent Honeyeater, which is listed as an endangered species under both the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 Act (EPBC Act) and the ACT Nature Conservation Act (NC Act).*
- c) *No reference to implications for any development under the EPBC Act.*
- d) *Yellow Box trees (in south-east corner) as well as other significant trees should be recognised and retained given proximity to important areas of endangered Yellow Box/Red Gum Woodland and the history as a major breeding event for Regent Honeyeaters.*
- e) *It is critical to protect the endangered grassy woodlands in the adjacent Mt Majura Nature Park from impacts of close urban development and influences.*
- f) *No reference to the significance of the site situated adjacent to the Molonglo River to Barton Highway woodland corridor. Identified as a wildlife corridor in the Spatial Plan*

*and described in Action Plan 27 the ACT Lowland Woodland Conservation Strategy (2004).*

*g) No comment/inadequate comment regarding these issues from Conservator or Flora and Fauna.*

*h) Limestone Plain runs through the area under consideration for rezoning. Limestone Plain is defined by the yellow box and red gum tree line. Needs to be included in research that should be completed before development approved.*

*i) Environmental Impact Study [EIS] needed to address matter of yellow box/red box/grassy woodland endangered eco-system.*

*j) Study conducted in 2004 is out of date and needs to be reassessed as part of a proper EIS on what are the potential impacts of development.*

*k) Need to provide a good buffer area between the housing area and the reserve along the southern and south-east boundary, which could incorporate the remaining woodland patch/trees.*

*l) Some exceptionally large trees on Block 3 should be included on the Significant Tree Register.*

*m) Some trees that are part of memorial plantings on Block 5 should not be cleared or damaged. Roots must not be affected by soil compaction through the construction process.*

*n) There is a dam located in the southern part of the site which is providing native animals with a well needed water hole and habitat. Development on the site will take this important watering place away.*

*o) In the general area of the dam are several significant trees that have been damaged due to the agistment of horses there.*

*p) Plantings should be sourced from local provenance in order to minimise the impact of the proposed development on the adjacent nature reserve.*

*q) Strict controls should be placed in the species residents place in their gardens.*

*r) Site is known to contain nesting Silver Owls which will be affected by the development.*

*s) Sightings have been made of Tawny Frogmouth Owls. This has been overlooked as part of the survey of this site (no nocturnal studies undertaken).*

*t) Black Cockatoos breeding ground area as confirmed by ACT rangers.*

*u) Fauna and Flora study [Kevin Mills and Assoc, Oct 2004) recorded Speckled Warblers listed as vulnerable in NSW, as well as other declining bird species that depend on grassy woodlands and have been observed on subject site.*

*v) Canberra Ornithologists Group recorded 133 native bird species in the area [1990 study] including Variety Sittella that is listed as vulnerable under NC Act and is likely to use the subject site.*

*w) Potential of invasion into bushland by non-native species is another source of degradation.*

*x) Increased traffic and unskilled drivers will result in damage to cars and the threat to life of drivers, passengers and wildlife from kangaroos. Antill Street has fourth highest road-kill rate in the ACT.*

#### **Response**

**a) This issue will be managed as it is in many other Canberra suburbs that adjoin a nature reserve.**

- b) The flora and fauna study (Kevin Mills Associates, October 2004) assessed all threatened flora and fauna species occurring in the ACT as listed under the ACT Nature Conservation Act 1980 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. A thorough search of the site and an assessment of the habitat requirements of the listed threatened fauna species concluded that no such species are likely to occur on the subject site. The Mills report made recommendations for impact management which will be implemented during the development of the site.
- c) See response b) above
- d) See response b) above
- e) See response b) above
- f) See response b) above
- g) The Conservator was consulted as a formal part of the draft variation process and provided appropriate input.
- h) See response b) above
- i) See response b) above
- j) The 2004 flora and fauna study is considered to be adequate and addresses the issues raised regarding impacts on native flora and fauna.
- k) Appropriate buffers will be provided, especially having regard to fire protection requirements.
- l) The requirements of the Tree Protection Act 2005 will be adhered to.
- m) None of the memorial planting trees are in the development area.
- n) The provision of artificial water supply points for native fauna is not usually part of nature park management procedures. The dam is also not located within the nature reserve.
- o) Any significant trees will be assessed under the Tree Protection Act.
- p) Landscape planning will consider this proposal at Development Application stage if the DVP is supported and a Development Application is lodged.
- q) This issue will be managed as it is in many other Canberra suburbs that adjoin a reserve.
- r) The Conservator of Flora and Fauna and the Environment Protection Authority (EPA) have reviewed the Flora and Fauna Study prepared by Kevin Mills and Associates (Ecological and Environmental Consultants) and did not raise Silver Owls as an issue.
- s) Record of a Tawny Frogmouth Owl sighting from another study was noted in the Mills report. See response r) above. Conservator and EPA did not raise Frogmouth Owl as an issue.
- t) Noted.
- u) See response r) and s) above. Conservator and EPA did not raise this as an issue.
- v) See response r) and s) above. Conservator and EPA did not raise this as an issue.
- w) This issue will be managed as it is in many other Canberra suburbs that adjoin a nature reserve.
- x) Kangaroos on roads are an increasing problem in many areas of the ACT. This proposal will not unduly exacerbate the problem.

**My response:**

- a) What, badly?
- b) to f) As I have mentioned in my previous submission this study was conducted badly, paid for by the developer and did not include any nocturnal studies. It is outdated and was ineffectual even at the time. That the Government and ACTPLA can rely on this study as an effective valuation mechanism does not fill me with hope on the environmental credentials of either. Does anybody realize that owls come out at night? So too the Tawny Frogmouths, point s), (and no they are not an owl).

The rest: g) to x) I will be relying on the Conservator to make a sound judgement but expect full reports including an EIS before the DA stage. The wording of these responses again leads the reader to conclude that that is the next step – that the Draft Variation is already a done deal. Anything that can be produced by the Committee to the contrary would be much appreciated. It is a reminder that this response to ACTPLA's response is only involving the Draft Variation 261 not the development proposal as it stands. I am assuming that will be a whole 'tuther word fest event. Please advise if these two documents are to be considered hand in hand (or glove).

It should also be noted that any detailed assessment of the development proposal cannot be made as the responses to many of the questions asked to ACTPLA have received the response that these answers will be provided by the developer at the DA stage. Not an open process I would have thought given that the point of this exercise should be to gauge community input as to the benefits or not of changing the land use policies in this part of the ACT.

**3. Australian Heritage Village site [3/75 Watson] (16)**

- a) *Australian Heritage Village (AHV) should be kept for entertainment, recreational, community cultural and tourism purposes.*
- b) *School excursions could be run by ACT Rangers on the flora and fauna in the adjacent reserve, arts and crafts workshops for schools and the general public.*
- c) *Subject site should be kept for EAL purposes or alternately Community [Facility] land use purposes for community, social and environmental reasons.*
- d) *It is a valuable asset for Canberrans and with the right management could be a viable commercial prospect again.*
- e) *Many local people would visit Clancy's Hotel if re-opened.*
- f) *Proposal relies on arguments by the current lessees that the land concerned is not commercially viable as currently zoned and that the site has been degraded.*
- g) *Owners have responsibility to maintain property in good condition as required in the terms of the lease. Owners have neglected property and breached lease conditions and should be responsible for its refurbishment or lease should be terminated. [Land Development Agency] should take action as an interested and responsible landlord.*
- h) *AHV will be destroyed under the premise of providing affordable housing.*
- i) *Village environment is unprecedented in Canberra for what it offers to the tenant, artists and potentially to visitors and the community in general.*
- j) *Prospective tenants put off by short leases on offer and obvious disinterest in having any tenants in the buildings over the past few years.*
- k) *The AHV grounds and buildings with very little investment could immediately relieve the ever present demand for public spaces for rent for activities such as arts and crafts which would provide a number of local artists with much needed space at an affordable rent.*

*l) AHV site would offer the Government an opportunity to resume the lease and develop an arts precinct on a commercial basis in a prominent and visible location leading in to the city.*

*m) Disappointment expressed over ACTPLA's disinterest or disinclination to investigate reports of neglect on the grounds and buildings.*

**Response**

a) Tourist ventures on this site have failed commercially over a long period. Substantial land remains at North Watson with the appropriate zoning in place for these types of activity should any viable proposals emerge in the future.

b) Utilisation of the site as a base for school excursions and activities is not considered to be a commercially viable option.

c) Tourist and entertainment type ventures on this site have failed commercially over a long period. Substantial land remains at North Watson with the appropriate zoning in place for these types of activity should any viable proposals emerge in the future. Furthermore the use of the site for community facility purposes such as artists' studios is not considered a financially viable option.

d) See response c) above.

e) See response c) above

f) Agreed. The current land use is not considered a commercially viable option.

g) The owners are proposing to utilise the site for affordable housing, meeting a need identified by the ACT Government.

h) The heritage village has failed commercially due to market forces. Use of the site for affordable housing is considered to be in the community interest.

i) See response a) above.

j) The short term leases are a result of the possibility of the site being redeveloped, which has been under discussion with the ACT Government over the past few years, resulting in this draft variation proposal.

k) Rental of the premises at affordable rents to artists and the like is unlikely to be a commercially viable use of the site. However, the Government supports a range of arts facilities that provide artists studios, and provides support for organisations that provide affordable space for artists to create their work.

l) The Government does not intend to resume the site for this purpose.

m) Noted. However, the lessee has been negotiating with the ACT Government over the past few years to enable the redevelopment of the site for a commercially viable solution which will also provide a community benefit.

**My response:**

a), c), d), e), h), i) The premise of these responses from ACTPLA is that the Village has been commercially unviable. Please provide evidence as to how ACTPLA has come to this conclusion, or is this supposed fact reiterating what has been espoused by the Village Building Company or the lessees? If there are any documents that can verify this I would appreciate having them made publicly available. Are there loss statements by the lessees for example? Have they suffered hardship? How much more profit could they make and/or could have made if they leased more buildings to any businesses? Would this have had an impact on their profit margin, for better or worse? Has anybody thought to ask and do a cost analysis? If someone does, and it finds that this rhetoric is unsustainable, what happens to this argument and then the Variation and proposal?

My understanding is that there were and are viable businesses that have, and are, producing appropriate incomes (as an example see page x). I have noticed however, that this mantra is one continuously reiterated by a person that has a, as yet unrealized, interest in this site. I find it fascinating that ACTPLA can use this argument ad nauseum with no verification, authentication or evidence. I do not accept this assertion and further claim this argument is only being put forward so that the Draft Variation is hurried through without the onerous task of any real assessment of the real viability of the site.

- b) I doubt that this suggestion was referring to a full business proposition for the future of the Village, it seems to me that it was provided as an additional and functional use of the Village to share the amenities that already exist.
- f) To provide an adequate response I need to bring together the summary: *f) Proposal relies on arguments by the current lessees that the land concerned is not commercially viable as currently zoned and that the site has been degraded.* And ACTPLA's response: *f) Agreed. The current land use is not considered a commercially viable option.*  
Whilst obviously related to points raised above under a), c), d), e), h), i), I thought this response needed particular attention. I think ACTPLA either misunderstood or misrepresented the intention of the response provided within submissions. The intent was to again outline that the assumption is completely incorrect that the Village is unviable. There is an obvious error in the ACTPLA response, please refer back.
- g) Can you clarify: is it the owners (Olenty Holdings) proposal or the developers (Village Building Company), or are they one and the same? Please come clean with the community. Which proposal am I supposed to be addressing – the Draft Variation or the Village Building Company Proposal? The responses from ACTPLA seem to waiver on what they are addressing.
- j) How is that an appropriate answer? ACTPLA can't argue that in one respect the site is not commercially viable and then argue that it is OK to not issue realistic leases to prospective tenants for over 4 years. In addition, who is the landlord and has responsibility to ensure that the lessee manages that lease appropriately? The Commonwealth, the ACT Government, the Minister, the LDA, or ACTPLA?
- k) Nothing seems to be a commercially viable use of the site except for "affordable housing" that, apparently, will benefit the community. Please provide a Government sponsored independent appraisal of the cost benefit to the community of the redevelopment of this site and factor in the loss of the existing buildings.
- l) Just one option offered by a community respondent to show possibilities. I will remind that there are viable businesses on site, one of which is an artist. I don't see the current lessees refusing to accept this tenant's rent. And, is the Government planning on resuming the lease? Is this something that is being considered?
- m) When community submissions were made regarding the state of the Village it was toward the current lessees lack of financial commitment to upholding their obligation for the safety of the general public as some maintenance of wiring, lighting, and specific maintenance of un-leased buildings has been stopped (i.e., not paid for) at their request.

#### **4. Impacts on Roads, Traffic and Infrastructure (14)**

I have separated 4.1 and 4.2 to make it more clear to readers...

##### ***4.1. Roads and Traffic***

- a) Increase in houses in area putting added pressure on roads and infrastructure between Watson and Civic.*
- b) Development will increase traffic on main through roads in Watson, particularly Antill St, Phillip Ave and Knox St and create huge bottlenecks at intersections of Knox/Antill Sts, Antill/Madigan Sts, Antill St/Phillip Ave, and Phillip/Majura Aves.*

- c) Proposed development will aggravate the intensity of an already unacceptable flow-through of traffic in Watson, Hackett and Ainslie. Already difficult for ACTION buses to cross Phillip Ave and enter Majura Ave from Officer Crescent.*
- d) Traffic entering the roundabout at the intersection of Antill Street and the Federal Highway will increase and cause significant problems for peak hour traffic.*
- e) Traffic conditions along Antill Street will become hazardous for both drivers and children.*
- f) Parents driving and delivering children to school is a major cause of traffic congestion (eg Rosary Primary School on Antill St, Majura Primary School in Knox St, Dickson College and Ainslie Primary).*
- g) Gungahlin External Traffic Study identified problems and report promised a roundabout would be built at the intersection of Stirling Ave and Aspinall and Knox Sts once North Watson was built, but has not materialised.*
- h) The Traffic and Parking Impact Assessment Report by Hughes Trueman 2004 is outdated and inadequate and a current study should be commissioned by ACTPLA.*
- i) Report makes no reference to traffic arising from development in East Gungahlin and the proposed future residential developments in North Watson west of Antill Street.*
- j) Report estimates 140 vehicle trips during the morning and evening peaks that is a gross underestimation of the amount of vehicle traffic considering the likely demographics of residents under the banner of affordable housing.*
- k) The increased pressure on Antill Street means a new traffic impact report is necessary for road maintenance, upkeep and viability to support new developments.*
- l) Concern that increased development pressure will lead to construction of Monash Drive which will cut through the main and best parts of the Endangered Yellow Box Red Gum Grassy Woodland located on western slopes of Mt Majura and Mt Ainslie. Monash Drive will not be supported by local community.*

#### 4.1. Roads and Traffic

- a) The 2004 Planning Study Report comprehensively addressed the traffic aspects of the development proposal. The investigations conducted then found, in summary:
  - \_ The capacity of Antill St is adequate;
  - \_ Issues with some queuing at the Antill St/ Phillip Ave intersection could be (and can readily be) resolved independently of this proposal;
  - \_ There are no intersection capacity problems within 2km of the site;
  - \_ Through traffic from Gungahlin and NSW is likely to be currently using Antill St;
  - \_ The operation of the intersections on Antill Street that will serve the proposed development will be satisfactory;
  - \_ There are no substantive traffic issues associated with this development proposal.
- b) See response a) above
- c) See response a) above
- d) See response a) above
- e) See response a) above
- f) See response a) above

**My response**

Did you just get bored here? Why did you stop at f) when the objections raised went through to l)?

For further response go back to **B. ADDITIONAL STANDARD LETTER  
COMMENTS 2. Parking and traffic issues**

**4.2. Infrastructure**

*a) Affordable Housing planning study admits that the current sewer pipe has probably reached its capacity in the area and that more detailed analysis is required. Any such sewerage and other infrastructure work should be completed before any redevelopment begins.*

*b) Government will need to spend money on extending physical infrastructure of suburb to meet needs of additional residents.*

**4.2. Infrastructure**

a) Any necessary infrastructure works will be undertaken and overseen by the Department of Territory and Municipal Services which has responsibility for these matters.

b) It is usual practice for Government to develop public infrastructure to meet future residents' needs.

**My response**

a) and b) Is that likely to be introduced before construction begins? What kind of assessment is likely to occur as this doesn't affect this development? And, again, this is not a fait accompli, otherwise these submissions would really be a waste of my, and other's, time. I hope this is not the case.

**6. Problems with community consultation and research (4)**

*a) ACTPLA has not done appropriate level of community consultation or research to ensure better use of the Australian Heritage Village and ensure increased residential lots in North Watson do not have a negative impact on the surrounding suburbs.*

*b) Insufficient time for public comment. Public consultation period should be extended and further information about the VBC's plans made public before any decision to approve the DVP.*

*c) No Government sanctioned process of what constitutes 'community/public consultation'.*

*d) Documents related to DVP inaccessible, and information unreliable in terms of boundaries/borders. No documents recorded or publicly available since 2004 except DVP document and Planning Study.*

*e) Border between part Block 2 and Nature Reserve is unclear.*

**Response**

a) The planning studies prepared to inform the draft variation addressed issues such as considering alternative uses of the site, the human environment and natural environment and traffic studies to determine traffic impacts on the existing roads infrastructure. The ACT Government has considered the studies and supported the proposal to change the zone from Commercial CZ6 Leisure and Accommodation Zone to Residential RZ1 Suburban Zone.

b) The public consultation timeframe for the draft Variation was double the statutory requirement under the Act as well as extending the closing date for comments as requested by submitters.

- c) The Planning and Development Act (which has replaced the Land Act) mandates the public consultation process for Territory Plan Variations and this has been adhered to.
- d) The relevant documents are the DVP and Planning Study and these have been available. Other relevant material including the territory Plan, National Capital plan, Conservation Action plans and the like are also readily available.
- e) This boundary is clearly shown on plans in the planning study report and on the Territory Plan map. There is a fence delineating the boundary between part Block 2 in CZ6 zone and part Block 2 in NUZ3 Hills Ridges and Buffer Zone (part of Canberra Nature Park).

**My response**

- a) All of these studies were funded by the Village Building Company on behalf of Olenty Holdings, it seems to me that there is a rather unusual conflict of interest here.
- b) The limited amount of freely available information, the slowness of being able to access information under FOI provisions, the endless 'dead-ends' endured to even vaguely get to some form of the truth of what is going on here, it is a given that individuals would need more time to submit an even half researched or well thought through response. For example, ACTPLA's website has on it the version of the development proposal from the Village Building Company dated February 2007, which ACTPLA is relying on to determine the verification of DV 261, that outlines the precincts on the site which determine 'affordable housing'. I have been presented with another version of this company's proposal dated April 2007 which I have personally been unable to ascertain, it is certainly not available publicly or freely.

Two questions spring to mind: which proposal will I be looking at for comment at the DA stage; and, what other information is being withheld that I should be considering in commenting at this proposal stage?

- c) see my response under: **5. Lack of public consultation with Inner North community**
- d) As long as you know where to look and either visit your website on a daily basis or read every inch of the Canberra Times. The idea of 'community consultation' is to actually engage the community in an active debate with all of the facts on the table. The chances of anyone being able to find even a third of the documents to form a point of view, either for or against, are unrealistic at best. I've tried.
- e) Possibly but the boundaries seem to keep changing, as ACT Rangers keep informing me, they don't have firm confirmation on where to put the fences.

**7. Detrimental impacts on visual amenity and unsuitability of site (11)**

- a) *Development will have a significant impact on visual amenity of the site and surrounds given its profile at the foothill of Mt Majura.*
- b) *Prefer an eco-friendly, sustainable, low-key development that embraces the site's proximity to the Canberra Nature Park and acknowledges the need for clever water and power solutions.*
- c) *Increased density development must be built within the existing area of Canberra and not spread out past existing suburbs.*
- d) *Addition of more unsightly and matchbox-like units and terraces to Watson is unacceptable.*
- e) *Site is not suitable for large numbers of dwellings/residential intensification.*
- f) *Development should not occur at expense of community amenity and natural assets.*

- g) Considerable part of site is under water and consists of clay subsoil. Substantial costs for testing of soils could escalate the cost of [affordable] dwellings on the site or dispersed to the ratepayers of the ACT community.*
- h) Expect that ACTPLA will conduct compaction tests and soil density tests and that for this DVP to progress this assessment would need to prove that the soil is suitable to build on. Would like to see independent body confirm the testing.*
- i) There can be no neighbourhood in North Watson if there are no recreational activities, no pub, no walking access to shops, schools, no medical services, no broadband, no room and no quiet.*
- j) 316 dwellings on such a small area of land should be termed 'high density' rather than 'medium density'.*

#### **Response**

- a) Visual amenity will be considered in the approval process for a future design proposal. Detailed design drawings are required to be provided at the development application stage of the process.
- b) Noted. The development will be designed to achieve good solar access and private open space provision. All new dwellings in the ACT need to achieve acceptable outcomes in terms of Water Sensitive Urban Design (WSUD), retention of existing significant vegetation and minimisation of impact on landform.
- c) This site has been zoned for urban development since before the introduction of the Territory Plan and is considered to be within the existing urban area boundary.
- d) Design standards will be high as required by the relevant Development Codes.
- e) Planning investigations have demonstrated that the site is suitable for residential development.
- f) It is not considered that the proposed development will be at the expense of community amenity and natural assets.
- g) None of the site is under water (except for constructed dams and ponds). Clay soils occur throughout Canberra and on-site costs cannot be charged to ratepayers.
- h) All buildings on the site will need to conform with standards as required under the Building Act. This is a matter for the developer at Building Approval stage.
- i) The site has access to shops and recreation facilities within the adjoining residential areas and suburbs.
- j) The appropriate zoning has been determined as Residential RZ1 Suburban Zone and therefore the proposed development is not considered to be medium or high density residential and furthermore maximum building height is restricted to 2 storeys. The development will need to comply with the requirements of the Residential Zones – Multi Unit Housing Development Code as it is proposed to be a Community Title development.

#### **My response**

- a), b), d) f), h), i) again these leave all relevant planning for the site up to the developer. This is a Draft Variation comment process, not a comment on what I will be expected to comment on at the Development Application stage. I reiterate, what am I responding to? I thought it was the Variation, not the developer's proposal.

- c) and e) Does this mean that this process is useless, that this was always going to be redeveloped?
- g) Substantial parts of the site that were originally identified as “affordable housing” under the Village Building Company’s proposal currently on the ACTPLA site, dated February 2007 (although I have seen another one dated April 2007, not sure still which one is current), is based on the water areas referred to. In this proposal, 2 out of the 3 identified (orange) “affordable housing” sites are on the existing pond or the existing (and full) dam. The third of course is in that salubrious location next to the Federal Highway slow down zone with the ‘kathump, kathump’ safety zone, particularly with braking trucks. Fabulous piece of real estate that one.

I am sure that the ‘on-costs’ will again be met by the developer and not incorporated into the “affordable housing” price. As will the noise abatement.

Wasn’t I supposed to be objecting to the Draft Variation and not the developer’s plan? I’m sure I will have that opportunity once this is approved and the DA is developed and after the buildings on the site are lost.

- j) I am at a loss as to the definition of what constitutes ‘medium density’. One question raised brought the response from ACTPLA that this development was not high density, now it is neither high or medium. Can someone please furnish me with a definition?

## **8. Loss of historical Australian architecture (8)**

*a) It would be preferable to retain the more interesting of buildings to give the area some history over time. Buildings could be hired out as community spaces, of which there is a shortage in the ACT.*

*b) Australian Heritage Village is a replica of nineteenth century Colonial buildings built to specifications out of the prescribed authentic materials done at considerable cost and represents a place of historical value.*

*c) All effort should be made to maintain the heritage style of the buildings and landscape which is of great interest to international visitors and great comfort to Australian citizens when preserved.*

*d) VBC’s Cultural Heritage Assessment 2004 did not consider the buildings – an oversight and means the study was incomplete.*

### **Response**

- a) Retention of all the existing buildings for the uses suggested is not commercially viable. However the existing building located on the northern side of the pond is intended to be retained within community open space within the development as a community building.
- b) The buildings are of modern construction and have no inherent heritage value.
- c) The site has failed commercially as a replica heritage village and maintaining this function is not considered to be viable.
- d) The heritage assessment considered all site features, it did not conclude that the buildings had any heritage significance.

### **My response**

- a) to d) I have made reference elsewhere to several points regarding commercial viability so will not cover those again here, see above. I have also made points relating to the fact that it is not necessary to consider the commercial viability of these buildings from a heritage perspective – yet – but where do you build a heritage from? The buildings themselves are authentic replicas, built extremely well, can we not find a new use for them? There’s a

few tenants out there that would appreciate the opportunity to utilize them and create a new use for the Village that is commercially viable for the lessees.

### **9. Distance from shops, schools, facilities, public transport (7)**

*a) Increases dependence on cars due to lack of/ inefficient public transport and distance from services and facilities.*

*b) Area only serviced by one peak/daytime route #36 with very low frequency. Bus is over-patronised and in peak-hour either have to stand or unable to get on the bus at all.*

*c) DVP fails to demonstrate how the proposed development would link with public transport, how it would support the ACT Government's Sustainable Transport goals relating to walking, cycling and public transport, or how the development would in any way differentiate from typical car dependent development.*

*d) Low income families with limited access to alternative transport options will have difficulties getting to local shops, schools, childcare etc. Distance to walk along a pedestrian unfriendly road is a concern.*

*e) Need to ensure that the new development is well served by a bus route that makes it all the way along Northbourne Ave.*

#### **Response**

a) The site is on a bus route and closer to Civic when compared to large parts of Gungahlin.

b) It would be anticipated that bus services would improve as patronage from the new development increases. This would be a more appropriate response than limiting passenger numbers. ACTION have advised that per normal operations ACTION will monitor this area for future planning of services.

c) The 2005 and 2007 Planning Study reports which informed the draft Variation consider access to public transport, walking, cycling and access to major employment, retail and education and recreation facilities.

d) The relevant distances to shops and other services are similar or better than in many Canberra suburbs including in older and newer areas. There are footpaths along the roads through Majura Rise connecting with suburban streets in Watson to access the shops, schools and recreation facilities.

e) Bus routes 36 and 39 which are accessible from the subject site provide services to the City.

#### **My response**

See my response to **7. Bad planning to put high or medium density housing where the residents don't have ready access to shops, recreational facilities and, particularly, consistent public transport**

### **12. Inadequate community facilities (1)**

*No allowance has been made for increased community facilities with the growth of Watson.*

#### **Response**

All relevant Government Agencies involved in the delivery of community facilities and services have been consulted during the preparation of the draft variation. None have advised that the proposal should not proceed based on any lack of community facilities.

### **My response**

See my response to 7. **Bad planning to put high or medium density housing where the residents don't have ready access to shops, recreational facilities and, particularly, consistent public transport**

### **13. Affordable housing issues (11)**

*a) Affordable housing should not be at the expense of amenity and liveability. It should be energy efficient, well-sited for optimum solar reception and well-insulated.*

*b) Some larger blocks should be considered among the small 'affordable' blocks so that larger and expanding households have the opportunity to add to their houses over time.*

*c) Expectation that local authorities are taking account of the triple bottom line when assessing the value of any proposal.*

*d) There are two more suitable sites nearby adjacent to the Federal Highway [to the west of Antill Street] that could be developed by local government for affordable housing that would not impact so directly on the Canberra Nature Park and would not require the destruction of a developed area.*

*e) Government should commission sustainable public housing on the block, as this is only way that long-term 'affordable' housing will occur and not by some private developer who has no long-term control over land and house prices or rents.*

*f) Development of alternative public land in the area would be more appropriate, where the profit from such development would flow directly to the public sector, rather than into private hands.*

*g) Affordable housing should not be considered in any way as suitable justification for the development.*

*h) No definition or measure of 'affordable housing'.*

*i) Action Plan for Affordable Housing needs work to make it more than a series of platitudes and politically correct phrases, signifying nothing.*

*j) Established quality infrastructure should not be destroyed in name of 'affordable housing'.*

*k) Developer's representative allegedly declared the term 'affordable housing' an inappropriate and embarrassing label.*

*l) Only way affordable housing can be achieved in the ACT is if the Government does the developing themselves.*

*m) Community Title implies body corporate with associated, far from insignificant fees. Flies in the face of community accepted interpretation of 'affordable housing'.*

### **Response**

a) The design and siting requirements will be of a high standard as required by the relevant development codes at development application stage.

b) A range of blocks/housing types will be catered for in the proposed residential development for different household sizes and composition.

c) Any development proposal is required to be consistent with the Principles for Sustainable Development (Environment, Economic and Social Sustainability) in the Territory Plan's Statement of Strategic Directions.

d) The sites referred to are unleased Territory land, which will be developed in the future. The preferred use of these sites has not yet been determined.

- e) Affordable housing can be delivered by the private sector, as well as government. This is already occurring in Canberra.
- f) See responses d) and e) above.
- g) Affordable housing is a desirable outcome, it is not a justification for the development.
- h) The ACT Government has been actively encouraging and promoting affordable housing through its Affordable Housing Action Plan. The developer proposes that over half of the total products in the housing development will be priced below the lowest 20% of the current market price range.
- i) The proposed development is an example of putting the Action Plan into practice and making home ownership a reality to low/moderate income groups.
- j) The infrastructure that will be replaced is not considered to be functional in its current form.
- k) Noted, however this statement has not been conveyed to ACTPLA by the developer's representative.
- l) see response to c) above.
- m) Body corporate fees need not be high and unaffordable. The purpose of a community title scheme is to share costs equitably.

**My response**

See all responses above.

**15. Part Block 2 Section 75 Watson (7)**

- a) Objections to allocation of block of land [direct grant] to a preferred developer without going through a contested tender process or public notification.*
- b) Government's decision to approve direct grant prior to completion of DVP inappropriate and would intimate that approval of DVP was forgone conclusion.*
- c) Area should be retained in public ownership or sold through a public auction process to maximise return to taxpayer.*
- d) A direct sale to the developer does not seem to be the most transparent way to manage the redevelopment of the site, nor does it appear to offer the Government a good financial return.*
- e) Reports that the land has no ecological value is being used by Government to allow developer to achieve goal of redevelopment.*
- f) Block should remain as a buffer to the Canberra Nature Park or be incorporated into the nature park.*
- g) Fact that block is 'landlocked' should not mean it is practically worthless and ACT Government can grant it to a building company with no-one else having a chance to bid for it.*
- h) Part Block 2 also has historical significance, being part of the site of the Mt Ginn Speedway Circuit from the 1960s to about 1980.*

**Response**

- a) The land that constitutes part Block 2 within the Commercial CZ6 Leisure and Accommodation Zone is land locked, it is only accessible via the heritage village site or the nature park. It cannot be separately sold or developed.

- b) The variation process is separate from the direct sale process. The direct sale can only be finalised if the Variation is approved and supported by the Government and Legislative Assembly.
- c) Refer response a) above.
- d) Refer a) above and note that the land will be sold at market value as determined by independent valuation.
- e) The Government has considered the proposal on its merits and taken environmental values into consideration, prior to agreeing to the initiation of a draft variation.
- f) The part of Block 2 zoned Commercial CZ6 Leisure and Accommodation Zone was not included in the nature reserve when Variation 182 (Public Land Nature Reserve, 2002) was undertaken, as it was not considered to be of sufficient value to change the land use policy and incorporate into the nature reserve along with the rest of the block.
- g) The land could not be practically developed by any other party.
- h) Heritage research did not suggest any values associated with the speedway.

**My response**

- a), b), c), d), g), Why doesn't the Government put in a road at the end of the proscribed round-about and then the block would not be landlocked and the Government could have a proper tender process. This still seems inherently unjust and favouring one particular developer.

**26. Block 5 – Memorials (2)**

*All amenities on block have been removed and only access gates have been locked, one of memorial plinths damaged and plaque removed, and no current access by public to remaining memorial to Junior Farmers who fought in WWII. Area is unkempt.*

**Response**

Management of this site is the responsibility of the Department of Territory and Municipal Services and this matter has been referred to the relevant area for follow-up.

**My response**

Has anything happened? The BBQ facilities have not been brought back and the gates are still locked.

Thank you for receiving my response. I can be contacted at any time on 0421 353538.

Kind regards

Barbara McCarthy