

STANDING COMMITTEE ON PLANNING AND
ENVIRONMENT

**Variation to the Territory Plan No. 261
Part Blocks 2 and 3 and Block 5, Section 75 Watson**

AUGUST 2008

Committee Membership

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Resolution of Appointment

On 7 December 2004 the ACT Legislative Assembly agreed to establish general purpose standing committees. The Assembly resolved that:

- (1) The following general purpose standing committees be established and each committee to inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community: ...
 - (e) a Standing Committee on Planning and Environment to examine matters related to planning, public works and land management, conservation and heritage, transport services, and environment and ecological sustainability.

The Assembly also agreed that if the Assembly is not sitting when the Standing Committee on Planning and Environment had completed consideration of a report on draft plan variations or draft plans of management referred to the Committee by the Minister under the *Planning and Development Act 2007*¹, the Committee may send its report to the Speaker, or, in the absence of the Speaker to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.²

Terms of Reference

Section 73 (2) of the *Planning and Development Act 2007* states:

The Minister may, not later than 20 working days after the day the Minister receives the draft plan variation, refer the draft plan variation documents to an appropriate committee of the Legislative Assembly together with a request that the committee report on the draft plan variation to the Legislative Assembly.

¹ The *Planning and Development Act 2007* repealed the *Land (Planning and Environment) Act 1991* and *Planning and Land Act 2001* on 31 March 2008.

² Legislative Assembly of the ACT, *Minutes of Proceedings*, No 2, 7 December 2004, pp12–16.

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RECOMMENDATIONS

RECOMMENDATION 1

2.30 The Committee recommends that the proposed Variation to the Territory Plan No 261 proceed, subject to the recommendations below.

RECOMMENDATION 2

3.10 The Committee recommends that the ACT Planning and Land Authority undertake a strategic assessment of all remaining CZ6 zones in the ACT to determine the current supply.

RECOMMENDATION 3

3.11 The Committee recommends that future variations to CZ6 zones in the Territory Plan be assessed by ACT Planning and Land Authority at a strategic level and consider the impact on the entire stock of CZ6 zoned areas rather than on a site-by-site basis.

RECOMMENDATION 4

3.12 The Committee recommends that the ACT Planning and Land Authority ensure that any further loss of CZ6 zoning is compensated for elsewhere in urban Canberra, including in new green fields development.

RECOMMENDATION 5

4.16 The Committee recommends that the 2004 Navin Officer Cultural Heritage Assessment recommendations be adopted.

RECOMMENDATION 6

5.19 The Committee recommends that part Blocks 2 and 3 and Block 5 Section 75 Watson be included in the Built-up Urban Areas tree management precinct, prior to any development work commencing on the site, so that the site is covered by the provisions of the *Tree Protection Act 2005*.

RECOMMENDATION 7

5.29 The Committee recommends that cat containment be mandatory for any new residential development bordering the Canberra Nature Park.

RECOMMENDATION 8

6.33 The Committee recommends that the ACT Government review current parking provisions at the Watson local centre and future parking needs.

RECOMMENDATION 9

6.45 The Committee recommends that the sewer capacity in North Watson be reassessed and upgraded if necessary.

1 INTRODUCTION

- 1.1 Both Federal and ACT law and policy governs planning in the ACT. The *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth)³ establishes the National Capital Authority, which prepares and administers the National Capital Plan. The Act also enables the Legislative Assembly to establish a statutory planning authority – now the ACT Planning and Land Authority – to develop and implement the Territory Plan. The *Planning and Development Act 2007* (ACT) (the Act) requires the Territory Plan to set out the planning principles and policies for giving effect to its object in a way that gives effect to sustainability principles, including policies that contribute to achieving a healthy environment in the ACT.⁴ The object is:

*To ensure, in a manner not inconsistent with the National Capital Plan, the planning and development of the ACT provide the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation.*⁵

- 1.2 The Plan comprises three written volumes and a map. The written volumes contains contain a number of parts, including Governance; Strategic Direction; Zone Objectives; Zone Development Tables; Zone Development Codes; Precinct Codes; (Volume 1); General Codes; Overlays; Definitions (Volume 2); and Structure, Concept Plans and Development Codes for Future Urban Areas (Volume 3).
- 1.3 The Territory Plan Map graphically represents the applicable land use zones (under the categories of Residential, Commercial, Industrial, Community Facility, Urban Parks and Recreation, Transport and Services and Non Urban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the written volumes of the Territory Plan.

³ Accessible via

<http://www.comlaw.gov.au/ComLaw/legislation/actcompilation1.nsf/browseview?openformandVIEW=currentandORDER=bytitleandCATEGORY=actcompilation-Au>.

⁴ *Planning and Development Act 2007*, section 49.

⁵ *Planning and Development Act 2007*, section 48.

- 1.4 The Territory Plan is developed and implemented taking account of other strategic ACT Government policy documents such as The Canberra Plan and People Place Prosperity: a Policy for Sustainability in the ACT.⁶ It also replaces all master plans, neighbourhood plans and guidelines that were listed on the Authority's Register of Planning Guidelines prior to the commencement of this Plan.
- 1.5 Recognising that land use policies may change over time, the Act provides for variations to the Territory Plan. The ACT Planning and Land Authority prepares these for stakeholder comment. There can be a number of versions of a draft variation depending on the consultation program.
- 1.6 Under the Act the Minister has the discretion to refer a draft variation, within 20 working days of receiving it, to an appropriate committee of the Legislative Assembly for consideration and reporting. Currently the Standing Committee on Planning and Environment is the appropriate Committee.⁷ If the draft variation is referred to the Committee, the Minister is required to have regard to the Committee's recommendations before approving the proposed variation and tabling it in the Assembly (see below), or returning it to the ACT Planning and Land Authority with written directions for further action.⁸
- 1.7 If the Minister does not refer a draft plan variation to an appropriate committee of the Legislative Assembly, the Committee is not prevented from considering the draft plan variation documents.⁹
- 1.8 The Territory, the Executive, a Minister or a Territory authority must not do or approve anything that is inconsistent with the Territory Plan, or the proposed draft variation, in relation to land that is subject to a draft variation, for the duration of the relevant period specified in the Act.¹⁰

⁶ Accessible at <<http://www.cmd.act.gov.au/canberraplan/>> and http://www.tams.act.gov.au/live/sustainability/sustainability_policy_unit/act_sustainability_policy.

⁷ *Planning and Development Act 2007*, section 73.

⁸ *Planning and Development Act 2007*, section 76(3) and (4).

⁹ *Planning and Development Act 2007*, section 73(3).

¹⁰ *Planning and Development Act 2007*, section 72.

- 1.9 Following the Committee's tabling of its report in the Legislative Assembly, the Minister must take the findings of the Committee into account before making his decision in relation to the draft plan variation.¹¹ If the Minister approves it, he will table the proposed variation and associated documents in the Legislative Assembly.¹² Unless wholly or partially disallowed by the Assembly on a motion for which notice has been given within five sitting days, the variation will commence on the date nominated by the Minister.¹³

¹¹ *Planning and Development Act 2007*, sub-section 76(4)a

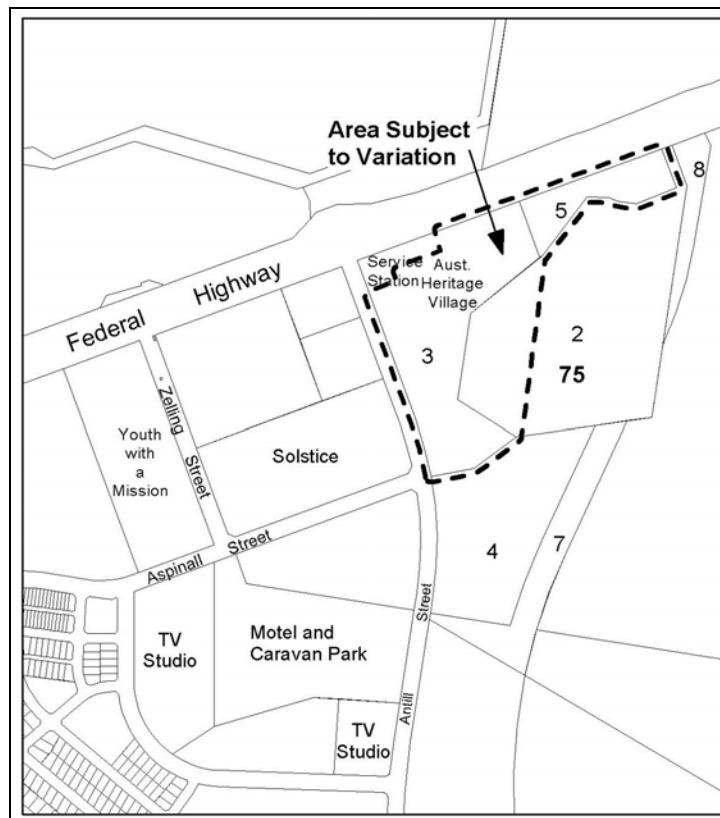
¹² *Planning and Development Act 2007*, section 79.

¹³ *Planning and Development Act 2007*, section 83.

2 THE PLANNING VARIATION

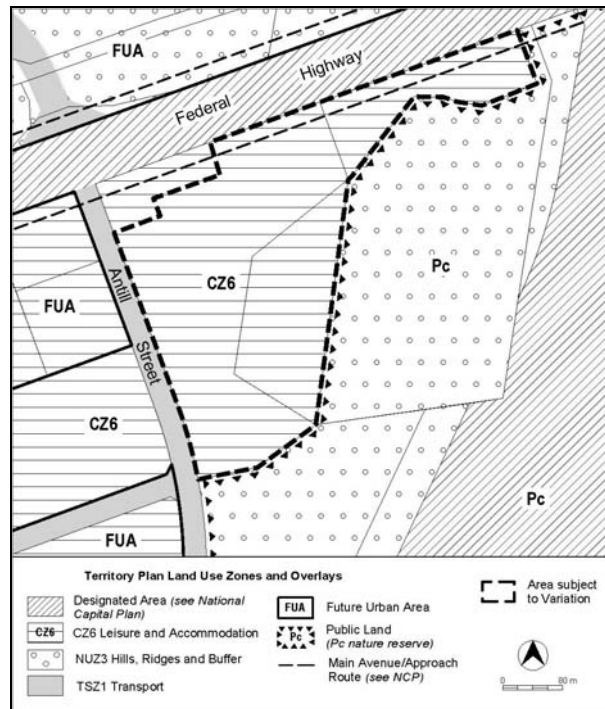
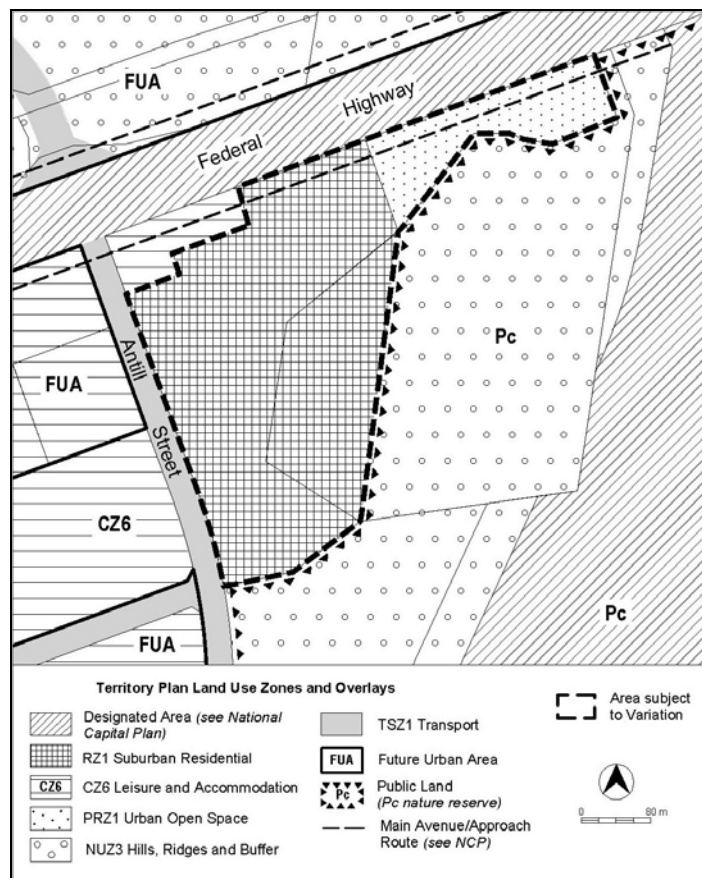
- 2.1 This proposed variation to the Territory Plan concerns Part Blocks 2 and 3 and Block 5 Section 75 Watson currently subject to the Commercial CZ6 Leisure and Accommodation Zone (formerly known as Entertainment, Accommodation and Leisure land use policy).

Figure 1: Location of Site and Surrounding uses¹⁴



- 2.2 The variation proposes to remove part Blocks 2 and 3, and Block 5 Section 75 Watson from Commercial CZ6 Leisure and Accommodation Zone and replace with Residential RZ1 Suburban Zone. It also proposes to remove Section 75 Watson from Commercial CZ6 Leisure and Accommodation Zone and replace with PRZ1 Urban Open Space Zone, as represented in Figures 2 and 3 below.

¹⁴ Recommended Final Variation No261 Watson, May 2008, p7.

Figure 2: Current Territory Plan Zones Map¹⁵Figure 3: Proposed changes to Territory Plan Map¹⁶¹⁵ Recommended Final Variation No261 Watson, May 2008, p8.¹⁶ Recommended Final Variation No261 Watson, May 2008, p17.

- 2.3 As specified in the Territory Plan, the Objectives of the RZ1 Suburban Residential zone are to:
- create a wide range of affordable and sustainable housing choices within a low density residential environment to accommodate population growth and meet changing household and community needs
 - ensure development respects and contributes to the neighbourhood and landscape character of residential areas
 - provide opportunities for home based employment consistent with residential amenity
 - provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity
 - promote energy efficiency and conservation and sustainable water use.

Statutory Consultations – ACT Planning and Land Authority

- 2.4 The ACT Planning and Land Authority (ACTPLA) released Draft Variation to the Territory Plan No 261 for public comment on 12 October 2007. Written comments were invited by 26 November 2007, although ACTPLA accepted late submissions up to 18 January 2008. ACTPLA received 433 written submissions consisting of 408 standard form letters and 25 submissions from individuals/organisations.
- 2.5 The main issues raised in submissions to ACTPLA, and ACTPLA's response, are summarised in Appendix A.
- 2.6 The major issues raised were:
- loss of Australian Heritage Village and lack of maintenance;
 - heritage values;
 - infrastructure and community services capacity;
 - environmental impacts;
 - bushfire risk and protection;
 - affordable housing;

- direct sale Part Block2 and developer preference;
 - urban sustainability;
 - loss of land zoned for leisure and accommodation; and
 - alternate land use proposals.
- 2.7 In accordance with the *Planning and Development Act 2007*, ACTPLA sought and considered the views of the ACT Conservator of Flora and Fauna, the Environmental Protection Authority (EPA), the Heritage Council, and the National Capital Planning Authority (NCA) concerning the draft variation.
- 2.8 The Conservator advised on 19 July 2007 that he had no objections to the proposed Draft Variation provided that any significant trees on the site are taken into consideration in any development proposals.¹⁷
- 2.9 The National Capital Planning Authority noted that the revised Draft Variation No 261 release 12 October 2007 appeared to address all of the NCA's earlier comments to ACTPLA and had no further comment to make.¹⁸
- 2.10 The Draft Variation is considered to be consistent with the National Capital Plan as the area is designated as 'Urban Area' which permits uses including residential, commercial, community, cultural recreational and industrial activity. The site is also not within a Designated Area but is subject to Special Requirements of the National Capital Plan for Approach Routes. These require that the transition between the urban and rural areas be clearly defined by appropriate landscaping and building, and the high visual amenity be maintained.¹⁹
- 2.11 Heritage note that the 2004 Cultural Heritage Assessment identifies two Aboriginal sites and one Historic Heritage Place which have heritage significance but do not meet the criteria for national heritage listing. A Heritage Management Plan endorsed by the Heritage Council is required and

¹⁷ Letter from the Conservator of Flora and Fauna, Mr Hamish McNulty, to the Chief Planning Executive, ACT Planning and Land Authority, dated 19 July 2007.

¹⁸ Letter from Mr Todd Rohl, Planning and Urban Design, NCA, dated 6 November 2007.

¹⁹ Recommended Final Variation No261 Watson, May 2008, p10.

should include 'any required monitoring, collection, relocation or artefacts and procedures for dealing with unexpected discoveries during development'²⁰.

- 2.12 Following the statutory consultation period the ACT Planning and Land Authority made minor amendments to the proposed variation including formatting to incorporate terminology and references to zones as per the new Territory Plan and requirements under the Act.
- 2.13 Some submissions to the Committee criticised the level of public consultation and timing of public consultation in relation to this draft variation.²¹
- 2.14 The Committee notes the consultation timeframes and considers the public consultation period to have met the requirements of the *Land (Planning and Environment) Act 2001* and the subsequent *Planning and Development Act 2007*.

Consultations by the Planning and Environment Committee

- 2.15 The Minister for Planning, Mr Andrew Barr MLA, referred Draft Variation to the Territory Plan No 261 – Part Blocks 2 and 3 and Block 5 Section 75 Watson by letter dated 11 June 2008, for the Committee's consideration and subsequent report to the ACT Legislative Assembly.
- 2.16 The Committee considered all the submissions lodged with ACTPLA in response to the draft variation, and ACTPLA's response.
- 2.17 On 28 June 2008 an invitation for public submissions was advertised in the Canberra Times and again in the Chronicle on Tuesday, 1 July 2008.
- 2.18 The Committee also invited a wide range of stakeholders to provide written submissions on the proposed draft variation from by 18 July 2008. Late submissions were accepted up to 22 July 2008.
- 2.19 In response, the Committee received 21 individual and organisation submissions as well as 117 proforma letters. Submissions were uploaded to

²⁰ Recommended Final Variation No261 Watson, May 2008, p15.

²¹ Submissions 2, 3, 9, 12, 13, 19 and 20.

the Committee's website after their publication was authorised by the Committee. Individuals and organisations that made submissions are listed in Appendix B.

- 2.20 The key issues raised in submissions are discussed further in this report.
- 2.21 The ACT Planning and Land Authority provided the Committee with a briefing on the draft variation on 7 July 2008 to assist with their deliberations.
- 2.22 The Committee visited the Australian Heritage Village site on Monday 04 August 2008. Ms Sonya Moser from the ACT Planning and Land Authority provided a tour of the site and a briefing on site specific issues.

Site Development

- 2.23 If it proceeds, this draft variation to the Territory Plan will enable parts Block 2 and 3 to be redeveloped as community title residential development. The proponent proposes to include a mix of affordable medium-density housing types in the development.
- 2.24 The Committee heard from ACTPLA that the 2004 planning study and supplementary work had established that Part Blocks 2 and 3, Section 75 Watson are capable of residential development.
- 2.25 ACTPLA also advised the Committee that this area is in a key location in relation to other potential housing land, ongoing development in North Watson and to existing services.
- 2.26 The Committee notes that CZ6 Leisure and Accommodation Zones provides for:
 - Indoor entertainment and recreation facilities, clubs, drink establishments, restaurants and commercial accommodation. Limited shops, residential, and non-retail commercial and community uses may also be included.²²
- 2.27 The Committee notes that it would therefore be possible to retain the CZ6 zoning on the site, thereby allowing the opportunity to redevelop the site for

²² Territory Plan (2008), CZ6 Leisure and Accommodation Zone Development Code, p4.

residential use while maintaining the flexibility of any of the other uses permitted in the CZ6 Zone.

- 2.28 The Committee is also aware that Watson Sections 61, 63, Section 64 Blocks 2, 8, 9 and 10, and Section 74 Block 7 are similarly zoned CZ6 but also allow for residential development within the Leisure and Accommodation Zone Development Table.²³
- 2.29 However, ACTPLA and the proponent highlighted to the Committee that the site could be used more effectively under an RZ1 Suburban Residential zone.

RECOMMENDATION 1

- 2.30 **The Committee recommends that the proposed Variation to the Territory Plan No 261 proceed, subject to the recommendations below.**

²³ Territory Plan (2008), CZ6 Leisure and Accommodation Zone Development Table, p3.

3 COMMERCIAL ZONING

- 3.1 Most submissions to the Committee called for the retention of the CZ6 Commercial, Leisure and Accommodation zoning on parts Block 2 and 3, section 75 Watson. They emphasised the need for additional community and recreational facilities in Watson and north Canberra, such as community halls or public meeting places, particularly to cater for the continuing growth of Watson.²⁴ Some submissions strongly believe that Clancy's pub, for example, would be commercially profitable again if a reasonable sub-lease period was granted.²⁵
- 3.2 The proposed amendment to the territory plan will result in the loss of some Commercial CZ6 Leisure and Accommodation land in the ACT. ACTPLA does not consider that retaining the site for commercial purposes is a financially viable option because the tourist and entertainment ventures on the site have failed commercially in the past.²⁶
- 3.3 ACTPLA is also confident that sufficient CZ6 zones remain in the area to cater for future commercial, leisure and accommodation needs and that this site would not be financially viable as a commercial zone.

CZ6 Zoning

- 3.4 The Committee notes that the Territory Plan is the long-term overarching planning document.
- 3.5 The Committee believes that ACTPLA needs to look more strategically at the ongoing loss of CZ6 zones rather than on a case-by-case basis, to ensure that adequate CZ6 zones remain to cater for future growth and needs of the Canberra community.

²⁴ Submissions 9, 10, 11, 15, 16, 19, 21 and 22; .ACTPLA Submissions 4, 6, 7, 8, 10, 15, 19 and 23 (*those provided to ACTPLA during the statutory consultation period*).

²⁵ Submissions 10, 18 and 20.

²⁶ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, pp4 and 14.

- 3.6 Submissions to the Committee also highlighted concern at the loss of CZ6 zones in the ACT more generally, and emphasised that ACTPLA's justification for removal of CZ6 zoning on this site is weak.²⁷
- 3.7 The Committee is concerned at what seems to be and increase in the incremental rezoning of CZ6 zones in the ACT, particularly for higher-order residential use. There is a risk that substantially fewer sites designated originally as CZ6 will remain for future commercial, leisure and accommodation facilities.
- 3.8 The Committee notes a number of draft variations to the Territory Plan in recent years, in addition to this proposal, where CZ6 areas have been rezoned to allow for various residential uses (and in some cases office uses) for example:
- DV237 - Blocks 9, 13 and 19 Section 12 Deakin;
 - DV224 - Block 1 Section 54 Lyneham;
 - DV238 - Section 27 Barton;
 - DV210 - Block 2 Section 35 Deakin and Block 28 Section 35 Deakin; and
 - DV205 - Deakin Block 11 Section 68.
- 3.9 These variations indicate an increasing loss of CZ6 Zones in the ACT.

RECOMMENDATION 2

- 3.10 **The Committee recommends that the ACT Planning and Land Authority undertake a strategic assessment of all remaining CZ6 zones in the ACT to determine the current supply.**

RECOMMENDATION 3

- 3.11 **The Committee recommends that future variations to CZ6 zones in the Territory Plan be assessed by ACT Planning and Land Authority at a strategic level and consider the impact on the entire stock of CZ6 zoned areas rather than on a site-by-site basis.**

²⁷ Submissions 9, 10, 13, 18 and 20.

RECOMMENDATION 4

- 3.12 **The Committee recommends that the ACT Planning and Land Authority ensure that any further loss of CZ6 zoning is compensated for elsewhere in urban Canberra, including in new green fields development.**

Change of Use Charges

- 3.13 The committee notes that with a change of Territory Plan zoning, the current owners of Part Block 3 would be required to pay a change of use charge on that block to reflect the increases in value of the lease as either a residential or mixed use site.
- 3.14 The Change of use charged is generally assessed at 75 per cent of the 'added value'.²⁸ As ACTPLA explains, 'the purpose of the charge is to give back to the community some or all of the added value of your lease that results from the change to your lease'.
- 3.15 Variations to a lease can include:
- varying the lease purpose to permit additional/alternative uses;
 - varying development rights and obligations where you want, for example, to extend your gross floor area to accommodate future growth;
 - subdividing a single block of land into two or more blocks of land;
 - consolidating two or more blocks of land into a single block of land; and
 - varying other requirements stipulated in the lease, for example, car parking.²⁹
- 3.16 A number of submissions also expressed concern at the sale of part Block 2 directly to the current owners of Block 3 which is currently unleased Territory

²⁸ ACTPLA, Change of Use Charge,
http://www.actpla.act.gov.au/topics/design_build/finances/cou_charge.

²⁹ ACTPLA, Change of Use Charge,
http://www.actpla.act.gov.au/topics/design_build/finances/cou_charge.

land, preferring that the parcel of land should be disposed of on the open market.³⁰

- 3.17 The Committee notes that the direct sale is in accordance with part 9.2 of the *Planning and Development Act 2007* and that the market value of part Block 2, as determined by the independent valuation, would be based on the final Territory Plan zoning of that block.

³⁰ Submission 2, 10, 11, 13, 19 and 20.

4 AUSTRALIAN HERITAGE VILLAGE

- 4.1 Australian Heritage Village also known as 'Canberry Fair' was built on part Block 3 around 25 years ago and has been subject to various tourist and recreation related uses over its life.
- 4.2 A report on the heritage values of the site prepared by National Heritage Consultants for the Watson Community Association Inc provides some history of the area. The site was originally used as a meeting place for equestrian facilities and the owners had plans to develop the area into a major equestrian centre. Some 'fun fair style activities were included to generate much needed cash flow'.³¹ The site was later leased to an amusement park operator who installed further rides and the site then operated for about 10 years as a theme park. The theme park was not commercially viable and the premises and territory lease were sold at auction in 1993 to the present owners.³²
- 4.3 ACTPLA advised the Committee that for the last 3-5 years the lease on the site has been underutilised.
- 4.4 The lessees advised ACTPLA that whilst attempts were made to have a viable entertainment venture, it was not successful to the level of being commercially viable.³³ The draft variation also suggests that the site would require significant refurbishment to function as originally intended.³⁴
- 4.5 Some submissions believe that the current Australian Heritage Village is still commercially viable and urge the ACT Government to re-invest in the site.³⁵ Submissions particularly suggested restoring and re-opening 'Clancy's Pub'; retaining buildings at the Australian Heritage Village for local artists' use,

³¹ National Heritage Consultants (2008), Cultural Heritage Values of part Block 2 and Block 3, Section 75 Watson (prepared for the Watson Community Association Inc).

³² National Heritage Consultants (2008), Cultural Heritage Values of part Block 2 and Block 3, Section 75 Watson (prepared for the Watson Community Association Inc).

³³ Submission 10; ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p25.

³⁴ Recommended Final Variation No261 Watson, May 2008, P4.

³⁵ Submission 7, 8, 10 and 21.

cooking classes and weekend markets.³⁶ Some also recommended preserving the Australian Heritage Village for the benefit of school excursions and as an educational and recreational area.³⁷

- 4.6 The Committee acknowledges that the Australian Heritage Village may not be commercially viable as an amusement park or as originally intended.

Heritage

- 4.7 A number of submissions to the Committee and ACTPLA supported the preservation of the heritage potential of existing buildings from the Australian Heritage Village development.
- 4.8 Some submissions emphasize that the buildings are distinctive and that designs were well researched, based on buildings from different parts of Australia. Submissions also state that a lot of effort was taken to build the facilities from authentic materials and with details accurate to the style of the period they were recreating.³⁸

2004 Cultural Heritage Assessment

- 4.9 A cultural heritage assessment of the site was undertaken in 2004 by Navin Officer Heritage Consultants Pty Ltd. The study identified two Aboriginal artefact scatters, one structural heritage item and a number of moveable heritage items.
- 4.10 The Aboriginal scatters consisting of stone artefacts were assessed as being of low regional and local significance.
- 4.11 The structural heritage item is an engraved wooden post with a metal dedication plaque to Canberry Fair and is associated with a 'strong or special association with an even development phase that played a significant part in the Canberra local history'.³⁹The post was assessed as a place of heritage

³⁶ Submission 8; ACTPLA Submissions 4, 6, 7, 8, 10, 15, 19 and 23.

³⁷ Submissions 4, 16, 21 and 22; ACTPLA submissions 4, 6, 7, 8, 10, 15, 19 and 23.

³⁸ Submissions 1, 5, 7, 8, 10, 13, 17 and 18.

³⁹ Navin Officer Heritage Consultants (2004) Cultural Heritage Assessment, Part Block 2 and Block 3, Section 75 Watson, p26.

significance under the *Land (Planning and Environment) Act 1991*, however it does not meet the threshold for national heritage listing.

- 4.12 The eleven moveable heritage items, including remains of wooden bullock-drays and nineteenth/twentieth century horse-drawn metal ploughs and carts, are not considered significant heritage items in the context of their current location and do not meet the criteria for national heritage listing.⁴⁰
- 4.13 Located within Block 5 Section 75 Watson is a memorial to fallen soldiers and a line of memorial plantings. These were assessed as fulfilling the criteria for heritage listing under the *Land (Planning and Environment) Act 1991* (repealed) but not the criteria for national heritage listing. These memorials fall within Block 5 which is proposed to be rezoned as PRZ1 Urban Open Space, and therefore falls under the management responsibility of the Department of Territory and Municipal Services.⁴¹ Block 5 is also outside the proposed development area.
- 4.14 The Committee notes that prior to the Navin Officer study, no previous sites of heritage significance have been identified within the blocks and no sites or items on the blocks are listed as 'items of heritage significance on the National Heritage List'.⁴²
- 4.15 The Committee supports the management recommendations made in the 2004 cultural heritage study for those items and places identified as having heritage significance on part Block 2 and 3, Section 75 Watson, to minimise potential impacts on items and sites of heritage importance (Appendix C).

RECOMMENDATION 5

- 4.16 **The Committee recommends that the 2004 Navin Officer Cultural Heritage Assessment recommendations be adopted.**

⁴⁰ Navin Officer Heritage Consultants (2004) Cultural Heritage Assessment, Part Block 2 and Block 3, Section 75 Watson, p26.

⁴¹ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p3.

⁴² Navin Officer Heritage Consultants (2004) Cultural Heritage Assessment, Part Block 2 and Block 3, Section 75 Watson, p22.

5 ENVIRONMENT

- 5.1 A number of environmental concerns were also raised in submissions to the Committee including the need for buffer zones between any development and the nearby Canberra Nature Park, bushfire management issues, retention of significant trees and management of domestic animals.

Canberra Nature Park and Protected Woodlands

- 5.2 Parts Block 2 and Block 3 and Block 5 Section 75 Watson are located on the fringe of the Canberra Nature Park. The southern part of the proposed site contains species of flora typical of the internationally significant vegetation community of Yellow Box (*Eucalyptus melliodora*)/Red Gum (*Eucalyptus blakleyi*) woodland.⁴³ Yellow Box-Red Gum woodlands are home to a variety of native animals and birds.⁴⁴
- 5.3 Submissions to the Committee and to ACTPLA, including those from 'Friends of Grasslands' and 'Friends of Mount Majura', expressed concern about the impact of the draft variation and proposed development on the adjacent Canberra Nature Park and remnants of the protected Yellow Box-Red Gum Grassy Woodlands.⁴⁵
- 5.4 Approximately 47% (15,000 ha) of the ACT's original Yellow Box-Red Gum Grassy Woodland area has been destroyed by development of other land uses. A lot of the remaining woodland areas in the ACT have been partially or moderately modified.⁴⁶ Action Plan 10 (Yellow Box-Red Gum Grassy

⁴³ North Watson Heritage Village Affordable Housing Planning Study, February 2007, p19.

⁴⁴ ACT Lowland Woodland Conservation Strategy *Action Plan 27*; Environment ACT, 'Threatened Species and Communities of the ACT: Yellow Box-Red Gum Grassy Woodland, An Endangered Ecological Community' *Information Sheet*, 4 March 2005.

⁴⁵ Submissions 1, 2, 10, 14 and 18; ACTPLA Submissions 16 and 21.

⁴⁶ About 10,865 ha are in a partially or moderately modified condition. 5,955 ha are in a substantially or severely modified condition. Environment ACT, 'Threatened Species and Communities of the ACT: Yellow Box-Red Gum Grassy Woodland, An Endangered Ecological Community' *Information Sheet*, 4 March 2005.

Woodland)⁴⁷ identified the need to undertake more detailed floristic surveys of remnant woodland patches. Assessments of remnant patches, in 2001 and 2002 included in North Watson.⁴⁸

- 5.5 A number of submissions called for the retention of the site as is, particularly part Block 3 because of the remnant bushland and woodlands.⁴⁹ However, the Yellow Box-Red Gum Grassy Woodland vegetation identified on the site is not considered ecologically significant. Action Plan 10 declared that:

To be considered for high conservation value...Yellow Box-Red Gum Grassy Woodland must, among other criteria, be in patches of more than five hectares, have a patch configuration that is globular or variable, and have a relatively intact understorey of predominantly native grass species. Many woodland patches with Yellow Box-Red Gum tree species do not meet those criteria for high-very high conservation value and therefore are not included in that part of the endangered community that is to be conserved as recommended in Action Plan No.10..⁵⁰

- 5.6 The Committee acknowledges that part Block 2 and Block 3 contain clumps of highly modified protected Yellow Box-Red Gum Grassy Woodland. The clumps contain remnant and regrowth native trees which have sustained damage from stock, as well as significant weed infestation and have not been assessed as ecologically significant and therefore were not included in the nature reserve.⁵¹
- 5.7 The Committee also notes that the proponent is aware of the interface management issues with the adjoining Canberra Nature Reserve and will undertake a detailed landscape management plan as part of the Development

⁴⁷ Action Plan 10 (1999), Yellow Box-Red Gum Grassy Woodland.

⁴⁸ ACT Lowland Woodland Conservation Strategy (2004), *Action Plan 27*, p28.

⁴⁹ Submissions 1, 2, 6, 10, 14 and 18.

⁵⁰ ACT Commissioner for the Environment 'State of the Environment- 2000 Report: Indicator, Vegetation Clearing'
http://www.environmentcommissioner.act.gov.au/soe/2000_act_report/indicators/vegetationclearing?SO_DESIGN_NAME=text_onlyandSO_ACTION=set_design_name

⁵¹ Kevin Mills & Associates, (2004), Flora and Fauna Study, Part block 2 and block 3, Section 75 Watson, p4.

Assessment process. The plan will include management for open space and common areas within the proposed development.⁵²

- 5.8 Submissions received by the Committee also called for an Environmental Impact Study (EIS) of the proposed site.⁵³ The Committee notes that an impact management plan will be implemented during the development of the site in accordance with the recommendations made in the Kevin Mills Associates flora and fauna study, dated October 2004.⁵⁴
- 5.9 The Committee was also advised by ACTPLA that referral under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) may be required for the whole site at the development application stage. Further specific assessment of the southern corner of Block 3, Section 75 may also be needed to review the current condition of the modified Yellow Box-Red Gum Grassy Woodland. Any loss of significant Yellow Box-Red Gum Grassy Woodland from this part of the block is likely to be managed through compensatory Yellow Box-Red Gum Grassy Woodland plantings elsewhere on the site and on Block 2.⁵⁵
- 5.10 There was general support from the public for re-zoning of Block 5 to urban open space.

Significant Trees

- 5.11 Submissions to ACTPLA from the Conservator of Flora and Fauna and the EPA to ACTPLA have stressed the need for any significant trees on the site to be taken into consideration in any development proposal. The EPA highlighted that 'priority should be given to protecting the naturally occurring tree species on the site.'⁵⁶

⁵²North Watson Heritage Village Affordable Housing Planning Study, February 2007, p16.

⁵³ Submissions 13, 18, 20.

⁵⁴ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p11.

⁵⁵ Committee site visit and briefing, 4 August 2008.

⁵⁶ Recommended Final Variation No261 Watson, May 2008, p14.

5.12 The Conservator and EPA support the proposed variation to the Territory Plan and development of the site, provided that recommendations in the Flora and Fauna report be adopted in addition to the following EPA recommendations:

1. All high value trees, and where possible medium value trees, especially the old growth trees, to be retained and protected, with the design being sympathetic to the long-term protection and retention of those trees. These trees are to be fenced off beyond the tree canopy during construction to minimise compaction of the soil and damage to trees, branches or roots.
2. Only woodland trees and shrubs grown from locally sourced seed to be planted adjacent to Majura Nature Reserve.
3. To compensate for the removal of habitat within the Heritage Village, the adjacent area in Majura Nature Reserve and along the road verges to be enhanced by undertaking and maintaining revegetation of woodland species grown from locally sourced seed.
4. In addition, where possible, additional woodland trees and shrubs grown from locally sourced seed should be planted in open areas within the site, particularly the area that fronts the Federal Highway. This will blend the development into the surrounding natural landscape.
5. All species identified as pest plants in the ACT to be removed from the site, including where applicable, previous plantings of these species. No species from this list or any other native or exotic species known to be invasive (for example *Grevillea rosmarinifolia*, *Eucalyptus globulus*) to be planted during or after development.

5.13 Similarly, the Canberra Ornithological Group's submission to ACTPLA requested that, given the proximity of the site to the Canberra Nature Park, the mature Yellow Box trees on the site as well as other significant trees should be retained.⁵⁷

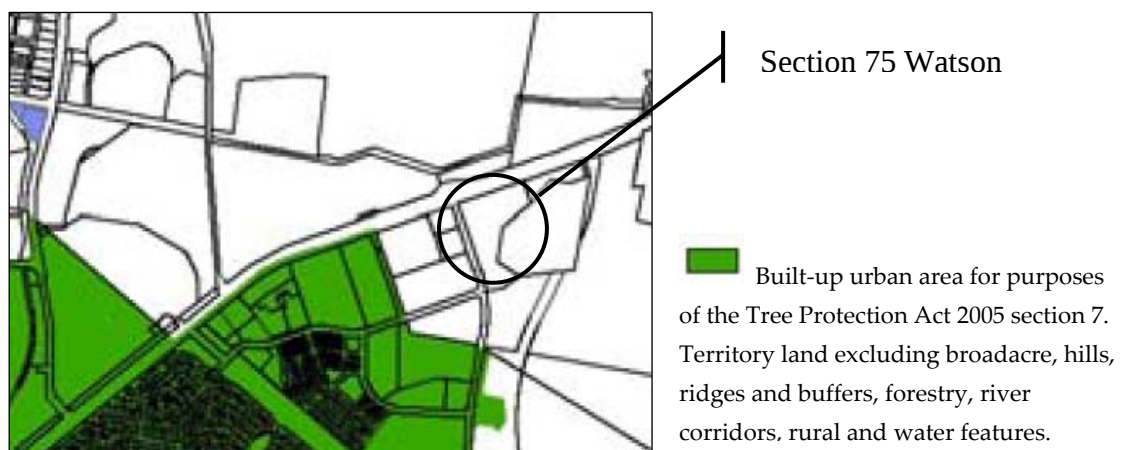
5.14 Despite the highly modified state of the Yellow Box-Red Gum Grassy Woodland on Part Blocks 2 and 3, section 75 Watson, the Committee notes that the current development concept plan preserves the majority of exceptional value, high value and medium value trees within community open space and

⁵⁷ ACTPLA submission 5.

in some cases within allotment boundaries, as identified in the vegetation assessment prepared in 2004 by DSB Landscape Architects.⁵⁸

- 5.15 The Committee also notes that ACTPLA has accepted the recommendations made in the Flora and Fauna Study prepared by Kevin Mills and Associates that, where possible, medium value trees, especially old growth trees will be retained so as to minimise disturbance of native wildlife's natural habitat. Additionally, only woodland trees and shrubs grown from locally sourced seed are to be planted adjacent to Canberra Nature Park.
- 5.16 The Committee acknowledges that under the *Tree Protection Act 2005* and *Planning and Development Act 2007* the conservator of flora and fauna is also asked to give advice to the ACT Planning and Land Authority on all development applications. The advice must include recommendations about tree protection requirements for each protected tree within a protection zone on the land subject to the development.⁵⁹
- 5.17 However, the Committee was advised that section 75 Watson is currently not covered by the *Tree Protection Act 2005* as it is not included in the Built-up Urban Areas tree management precinct (see figure 4 below) .⁶⁰

Figure 4: Built-up Urban Areas



⁵⁸ DSB Landscape Architects, Vegetation assessment, June 2004.

A total of 446 trees are included in the survey and appear on the survey plan, this includes native trees as well as several dead trees. This tree survey has identified trees of mid to high value and those that are worthy of retention.

⁵⁹ *Tree Protection Act 2005*, s 83(2); *Planning and Development Act 2007*, s 149, s 150 and s 151.

⁶⁰ *Tree Protection (Built-up Urban Areas) Declaration 2007*(No1).

- 5.18 The Tree Protection (Built-up Urban Areas) Declaration 2007(No1) would need to be amended to include Section 75 Watson before the draft variation is approved, in order for the significant trees on the site to be assessed appropriately. The Minister for Environment, Water and Climate Change may determine, in writing, an area of land to be a built-up urban area for the purposes of the *Tree Protection Act 2005*.

RECOMMENDATION 6

- 5.19 **The Committee recommends that part Blocks 2 and 3 and Block 5 Section 75 Watson be included in the Built-up Urban Areas tree management precinct, prior to any development work commencing on the site, so that the site is covered by the provisions of the *Tree Protection Act 2005*.**

Protection of Native Animals

- 5.20 The Committee was also advised in submissions that the proximity of the proposed development to the Canberra Nature Park may put extra pressure on native fauna in the area, including endangered species that inhabit the Reserve.
- 5.21 The Canberra Nature Park provides habitat for a diverse range of native animal species, some of which are nationally threatened.⁶¹ The proximity of Canberra Nature Park to urban areas makes native animal populations susceptible to a number of threats; for example, loss or degradation of habitat and natural resources used for building habitat.⁶²
- 5.22 Approximately one hundred and thirty-three native bird species have been recorded in the area, including nesting grounds for the Silver Owl.⁶³ The

⁶¹ 'Canberra Nature Park Management Plan 1999' *Department of Urban Services Conversation Series No. 14*, p18.

⁶² 'Canberra Nature Park Management Plan 1999' *Department of Urban Services Conversation Series No. 14*, p18

⁶³ Submission 10; ACTPLA Submission 18.

Canberra Ornithologist Group also reported the presence of the Tawney Frogmouth in the area.⁶⁴

- 5.23 The Committee also notes that the submissions made by the Canberra Ornithologists Group and Conservation Council expresses particular concern about the impact of draft variation 261, and the proposed development, on the Regent Honeyeater which has been known to breed in the Yellow Box trees in the ACT.⁶⁵ Small possums and echidnas have also been spotted in the area.⁶⁶ However, no threatened species or habitats have been identified on the proposed development site.⁶⁷
- 5.24 ACTPLA advised the Committee that predator proof fencing might be required on the boundary of the nature park and that this would be considered at the development application stage.⁶⁸

Management of domestic animals

- 5.25 Submissions to the Committee and to ACTPLA also expressed concerns for the appropriate management of domestic animals in any residential development on the site considering it abuts the Canberra Nature Park.⁶⁹
- 5.26 Domestic cats have been identified as a particular concern as the Canberra Nature Park provides habitat for many native animals⁷⁰ and some submissions have called for domestic cats to be prohibited in the new development.⁷¹
- 5.27 Under the *Domestic Animals Act 2000* (ACT) the Minister can declare an area where cats have to be confined to premises during stated times (s.81).

⁶⁴ Submission 10; ACTPLA Submission 5 and 13.

⁶⁵ ACTPLA Submission 5 and 9.

⁶⁶ ACTPLA Submissions 1, 2 and 3.

⁶⁷ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p11.

⁶⁸ ACTPLA briefing to Committee, 7 July 2008.

⁶⁹ Submission 2; ACTPLA Submission 9 and 22.

⁷⁰ Environment ACT, 'Canberra Nature Park Management Plan 1999' *Department of Urban Services Conversation Series No. 14*, p18.

⁷¹ ACTPLA Submission 18.

- 5.28 The Committee recognises that predation by roaming domestic pets is a serious threat to native biodiversity in the ACT. Cat containment is well justified on available research.⁷²

RECOMMENDATION 7

- 5.29 **The Committee recommends that cat containment be mandatory for any new residential development bordering the Canberra Nature Park.**

Bushfire Management

- 5.30 Another consideration in developing residential accommodation on Part Blocks 2 and 3 Section 75 Watson is fire management, due the site's proximity to the Canberra Nature Park. The Canberra Nature Park contains grasslands and woodland vegetation which, under extreme weather conditions, is considered to be bushfire prone.⁷³
- 5.31 Several submissions articulated the need for bushfire management strategies in the area.⁷⁴ Submissions also identified the need for an appropriate buffer zone to ensure asset protection and questioned water supply facilities to the development site for fire-fighting purposes.⁷⁵
- 5.32 The Committee has been advised by ACTPLA that the future development will meet the ACT Government requirements regarding bushfire protection.⁷⁶ An edge road has been provided for in the Concept Plan which satisfies

⁷² Research citations provided to the Committee in its 2005 report *Wildlife Corridors and DV231 – East Gungahlin Suburbs of Kenny and Throsby and Goorooyarroo Nature Reserve*.

⁷³ Australian Heritage Village-Watson. Volume 1 Planning Study 2005, p19.

⁷⁴ Submission 19; ACTPLA Submission 9, 14, 22, 23,

⁷⁵ ACTPLA Submission 9, 14, 22, 23.

⁷⁶ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p17; ACTPLA briefing to Committee, 7 July 2008.

Emergency Services Authority requirements and provides adequate hazard and bushfire access to the Canberra Nature Park.⁷⁷

- 5.33 Additionally, the proponents of the development propose to include a manageable and appropriately landscaped buffer zone within the development area to provide for fuel reduction between the residences and the Canberra Nature Park. The Committee notes that 'once the existing concept plan has been developed to final design stage a revised and updated Bush Fire Hazard Assessment will be carried out for the proposed development'.⁷⁸
- 5.34 The Committee also heard from ACTPLA that water services for fire-fighting purposes at present appear adequate.⁷⁹ ACTPLA advised that any need for enhanced fire hydrant standards will be considered at the time of the development application.⁸⁰
- 5.35 The Committee believes these bushfire management measures are adequate.

⁷⁷ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p14; ACTPLA briefing to Committee, 7 July 2008.

⁷⁸ North Watson Heritage Village Affordable Housing Planning Study, February 2007, p17.

⁷⁹ ACTPLA briefing to Committee, 7 July 2008.

⁸⁰ ACTPLA briefing to Committee, 7 July 2008.

6 FACILITIES AND SERVICES

- 6.1 Rezoning part Blocks 2 and 3 Section 75 Watson to RZ1 Suburban Residential would enable the proponent to develop the site, currently proposed to be a Community Title scheme consisting of around 300 dwellings ranging from 1 to 3 bedrooms. The additional population resulting from the development is estimated at 750 individuals.
- 6.2 The Draft Variation states that the Planning Study prepared by the proponents argued that the site is suitable for residential use consistent with the residential intensification 'radius' of the Spatial Plan.⁸¹
- 6.3 The Committee notes that the Canberra Spatial Plan provides that residential intensification will occur within a 7.5km radius of the city centre over the next 15 years. It also highlights that areas within central Canberra including along Northbourne Avenue would be targeted for residential intensification, but that 'policy boundaries are not to be regarded as precise and are intended to inform more detailed planning'.⁸²
- 6.4 Submissions to ACTPLA and the Committee expressed concern that residential intensification was not appropriate on this site because the local services and facilities including schools, childcare services, community facilities, roads and infrastructure are not sufficient to service the anticipated population increase.

Traffic Management

- 6.5 A number of submissions to the Committee and ACTLPA highlighted the potential for additional traffic on the roads in North Watson and Hackett as a result of the proposed development, leading to increased pressure on the roads between Watson and Civic.⁸³ Submissions particularly identified Antill

⁸¹ Recommended Final Variation No261 Watson, May 2008, p5.

⁸² The Canberra Spatial Plan (2004), Map 5 and pp12 and 18.

⁸³ Submissions 2, 3, 10, 13 and 19; ACTPLA Submissions 1, 6, 11, 13, 14 and 18.

Street and Aspinall Street leading into Civic and the intersection off the Federal Highway as thoroughfares of concern.⁸⁴

- 6.6 Submissions also expressed concern that increased traffic would result in increased congestion and road hazards particularly during peak travel time and in school drop-off times, as there are a number of school zones in the area between North Watson and Civic.⁸⁵
- 6.7 The Traffic and Parking Impact Assessment Report⁸⁶ and the 2005 Australian Heritage Village - Watson Planning Study⁸⁷ estimated that approximately 1800 additional vehicle trips a day may be made as a result of the proposed new development.⁸⁸ It is estimated that the additional vehicle trips will be split between the Federal Highway, Antill Street and Aspinall Street.⁸⁹
- 6.8 The Committee notes that Antill Street, which has a capacity of 10 000 vehicles per day (vpd), is currently operating at less than 20%.⁹⁰ Even accounting for the other new developments in the Watson area, which have increased the traffic volume along Antill Street,⁹¹ it is unlikely that during peak time there will be capacity problems at the intersections of Antill Street and the Federal Highway or Antill Street and Philip Avenue resulting solely from the proposed development.⁹²
- 6.9 The Committee acknowledges that there is likely to be an increase in traffic from the proposed development. However the Committee believes this increase is unlikely to cause major congestion issues on its own.

⁸⁴ Submissions 2, 3 and 13; ACTPLA Submission 13.

⁸⁵ ACTPLA Submission 13.

⁸⁶ Huges Trueman 'Australian Heritage Village: Watson Section 75 Blocks 2 and 3 Proposed Residential Redevelopment Traffic and Parking Impact Assessment Report' Draft Report, December 2004. (*'Traffic and Parking Impact Assessment Report' 2004*).

⁸⁷ Australian Heritage Village-Watson. Volume 1 Planning Study, 2005, p19.

⁸⁸ Trueman, 'Traffic and Parking Impact Assessment Report' 2004, p5;
Australian Heritage Village-Watson. Volume 1 Planning Study 2005, p20.

⁸⁹ Australian Heritage Village-Watson. Volume 1 Planning Study 2005, p20.

⁹⁰ Trueman, 'Traffic and Parking Impact Assessment Report' 2004, p4.

⁹¹ Trueman, 'Traffic and Parking Impact Assessment Report' 2004, p4.

⁹² Trueman, 'Traffic and Parking Impact Assessment Report' 2004, p7.

- 6.10 The ACTPLA Consultation Report also highlights that a Traffic impact Assessment will be carried out for the proposed development once the concept plan has been developed to final design stage.⁹³
- 6.11 The Committee is aware of the concerns of Watson and Hackett residents regarding general traffic increase in North Canberra, particularly on Majura road and Phillip Avenue as well as Antill, Madigan and Aspinall Streets.
- 6.12 The majority of this traffic increase can probably be attributed to traffic from new residential developments in the Gungahlin region. The Committee also heard from ACTPLA that it will shortly be commencing concept planning study for the future suburb of Kenny which will include a traffic assessment.⁹⁴ The assessment will include projections of traffic use of Morisset Road, which will link into the Federal Highway/Antill Street roundabout⁹⁵ and may affect traffic patterns in North Canberra generally.
- 6.13 The Committee notes that the Department of Territory and Municipal Services has scrutinised planning reports for the rezoning intent of draft variation 261 and is monitoring the need for future improvements to Antill St as a whole. As that area along Antill St develops further, footpaths, intersections, curbs, local traffic management plans etc will be developed.
- 6.14 The Committee also notes that ACT Roads is currently assessing the overall traffic usage patterns and capacity in North Canberra and will put forth possible solutions in approximately two months.⁹⁶
- 6.15 The future construction of the Majura Parkway may also ease traffic loads through North Canberra.

⁹³ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p53.

⁹⁴ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p53.

⁹⁵ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p53.

⁹⁶ The City Chronicle, 'Backed up for miles' by Sarah Parkes, Vol 28, No. 22.

Transport Links

- 6.16 In addition to traffic increases, submissions to ACTPLA and the Committee raised concerns about the capacity and availability of public transport links to the Section 75 site; including bus services, bike paths and footpaths, to accommodate the increase in population.⁹⁷ The 2007 Planning Study observes that on average '14.3% of people in the suburbs of Watson in 2001 used alternative modes of transport'⁹⁸, emphasising the need for adequate alternatives to private car transport in the region.

Buses

- 6.17 Submissions were particularly concerned about the adequacy of bus services to North Watson.⁹⁹ The Conservation Council highlighted in its submission that 'the area is only serviced by one peak/daytime route.'¹⁰⁰ They expressed concern that the service has a very low frequency and during peak travel times was over-patronised.¹⁰¹
- 6.18 Currently under the revised Network '08 one bus, route number 39, runs to the proposed development site. The 39 runs regularly from Watson to City via Downer from around 6am to 11.30pm on weekdays and provides increased services in peak hours.
- 6.19 The Committee notes that ACTION also monitors operations in all suburbs to assess patronage and future services requirements.¹⁰²
- 6.20 ACTION may consider looping route 39 through the proposed site if future demand from residents is high.

⁹⁷ Submission 10 and 13; ACTPLA Submissions 9, 11 and 18.

⁹⁸ North Watson Heritage Village Affordable Housing Planning Study, February 2007, p11.

⁹⁹ Submissions 10, 13 and 19. ACTPLA Submission 11 and 18.

¹⁰⁰ ACTPLA Submission 9.

¹⁰¹ ACTPLA Submission 9.

¹⁰² ACTPLA 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p21.

Cycle Paths/Footpaths

- 6.21 The ten year master plan (2004-2014) for trunk cycling and walking path infrastructure identifies proposed main cycle and shared routes throughout Canberra.¹⁰³ Path infrastructure to the north Watson area is chiefly via on-road cycle paths on the federal highway, minor streets and pedestrian paths. Footpath links to the Watson shops and throughout the suburb are already in place.
- 6.22 The master plan was further reviewed in 2005 to prioritise work for major pedestrian and cycling infrastructure requirements.¹⁰⁴
- 6.23 ACTPLA is confident that the proposed variation has been assessed with regard for the Sustainable Transport Plan and the need for efficient transport services; including access to public transport, walking and cycling.¹⁰⁵
- 6.24 The Committee considers that public transport and cycle and pedestrian path infrastructure to service the proposed development is adequate.

Community Facilities

- 6.25 The Committee is aware that Section 75 Watson is located close to the Dickson Group Centre and Watson Local Centre which is co-located with the Majura Primary school and Knox St Preschool and would serve any residents of the proposed development.
- 6.26 Submissions to ACTPLA and the Committee argue, however, that the current community facilities, including school, child care, local shopping centre and recreational amenities, are inadequate to deal with approximately 750 additional individuals from the proposed development.

¹⁰³ TAMS, 2004, *Ten year Master Plan for Trunk Cycling & Walking Path Infrastructure 2004-14*.

¹⁰⁴ McCann Associates, 2005, *Canberra's Commuter Bicycle Network- a report on priorities for work*, June 2005.

¹⁰⁵ North Watson Heritage Village Affordable Housing Planning Study, February 2007, p11; ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p21.

- 6.27 Submissions were particularly concerned with the capacity of Majura Primary, Knox St Preschool and Lyneham High to accommodate additional students in the Watson region.
- 6.28 The Department of Education and Training advised ACTPLA that enrolment projections currently indicate that additional school land is not needed in the North Canberra region.¹⁰⁶
- 6.29 The Committee also notes from the 2007 Affordable Housing Planning Study, that additional dwellings at North Watson were limited to 1300 by Draft Variation No 5, based on the remaining capacity of Majura Primary School and estimated 'student numbers per dwelling increase'.¹⁰⁷ This total dwelling increase has not been taken up and therefore still allows for the number of dwellings in the proposed development.
- 6.30 The 2007 Planning Study also highlights that current enrolment numbers at Majura Primary School are almost static.
- 6.31 The Committee considers that the current school capacity is adequate to cater for the potential population increase from the proposed development.
- 6.32 A number of submissions also expressed concern that Watson shopping centre was too small to serve an additional populace in North Watson.¹⁰⁸ Watson shops may require additional parking in future to cater for increased patronage which would need to be assessed separately to this proposal.

RECOMMENDATION 8

- 6.33 **The Committee recommends that the ACT Government review current parking provisions at the Watson local centre and future parking needs.**

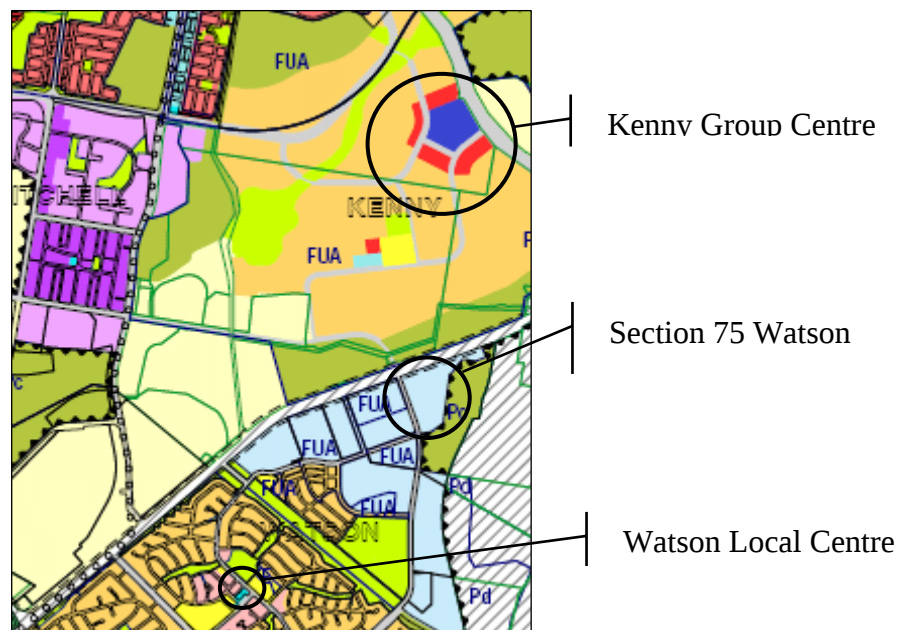
¹⁰⁶ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p22.

¹⁰⁷ North Watson Heritage Village Affordable Housing Planning Study, February 2007, p13.

¹⁰⁸ Submission 6, 10, 13, 18 and 19.

- 6.34 ACTPLA outlines in their report on consultation that the relevant distances from the proposed development to shops and other services are similar or better than many Canberra suburbs.¹⁰⁹
- 6.35 The Committee was also advised by ACTPLA that the current phase of whole-of-government planning is focusing on future facility and service needs across Canberra, particularly education, commercial and retail facilities. In light of this, future facilities for the Gungahlin region need to be taken into account when considering the capacity of facilities in North Canberra.
- 6.36 For example, ACTPLA highlighted that once the future suburb of Kenny is developed, and due to the close proximity, it is likely that North Watson residents would make increasing use of the commercial, community and recreational facilities that will be available within the Kenny group centre. Group centres are 'larger shopping centres... that serve groups of nearby suburbs'¹¹⁰ The concept planning for Kenny will begin in the next 12 months.¹¹¹

Figure 5: Gungahlin and Hall¹¹²



¹⁰⁹ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p21.

¹¹⁰ Territory Plan, 2008, *Group Centre Precinct Code*, p5.

¹¹¹ ACTPLA briefing to Committee, 7 July 2008.

¹¹² Extract of Territory Plan Map, 2008, *Gungahlin and Hall*.

- 6.37 Draft variation No 261 also highlights that the concept planning studies to be undertaken during 2008 would address broader infrastructure and community facility provision issues in the context of development that has already occurred in North Watson as well as planning for the future suburb of Kenny and the southern part of Harrison.¹¹³
- 6.38 The Committee considers the current and future community facilities in the Watson area adequate to cater for the additional population arising from the proposed development.
- 6.39 However, additional bus services to the future group centre in Kenny may be appropriate in future to enable North Watson residents to access a greater range of services and facilities.

Infrastructure Services

- 6.40 Submissions to the Committee also expressed concern about site stormwater management and the capacity of current sewerage facilities in the area if the proposed development on Part Blocks 2 and 3 Section 75 Watson proceeds.¹¹⁴
- 6.41 A preliminary assessment of the existing stormwater catchment area shows that existing stormwater culverts are capable of managing increased stormwater flows from the proposed development.¹¹⁵ On site storm water control ponds are proposed to be incorporated into the future development.
- 6.42 ACTPLA highlighted in their report on consultation that the ACT Government is currently undertaking action to secure adequate water supply for the ACT.¹¹⁶ Additionally, no issues were raised in relation to water supply and storm-water management in ACTPLA's agency consultation. Any infrastructure costs associated with development of the site will be met by the developer.¹¹⁷

¹¹³ Recommended Final Variation No261 Watson, May 2008, p5.

¹¹⁴ ACTPLA Submission 13, 14, 24,

¹¹⁵ North Watson Heritage Village Affordable Housing Planning Study, February 2007, p16.

¹¹⁶ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p42.

¹¹⁷ ACTPLA, 'Draft Variation to the Territory Plan No. 261' *Report on Consultation*, May 2008, p42.

- 6.43 ActewAGL also conducted a preliminary assessment of the sewerage facilities at the proposed development site and indicated that the main sewer may have reached capacity.¹¹⁸ The Committee was advised that sewerage facilities probably have the ability to support a development of the proposed size in the short term¹¹⁹ although an upgrade may be necessary in the medium to long term.¹²⁰ Dialogue between ACTPLA, TAMS and ActewAGL in relation to this issue is ongoing. Further assessment at the Development Application stage is likely to be necessary.
- 6.44 The Committee considers that the assessment of the sewer capacity is relatively outdated and does not take into account recent residential expansion in North Watson.

RECOMMENDATION 9

- 6.45 **The Committee recommends that the sewer capacity in North Watson be reassessed and upgraded if necessary.**

Chair

August 2008

¹¹⁸ North Watson Heritage Village Affordable Housing Planning Study, February 2007, p16.

¹¹⁹ ACTPLA briefing to Committee, 7 July 2008.

¹²⁰ ACTPLA briefing to Committee, 7 July 2008;
North Watson Heritage Village Affordable Housing Planning Study, February 2007, p16.

Appendix A Summary of key issues and ACT Planning and Land Authority responses

Stakeholder Comment	Response by the ACT Planning and Land Authority
Heritage	
Fourteen submissions from individuals and organisations, and the 408 standard letter submissions, expressed interest in the heritage value of the Australian Heritage Village 'Canberry Fair' (Block 3 Section 75). The proposed development would result in the destruction of heritage property.	ACT Planning and Land Authority (ACTPLA) consulted the Heritage Council. The Heritage Council identified two Aboriginal sites and one Historic Heritage Place. A Heritage Management Plan will be prepared and submitted at the Development Application Stage.
Preservation of buildings at the Australian Heritage Village. The buildings are recreations of early 1900s Australian Architecture modelled on buildings that exist in different parts of Australia. They are built to specifications out of prescribed authentic materials. All efforts should be made to maintain the heritage style of the buildings and landscape.	The Heritage Report provided as part of the planning study found that there were no sites of European heritage significance. All aspects of the site and buildings were assessed for heritage value. The buildings are of modern construction and have no heritage significance. They do not have any particular architectural merit that would warrant their preservation.
'Canberry Fair' has cultural Heritage value of and therefore should be preserved. Submissions received call for a new heritage value assessment of the site as the 2004 assessment did not substantially consider Canberry Fair's the cultural heritage value. There is no requirement that something be 'old' for it to have cultural heritage value. The buildings have significant educational and social values being a recreation of an early 1900s Australian village.	A new assessment is not considered necessary. The 2004 assessment was thoroughly and competently conducted by qualified and experienced professionals.
Aboriginal Site There are two Aboriginal places on the proposed site that require protection.	Protection of any Aboriginal sites will be provided for in the Heritage Management Plan. The Heritage Report provided as part of the planning study recommended that any Aboriginal artefacts are to be salvaged if the sites are to be directly impacted.
Memorial Block 5 contains memorials that have been neglected and damaged. One of the memorial plinths has been damaged and the plaque removed. There is also a memorial to Junior Farmers who fought in WWII. There is no current access for the public to this memorial. These memorials need to be preserved and should be considered as part of the areas cultural heritage.	Management of this site is the responsibility of the Department of Territory and Municipal Services. The matter has been referred to this department for follow-up.

Environment	
Nineteen submissions from individuals and organisations, and the 408 standard letter submissions, expressed concern at the impact that the proposed variation would have on the environment. The proposed development site is adjacent to the Canberra Nature Reserve and therefore adequate buffer zones must be included.	The proposed site was searched for any protected threatened flora and fauna identified in the Mills report (Kevin Mills Associates, October 2004) and listed under the ACT Nature Conservation Act 1980 and the Environment Protection and Biodiversity Conservation Act 1999 (Cwth). No ecological sensitive land will be compromised as a result of the development. Impact management strategies will be implemented during the development of the site.
Part Block 2 should be kept as a buffer Zone to Canberra Nature Reserve Some submissions expressed concerns about the adequacy of buffer zones between residential areas and the Canberra Nature Reserve. The proposed development site is adjacent to the Canberra Nature Reserve. There must be adequate buffer areas between hosing development and bushland areas to reduce the effects of urbanisation on the natural environment. Road and a fence line is not an adequate buffer zone. Some submissions have also suggested controlling the species of plants that residents can plant in their gardens.	Part Block 2 is zoned Commercial CZ6 and 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. Appropriate buffers will be provided and any restrictions on garden plants will be considered at the Development Application stage.
Part block 2 and Block 3 contain clumps of the protected Yellow-Box Red Gum Grassy Woodland Some submissions suggested that part Block 2 should be incorporated into the Canberra Nature Reserve. The southern areas of Block 3 and Part Block 2 contain areas of Yellow Box Red Gum Grassy Woodland and are of significant ecological value. This woodland is contiguous with Canberra Nature Park and should be incorporated into the Nature Reserve.	Part block 2 and Block 3 contain clumps of the protected Yellow Box Red Gum Grassy Woodland The proposed site is not considered to be of sufficient ecological value and therefore will not be included in the nature reserve.
Significant Trees There are some exceptionally large trees on Block 3 and some submissions recommended that these trees be included on the Significant Tree Register. Also, some of the trees on Block 5 are part of memorial plantings and should not be removed or damaged.	The Requirements of the Tree Protection Act 2005 will be adhered to. The proposed development area does not include any of the memorial planting trees.
Protection of native animals Some submissions were concerned about the detrimental impact that the proposed development would have on native birds and animals known to inhabit the area. The Canberra Ornithologist Group has recorded 133 native bird species. The site is known to contain nesting Silver Owls. Other native fauna that have been identified include; Tawney Frogmouth	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. No threatened species have been identified on the site at this stage; no actual habitat sites were found on the specific site. The interface between the proposed development site and the adjacent Nature Park will be managed.

Owls, Speckled Warbles, Black Cockatoos.	
Management of domestic animals Some submissions expressed concern for the impact of domestic cats and dogs that would have free, easy and uncontrolled access to the Canberra Nature Reserve putting pressure on native animals.	This issue will be managed as it is in many other Canberra suburbs that adjoin the nature reserve. The proposal is to be developed under a Community Title scheme with a body corporate structure. The body corporate will have the option of introducing controls on dog and cat ownership.
Bushfire Management Six individual/organisation submissions articulated concern for bushfire management and the need for an appropriate buffer zone to ensure asset protection.	The proposed development will meet all ACT Government requirements regarding bushfire protection and management. An enhanced fire hydrant regime will be considered at the time of the development application.
Facilities and Services	
Seventeen submissions from individuals and organisations, and the 408 standard letter submissions, expressed concern that the infrastructure, services and facilities were inadequate to support the increase in population.	Infrastructure, services and facilities at present appear capable of supporting the proposed development. It is not necessary to undertake an upgrade at this stage. This is possible in the future. Dialogue is ongoing.
Roads and traffic Some submissions were concerned about the increase in traffic on streets and roads between North Watson and Canberra CBD. Antill Street, Aspinall Street, Knox Street and Northbourne Avenue and Majura Avenue. During peak times these thoroughfares will become more congested.	There are no substantive traffic issues associated with the development proposal. Territory and Municipal Services is involved in scrutinising background reports on the capabilities of roads. The 2004 Planning Study Report addressed the traffic aspects of the development proposal. It did not identify any areas of concern. The capacity of Antill Street is capable of supporting an increase in traffic. There are no intersection capacity problems within 2 km of the area. Any issues with congestion and queuing at some intersections could be resolved independent of this development proposal.
Noise Some submissions were concerned about noise that would be generated from traffic and breaking on the Federal Highway. Some submissions were also concerned about noise from aeroplanes using the south-western flight path from Canberra Airport.	The development will be required to meet noise standards as per the Environment Protection Act 1997. Noise generated by aeroplanes is not an issue. The site is well outside the relevant Australian Noise Exposure Forecast corridors published by Canberra Airport and Air Services Australia which determines the appropriate locations for residential development with respect to aircraft noise.
Inadequate public transport and increased dependence on cars. Eight submissions from peak bodies were worried about the availability of public transport. Inefficient public transport services, and the distance from services and facilities would lead to increased dependence on cars. This would add to congestion on the roads.	Bus services to Civic and major shopping centres from the proposed development would be improved as the population of the proposed development increases. Presently bus routes 36 and 39 provide services to the City from the proposed site. The proposed development has been devised in accordance with the 2005 and 2007 Planning Study reports which consider access to public transport, walking and cycling which consider access to major employment, retail and education and recreation facilities.

Shops and community facilities Some submissions were worried that the proposed development did not allow for increased community facilities such as shops and community services.	Relevant Government Agencies that are involved in delivering community facilities and services consulted during the preparation of the draft variation. None of these agencies advised that the proposal ought not to proceed due to inadequate community facilities. There is provision for a group centre at the future suburb of Kenny. A through road to Gungahlin and Kenny is also planned. Residents will have access to facilities in these suburbs.
Parking Some submissions were concerned with residential parking availability since 'every resident will need a car due to the isolation of the development' and transport options. Some submissions were also concerned about parking availability at the nearby shops in Watson, Hackett, Ainslie and Dickson which, according to some Stakeholders, are already above capacity.	On-site parking and visitor parking in the development will be provided for in accordance with the Parking and Vehicular Access General Code required by the Territory Plan. The issue of parking at nearby shops will be resolved. This is preferable to limiting the number of customers. It is also
Water and sewerage A number of submissions were worried about water availability, provision for storm-water management and the capabilities of the sewerage facilities.	No issues were raised during agency consultation in relation to water supply, storm-water management and sewerage management. Any infrastructure costs will be met by the developer. The ACT Government is currently undertaking action to secure adequate water supply for the ACT. Stormwater will be treated on-site. The design will mitigate any collection or control problems thereby avoiding any potential costs to body corporate.
Inadequate Schools Some submissions were worried about school access in the area; Majura Primary and Knox Street Pre-school would be challenged to accommodate an influx in children as Lyneham High is at capacity.	The draft variation was referred to the Department of Education and Training for comment. The Department did not advise that the proposal should not proceed due to school availability; Majura Primary School can accommodate an increase and pre-school capacity may need to be expanded in the future.
Affordable Housing	
Eight standard letter submissions and sixteen submissions from individuals and organisations were concerned about the meaning 'affordable housing'.	Affordable housing is being promoted by the ACT Government through the Affordable Housing Action Plan. This plan aims to make home ownership a reality to low/moderate income groups. The proposed dwellings will be affordable because 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.
Amenity and liveability of affordable housing Some submissions were worried that affordable housing would be at the expense of amenity and liveability.	The design and siting requirements will be in accordance with the relevant development codes ensuring liveability and amenity. This will occur at the development application stage.

Amending the proposed plan Some submissions recommended amending the proposed plan so that larger and expanding households could have the ability to enlarge their houses over time.	The proposed development provides for a range of blocks/housing types therefore providing for different household sizes and compositions.
Alternative sites Some submissions identified two alternative and more suitable sites adjacent to the Federal Highway that could be developed by the local government for affordable housing.	The two alternative sites are currently unleased Territory land which will be developed in the future.
Affordable housing is the Governments responsibility, not private developers Submissions also recommended that affordable housing is only achievable if the Government does the developing themselves and commissions sustainable public housing. The development should not be developed by a private developer with no long-term control over the land, house prices or rent.	The ACT Government has been actively promoting affordable housing through its Affordable Housing Action Plan. Affordable housing can be delivered by the private sector. This is already occurring in Canberra. The development will be consistent with the Principles for Sustainable Development in the Territory Plan's Statement of Strategic Directions.
Commercial opportunity	
Standard letter submissions and seventeen individual submissions expressed concern about the loss of the Australian Heritage Village as it is perceived as commercially viable. Submissions suggested maintaining the land as zoned for Entertainment, Accommodation and Leisure.	Retaining the proposed site as zoned for Entertainment, Accommodation and Leisure is not commercially viable. The site has failed commercially as a replica heritage village and maintaining this function is not practicable. The lessee is pursuing a residential proposal because of the failure of entertainment and leisure activity on the site over an extended period.
Need for social/tourist venue on north side Some submissions suggest retaining the AHV for entertainment, recreational, community cultural and tourism purposes. Submissions suggested keeping the AHV for school excursions and arts and crafts workshops for students and the community.	Tourist ventures on the proposed site have failed commercially over a long period. Use of the site for affordable housing is considered to be in the community interest. Substantial land remains available at North Watson with the appropriate zoning should any viable proposal emerge in the future.
Re-open Clancy's Pub Four hundred and eight standard letter submissions and submissions for individuals and peak organisations suggested retaining and re-opening Clancy's pub.	The tourism and entertainment activities on the site have proved to be not commercially viable over a long period.
Existing buildings could be used by arts community Submissions received stated that professional artists from the Canberra region have moved interstate to work due to limited studio space in Canberra. Some submissions suggested keeping the Australian Heritage Village and renting the buildings out to professional artists and other interested tenants who have been unable to acquire leases.	The use of the site for community facility purposes such as artists' studios is not considered a financially viable option.

Public Consultation, Site Assessment etc.	
A lot of standard letter submissions and submissions from individuals and organisations are troubled by the degree of consultation adherence to procedure during the development stage.	The Planning and Development Act, which mandates the public consultation process, has been adhered to.
Lack of public consultation with Inner North Community Some submissions claim that ACTPLA has not engaged in sufficient consultation with the community and that there was insufficient time allowed for public comment.	The Territory Plan Variation process, and the associated legislation, includes requirements for public engagement. This is evidenced in this instance by the substantial volume of submissions received on the proposal. The public will also have the opportunity to comment at the Development Application stage. The time allowed for public consultation and making submissions was double the statutory requirement. The closing date for comments was also extended.
Appropriate level of research Some submissions were concerned that ACTPLA did not undertake adequate research to ensure that the proposed development is the best use of the area.	Planning studies were prepared and these studies informed the draft variation. The studies addressed issues such as alternative uses of the site, human environment and natural environment, traffic impacts and infrastructure.
Lack of transparency and Government opportunism Some submissions are concerned that the Minister and relevant authorities are pandering to the developers' wishes without oversight or control.	ACT Legislation imposes a rigorous and transparent process on the development and redevelopment of land in the Territory. This has been adhered to.
Direct Grant of Part Block 2 Section 75 Submissions received objected to the direct grant of part Block 2 Section 75 to the developer. Some submissions believe that the land should be retained in public ownership or sold through a public auction. The fact that it is 'landlocked' is not a reason for denying other developers the opportunity to bid for it.	Part block 2 section 75 is only accessible via the heritage village site or the nature park. It cannot be separately sold or developed. The land could not be practically developed by any other party. It will be sold at market value as determined by independent valuation.
Preference given to developer Some submissions are concerned that the developer is gaining access to developments in the ACT and making money by claiming to be setting up 'low cost' housing. Submissions received are also concerned that the development is not considering the wellbeing of current Watson residents.	Every proposal and application for variations to the Territory Plan and development assessment is assessed on its merit in accordance with the Territory Plans' Statement of Strategic Directions and development controls. 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.

Appendix B List of Submissions

Submissions

Submission No°	Author
1	Watson Community Association
2	Nicolas and Justine Covey
3	Nicolas and Justine Covey (supplementary)
4	Helen Woodbridge
5	Wailer
6	Dorothy Wood
7	Alison Richens
8	Deborah Fulton
9	Richard Larson (WCA)
10	John Howard
11	Brian Crook
12	Carrie Wright
13	Barbara McCarthy
14	Friends of Mt Majura
15	Joan Platts
16	Lee Bitunjac
17	Jo Kaminga
18	Betty Allan
19	Proforma Letters (117 received)
20	Watson Community Association Inc (supplementary)
21	M Goddard
22	Christopher Nailer

Appendix C Cultural Heritage Management Recommendations

Cultural Heritage Assessment ¹²¹

9. MANAGEMENT RECOMMENDATIONS

Recommendations are based on a number of considerations, including legal requirements, development impact, and the archaeological context. In general terms, it is recommended that the detailed design should consider the need to minimise potential impacts on heritage items wherever possible. Detailed archival photographic recording of heritage items should also be undertaken before any disturbance occurs.

9.1 Aboriginal Sites

The following recommendations are provided to minimise potential impacts on sites of indigenous heritage importance. If the sites identified in this report:

- Will be directly or indirectly impacted then it is recommended that the artefacts be salvaged and securely stored in a place advised by the ACT Heritage Unit, Environment ACT; and
- If the sites identified in this report will not be impacted then no further action is required.

Note that no disturbance can occur to the extant Aboriginal places prior to their entry on the interim heritage places register. All management actions must be in accordance with the requirements specified in the register entries.

9.2 European Sites

The following recommendations are provided to minimise potential impacts on sites of non-indigenous heritage importance.

9.2.1 Directly impacted Site

It is considered that construction work as part of a development of the study area will directly impact on the single heritage structure identified within that area, being the engraved wooden post with the metal '1982 CANBERRY FAIR' dedication plaque. For this site it is recommended that consideration should be given to the following:

- Detailed recording of the item be undertaken before works commence;
- Removal and storage of the item (archaeological monitoring of excavation works should be undertaken by a qualified archaeologist); and
- Subsequent to development, replacement of the item as a feature of historical interest and heritage significance as close as possible to its original position or in another equally prominent position in the redeveloped site.

¹²¹ Navin Officer Heritage Consultants (2004) Cultural Heritage Assessment, Part Block 2 and Block 3, Section 75, Watson, ACT, p35.

9.2.2 Indirectly impacted Site

It is considered that the proposed construction works may indirectly impact on the park to the northeast and adjacent to the study area, which contains a commemoration to fallen soldiers and a line of memorial tree plantings. As such is the case, the following management considerations are provided to minimise potential impacts on that site due to the possible proximity of construction. It is recommended that consideration should be given to the following:

- The erection of temporary fencing where construction work occurs within 10 m of the park and the display of signage at that location, which identifies the area as a restricted zone;
- The site should be clearly marked on the detailed design plans as a restricted area, and during site induction activities, the item should be identified to construction workers as an item of heritage significance and, where appropriate, a restricted area; and
- Any temporary fencing and signage should be removed at the conclusion of works at that location.