



**LEGISLATIVE ASSEMBLY**  
**FOR THE AUSTRALIAN CAPITAL TERRITORY**

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STANDING COMMITTEE ON ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY  
Dr Marisa Paterson MLA (Chair), Ms Jo Clay MLA (Deputy Chair), Mr Ed Cocks MLA

## Submission Cover Sheet

Inquiry into ACT's heritage arrangements

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**From:** [REDACTED]  
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**Cc:** [REDACTED]  
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I welcome the committee of inquiry into the ACT Heritage Council. The ACT Heritage Council and by default the ACT government have not followed the environment and heritage regulations and this has resulted in serious consequences in allowing the complete oversight development of Blocks 4 & 5 Section 38, Campbell which destroyed both significant heritage and environment. The Purdon Planning and Masterplan report for the development of Blocks 4 & 5 Section 38, Campbell – The Ex CSIRO-HQ site – Non-Designated National land, clearly states in the executive summary- **The Report is based on a scoping document provided by Environment and Planning Directorate (EPD and formerly ESDD) in September 2013 (Attachment A).** This flawed ACT Scoping study report needs reviewing and reassessment for alignment with the Territory and National Capital Plan. The ACT government at this early stage of the development assessment gave tacit approval to the NCA and no concerns of the local community, heritage, and environment at all had been addressed. Planning and approvals need to be compliant with the Territory Plan and errors made by the ACT government and NCA need to be exposed and rectified, not hidden by a review or new district plans. The ACT Heritage applications for the Ainslie Volcanics which were situated on both National land and Territory land have been made twice. Once in 2012 in which the Heritage Council incorrectly stated that the site was all on National land and not within their jurisdiction. **When we have made enquiries as to who made the original application, we were told that the original application had been lost. The second application in which I worked with Ngambri elder Shane Mortimer (Pro Bono) clearly stated the Heritage issues that the proposed development site contained as also had the ACT National Trust.**

The National Capital Plan states that Non designated sites should be handed over to the ACT Government and considered under the Territory Plan. Considering the site was surrounded by Territory land that is either zoned Hills, Ridges and Buffers, Community Facility (including a drop off facility for ACT controlled Campbell High included within the Non designated National land) and is adjacent to the Mt Ainslie Nature reserve, the ACT Heritage council should have been very much, an active participant in conserving the heritage of the site. Unfortunately, they were not and this needs to be evaluated as part of the review process.

It was clear that the ACT Heritage Council and the NCA have not been following their own planning guidelines – Demolition of the to be repurposed ex CSIRO HQ building was approved before the release of the final building Heritage significance report- (which stated the building did have Heritage significance). There was no (not even perfunctory consultation) with local aboriginal groups re- heritage significance initially and the NCA's poor planning assessment not acknowledging the environment and Griffin legacy on the impact to the Hills, Ridges and Buffers environment, which is in itself an error in interpretation as Section 38 impacts Mt Ainslie needs to be examined. Section 38 was zoned Community Facility, maintained community access to Campbell High and was a drop off point for students attending Campbell High. The site does not meet the ACT Government guidelines for High density residential development being over 1 km from shopping and virtually no public transport. The site was a special overlay zoning for the

creation of the then prestigious CSIRO HQ site being located on Hills Ridges and Buffer land at the base of Mt Ainslie. The land requires interpretation to the Griffin plan which states clearly that the inner hills and ridges are not to be built on. It is therefore an error in law that needs to be questioned.

The National Capital Design Review Panel (NCDRP) guidelines for assessment by the NCDRP are required to assess listed context and site analysis.

However, in the context and analysis of the site if properly applied to the Section 38 Campbell there are numerous major impacts to be analysed as **breaches to the NCDRP guidelines**. By way of example, the proposed development design impacts, destroy the key natural features- rocky outcrops, **history of the site European and Aboriginal significance**, environmental impact of endangered species, shading and sun path of residences in the proposed design, shading of neighbouring residences till 9.30 am on the winter solstice, stopping access to Campbell High, no retention of existing trees, loss of communal space and access. **Culturally relevant and heritage items have clearly been overlooked by the NCA and the ACT Government** and in particular the Heritage Council even after provisional Heritage listing had been sought.

There was something fundamentally wrong with ACT Heritage that after numerous request no feedback to the applicants have been forthcoming for over 2 years since the application.

Similarly for the Place Name application that I submitted over a year and half ago- I have received no acknowledgement of the submitted Day Ngambri place name application for the adjoining NTG, which met the highest criteria requested in the advertised call for Place Name suggestions- being an indigenous woman of note.

The ACT Government and NCA NCDRP guidelines for panel review require the National Capital Design Review Panel to assess these items as below:

#### **Context and site analysis**

It is particularly important to provide contextual information on drawings and information submitted for review, to assist the panel in assessing how a proposal responds to its surrounding context and site. **Context considers the broader area, including the key natural, historic and built features. Context also includes social, economic and environmental factors.**

The key elements of a site and context analysis include:

→ site location / wider context plan → aerial photograph → local context plan → site context and survey plan → streetscape elevations and sections Site design response Site design response information should be provided including, 3D studies and diagrams that identify the site and context opportunities and challenges. These drawings should clearly articulate the considerations that have informed the broader site planning, massing and design approach. This is also an opportunity to illustrate design options that may have been explored and outline why the proposal is the best outcome for the site.

The key elements of a site design response include: → assessment of site opportunities → building massing studies → shadow diagrams, including winter sun paths and overshadowing of site and adjoining properties → access to/from and surrounding the site

→ car parking strategy

→ sustainability strategy

→ prevailing wind and ventilation strategies

→ relationship to public domain and surrounding properties → investigation of amenity provided for occupants and neighbouring developments → retention of existing trees and vegetation

→ landscape plans and design approach

→ communal open spaces

**→ consideration of culturally relevant or heritage elements → any relevant specialist advice**

The original NCDRP made recommendations to address some of these issues, but the NCA Chief

Planner as Chair said it was **not incumbent of the developer to accept any.**

The review needs to urgently take place and examine measures regarding the ex-CSIRO HQ site that conflicted with the current the Territory Plan and address the inherent issues involving the ACT Heritage Council, the Land Development Agency or other parties involved with the scoping study approval. A restructure of the Planning relationship with the NCA needs to urgently take place. One simple measure that can be done is to make the NCA Design Review Committee recommendations mandatory requirements to be enforced on the development. The NCDRCP is a joint assessment between the ACT government and the NCA, a bilaterally approved compliance requirement for the developers to meet these conditions of development approval needs to be enacted, requiring signoff approval by both parties especially dealing with non-designated development sites which the ex -CSIRO HQ site was. When I raised the question of why none of the Design Review Committees recommendations were accepted by the developer for implementation, Andrew Smith the NCA Chief Planner said the developer was under no obligation to accept them. So, what is the purpose of the combined NCA Design Review Committee offering recommendations? The unilateral sign off by a development compliant NCA is a sad joke wasting time and money. There must be in the future be a bilateral approval to the Territory Plan with appropriate planning assessment, including Heritage and Environment. The overdevelopment and impacts to traffic, Campbell High and the local community are already the ACT Governments problem and will only be getting worse when the Doma development is completed.

Regarding Planning and sub-contracting of potential planning development options, the current practice of outsourcing development opportunities of government land and tenancies to private planning practices such as the “options of redevelopment of Ainslie Ave and the Ainslie Flats” contracted out to Purdon Planning, need to be considered for conflict of interest and pro-development concerns. Given the heritage and environment errors that are presented to you regarding the ex-CSIRO HQ development and the inability for any of the community issues on heritage and environment to be resolved, I have no confidence in the NCA or ACT Planning as I am yet to see the legitimate enforcement of any meaningful heritage and environmental controls. These planning, heritage and environment concerns were clearly articulated by many experienced industry practitioners and members of the community including the National Trust and were largely ignored by both the ACT and NCA planning but have not been forgotten.

Regarding the ex-CSIRO HQ development, the Purdon Master Planning Report was based on a scoping document provided by Environment and Planning Directorate (EPD and formerly ESDD) in September 2013 as (Attachment A). We have repeatedly asked to see that document and ask again now that it be re-examined for its Heritage assessment and assessed against the then Territory Plan for errors of judgement and regulation made by EPD and the Heritage Council. I ask the ACT government to acknowledge those errors and request that the Auditor-General examine the documentation further to evaluate errors of misfeasance or malfeasance in a similar fashion as highlighted by Maxine Cooper at that time juncture when she audited the Glebe Park land valuations conducted by the ACT governments Land Development Agency and came to the conclusion that transparency, accountability and rigour, and their integrity and probity could not be demonstrated.

Yours faithfully

Shane



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