

The Standing Committee on Planning and Environment invites submissions to its inquiring into Draft Variation to the Territory Plan No.261 – Part Blocks 2 and 3 and Block 5 Section 75 Watson – Changes to Commercial CZ6 and Accommodation Zone. I thank them for this opportunity.

As the Standing Committee will already have read my submission in response to the Draft Variation (first version, under the Land Act), I shall confine this paper to my views on ACTPLA's Report on Consultation to that DV, prepared iaw section 69 of the P&D Act.

I was pleased to see such a strong response from the general public: over 400 submissions opposing this particular rezoning indicates that there are many thousands of voters of the same view. Were there any submissions in favour of it?

It seems that ACTPLA agrees with most of the objections from the public received during the consultation process, insofar as they have set up a straw man in their report. I shall now attempt to demolish that straw man. Extracts from ACTPLA's document are in italics; my comments are in plain.

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

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

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

*Response:*

*The tourism and entertainment activities on the site have proved to be not commercially viable over a long period.*

This statement is simply not true in respect of Clancy's, which was commercially profitable, and would be again if the owner's were prepared to grant a reasonable length lease.

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

*Response:*

*A pond to control storm water runoff rate and quality is intended to be incorporated in the future development.*

Oops, missed the point here. The retention of the mill-pond is desirable because it is a replica, and a very good one, using authentic materials and proportions, of the mill ponds of days gone by. If ACTPLA staff don't know what a mill-pond is, then obviously there is a pressing need to educate our youth in history just beyond living memory. What better way than with a facility such as Canberry fair.

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

*Response:*

*The existing buildings on the site are of modern construction and have no heritage significance. They are not considered to have any particular architectural merit that would warrant their preservation.*

This remark is at odds with the latest heritage report that I've read concerning these buildings. That report may well have been submitted to ACTPLA as part of a submission, so there is no excuse for not having read it.

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

*Response:*

*Sewerage, road capacity, school and recreational amenity provision has been addressed in the planning study reports that support the draft variation.*

For example, the planning study report on sewerage says that the 6-inch main in Northbourne Avenue may have reached capacity. What I and others mean by "addressed and rectified" is "realise that 600 extra users would overload the pipe, causing sewers to back up from North Watson all the way down, and, put in a bigger pipe **before** the trouble starts". Alternatively, take the sensible way out and reject the rezoning proposal.

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

*Response:*

*The proposed residential development will be designed to meet ACT noise guidelines regarding traffic noise. The traffic noise environment will be similar to many other suburban areas in Canberra. The site is well outside the relevant Australian Noise Exposure Forecast corridors published by Canberra Airport and Air Services Australia which determine appropriate locations for residential development with respect to aircraft noise.*

Well, ACTPLA have one definition of "too loud", even if they're wrong about CASA determining appropriate locations. ACTPLA does that. Having lived at North Watson, my definition of "too loud" is a noise that wakes me at 6:11 a.m. every day, especially on days when I want to sleep past that time. Hence, the aircraft noise at the proposed development site is "too loud". The traffic noise in units close to Northbourne Avenue would be "too loud" unless the occupants lived in hermetically sealed boxes.

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

*Response*

*The proposal is not for high density housing and is served by a convenience shop at the adjacent service station and Watson local shops. Antill Street is a bus route with regular services. The development will incorporate internal open space recreation areas as well as being adjacent to Canberra Naturepark.*

There's no getting around the fact that Canberra Fair is out in the bush, literally and figuratively, and is kilometres from the nearest chemist, pub, doctor, supermarket, etc.

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

*Response*

*The lessee has been negotiating with the ACT Government over the past few years to enable the redevelopment of the site for a commercially viable solution which will also provide community benefit via affordable housing.*

The developers seem to think that saying “affordable housing” enough times will nag people into thinking that they’re doing something other than making a big profit, with government assistance.

Perhaps if say “wrong place for a lot of boxy dwellings” often enough, someone will get the message.

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

*Response*

*This issue will be managed as it is in many other Canberra suburbs that adjoin a nature reserve. As the proposal is going to be developed under a Community Title scheme with a body corporate structure, there is opportunity for the body corporate to introduce controls on dog and cat ownership in the development, however this is a matter for the developer.*

I actually thought, more fool me, that the ACT Government had taken steps in suburbs such as Forde and Bonner to ban cats and dogs from roaming into the Nature Park. This response seems to indicate that the Government has abrogated its responsibilities to the environment and handed over decision making for these matters to the developers.

There is a perception in the community at large that planning matters have similarly been handed over to the developers. Which government function will be next?

Let us put the lie to that planning perception by disallowing this proposed rezoning.

*6. Need for space for arts community*

*Existing buildings could be used for artists’ studios.*

*Response*

*This is unlikely to be a commercially viable use of the site. However the Government supports a range of arts facilities that provide artists studios, and provides support for organisations that provide affordable space for artists to create their work.*

Easy and cost effective solution:

Government resumes lease, provides existing infrastructure and buildings to organisations that provide space for artists.

## 7. Need for a social/tourist venue on northside

### Response

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

For example, there has been strong interest by an interstate sideshow company to rent the dodgem car and roller coaster site, but the owners refuse to grant a lease of reasonable length. Is the sideshow company supposed to buy a block of virgin bushland and build its own infrastructure from scratch?

I reiterate, tourist ventures on this site have proved commercially viable in the past.

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

*a) Houses in close proximity/adjacent to the Canberra Nature Park will put extra pressure on native fauna and flora, including endangered species. It will inevitably compromise the integrity of the Canberra Nature Park.*

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

ACTPLA seems unclear on the management process, judging by their previous reply to a similar point.

Will there be a proclamation of a dog and cat free zone for this development?

Will this important and delicate environmental issue be left up to the developer and the body corporate?

*b) No reference to prior history of area as a breeding site for the endangered Regent Honeyeater, which is listed as an endangered species under both the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 Act (EPBC Act) and the ACT Nature Conservation Act (NC Act).*

*c) No reference to implications for any development under the EPBC Act.*

*d) Yellow Box trees (in south-east corner) as well as other significant trees should be recognised and retained given proximity to important areas of endangered Yellow Box/Red Gum Woodland and the history as a major breeding event for Regent Honeyeaters.*

*e) It is critical to protect the endangered grassy woodlands in the adjacent Mt Majura Nature Park from impacts of close urban development and influences.*

*f) No reference to the significance of the site situated adjacent to the Molonglo River to Barton Highway woodland corridor. Identified as a wildlife corridor in the Spatial Plan and described in Action Plan 27 the ACT Lowland Woodland Conservation Strategy (2004).*

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

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

*Responses b) to f), h) and i)*

*The flora and fauna study (Kevin Mills Associates, October 2004) assessed all threatened flora and fauna species occurring in the ACT as listed under the ACT Nature Conservation Act 1980 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. A thorough search of the site and an assessment of the habitat requirements of the listed threatened fauna species concluded that no such species are likely to occur on the subject site. The Mills report made recommendations for impact management which will be implemented during the development of the site.*

The “thorough search” took two days and did not include nocturnal observations.

The black cockatoos are back this year. I have seen a family of tawny frogmouths on the site (at night). The Mills report is obviously inadequate and out of date.

The fact that the edge of the Limestone Plain runs right through the subject area has been glossed over by ACTPLA, and missed completely in the Mills report.

Histories of Canberra could in future be amended to read: “A city built on the Limestone Plain plus some bits of Mt Majura given to greedy developers by a compliant Legislative Assembly.” Let us hope not.

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

*Response j)*

*The 2004 flora and fauna study is considered to be adequate and addresses the issues raised regarding impacts on native flora and fauna.*

The 2004 flora and fauna study is considered to be inadequate by all right-thinking people.

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

*Response k)*

*Appropriate buffers will be provided, especially having regard to fire protection requirements.*

A narrow road is a completely inadequate buffer to fire, domestic animals, windblown and handthrown noxious weeds.

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

*Response n)*

*The provision of artificial water supply points for native fauna is not usually part of nature park management procedures. The dam is also not located within the nature reserve.*

**As the native fauna have become dependent on this water source, it should be preserved by the very simple process of rejecting the proposed rezoning.**

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

*Response q)*

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

**What process might that be?**

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

*Response r)*

*The Conservator of Flora and Fauna and the Environment Protection Authority (EPA) have reviewed the Flora and Fauna Study prepared by Kevin Mills and Associates (Ecological and Environmental Consultants) and did not raise Silver Owls as an issue.*

**So, commission a more believable Flora and Fauna study than the Mills report, and have the Conservator review that. Owls are fairly well known to be nocturnal, so a study that carries out nocturnal observations would be more likely to see said owls. For Mills and associates info, nocturnal means “active at night”.**

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

*Response s)*

*Record of a Tawny Frogmouth Owl sighting from another study was noted in the Mills report. See response r) above. Conservator and EPA did not raise Frogmouth Owl as an issue.*

**Tawny Frogmouths aren't actually owls, despite their looks. The family I saw in 2008 would have been missed by Mills in 2004, as the three young are less than six months old.**

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

*Response t)*

Noted.

Let us hope that the Committee notes and also acts.

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

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

*Responses u) and v)*

*See response r) and s) above. Conservator and EPA did not raise this as an issue.*

Nevertheless, it is an issue.

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

*Response w)*

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

The best management procedure would be to leave the cats and dogs on the other side of Antill St on the Limestone Plain and use Canberry Fair as a fair sized buffer zone. Hopefully, cats after a feed of fresh native bird would think twice about dodging the cars on Kangaroo Alley (see the next paragraph).

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

*Response x)*

*Kangaroos on roads are an increasing problem in many areas of the ACT. This proposal will not unduly exacerbate the problem.*

There are a few panel beaters in Mitchell specialising in exacerbations.

*2. Effect of domestic animals on native wildlife (8) a) Increased numbers of dogs and cats and more people will directly threaten native and endangered species.*

*b) It should be mandatory for cat containment for the proposed development on the basis that it is immediately adjacent to an endangered Yellow Box/Red Gum community within an important woodland corridor for ACT threatened birds, and prior history of site as breeding area for the endangered Regent Honeyeater.*

*Responses a) and b)*

*This issue will be managed as it is in many other Canberra suburbs that adjoin a nature reserve. As the proposal is going to be developed under a Community Title scheme with a body corporate structure, there is opportunity for the body corporate to introduce controls on dog and cat ownership in the development.*

The body corporate should be issued with white, shining armour for bearing the load of the government's abrogated responsibility in this matter. We're not talking about the inconvenience of dog droppings on the footpaths here; we're talking about the deaths of endangered and threatened species of birds and animals in a nature park. It's a matter of national environmental concern. The best way to manage the issue is not to build hundreds of dwellings right next to a nature park.

*c) Subject site should be kept for EAL purposes or alternately Community [Facility] land use purposes for community, social and environmental reasons.*

*d) It is a valuable asset for Canberrans and with the right management could be a viable commercial prospect again.*

*e) Many local people would visit Clancy's Hotel if re-opened.*

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

The failure of the current owners to make a big enough profit is not a good enough reason to rezone the land for another purpose. If they don't want the land as is, let them sell it to those who could easily make a profit on tourist and entertainment type ventures. Don't let the ratepayer bear the burden of outrageous windfall profits to greedy, cynical developers.

*f) Proposal relies on arguments by the current lessees that the land concerned is not commercially viable as currently zoned and that the site has been degraded.*

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

The current land use is considered a commercially viable option.

*g) Owners have responsibility to maintain property in good condition as required in the terms of the lease. Owners have neglected property and breached lease conditions and should be responsible for its refurbishment or lease should be terminated. [Land Development Agency] should take action as an interested and responsible landlord.*

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

**The owners should abide by the lease conditions, and, if they don't, the ACT government should follow their own rules and resume the lease.**

*h) AHV will be destroyed under the premise of providing affordable housing.*

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

**Rubbish. The ventures that failed were due to many and varied factors, as in any business, but viability was not one of them.**

*i) Village environment is unprecedented in Canberra for what it offers to the tenant, artists and potentially to visitors and the community in general.*

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

**How silly it would be to rezone this particular site with buildings already in place. Rezone one of the other, greenfield, blocks if you must.**

*j) Prospective tenants put off by short leases on offer and obvious disinterest in having any tenants in the buildings over the past few years.*

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

**The short term leases are more directly a result of the cynical attitude of the current owners who see huge windfall profits if they can only bend the people's elected representatives to their will.**

*k) The AHV grounds and buildings with very little investment could immediately relieve the ever present demand for public spaces for rent for activities such as arts and crafts which would provide a number of local artists with much needed space at an affordable rent.*

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

The government could easily resume the lease and support such organisations at far less cost than would be the case with new buildings.

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

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

The government should change its mind.

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

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

The government is in danger of setting itself up to look like a pushover for unscrupulous developers. Fast, effective action is required sooner or later. Strike now!

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

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

*a) Increase in houses in area putting added pressure on roads and infrastructure between Watson and Civic.*

*b) Development will increase traffic on main through roads in Watson, particularly Antill St, Phillip Ave and Knox St and create huge bottlenecks at intersections of Knox/Antill Sts, Antill/Madigan Sts, Antill St/Phillip Ave, and Phillip/Majura Aves.*

*c) Proposed development will aggravate the intensity of an already unacceptable flow-through of traffic in Watson, Hackett and Ainslie. Already difficult for ACTION buses to cross Phillip Ave and enter Majura Ave from Officer Crescent.*

*d) Traffic entering the roundabout at the intersection of Antill Street and the Federal Highway will increase and cause significant problems for peak hour traffic.*

*e) Traffic conditions along Antill Street will become hazardous for both drivers and children.*

*f) Parents driving and delivering children to school is a major cause of traffic congestion (eg Rosary Primary School on Antill St, Majura Primary School in Knox St, Dickson College and Ainslie Primary).*

*g) Gungahlin External Traffic Study identified problems and report promised a roundabout would be built at the intersection of Stirling Ave and Aspinall and Knox Sts once North Watson was built, but has not materialised.*

*h) The Traffic and Parking Impact Assessment Report by Hughes Trueman 2004 is outdated and inadequate and a current study should be commissioned by ACTPLA.*

*i) Report makes no reference to traffic arising from development in East Gungahlin and the proposed future residential developments in North Watson west of Antill Street.*

*j) Report estimates 140 vehicle trips during the morning and evening peaks that is a gross underestimation of the amount of vehicle traffic considering the likely demographics of residents under the banner of affordable housing.*

*k) The increased pressure on Antill Street means a new traffic impact report is necessary for road maintenance, upkeep and viability to support new developments.*

*l) Concern that increased development pressure will lead to construction of Monash Drive which will cut through the main and best parts of the Endangered Yellow Box Red Gum Grassy Woodland located on western slopes of Mt Majura and Mt Ainslie. Monash Drive will not be supported by local community.*

*Response to a0, b), c), d), e) and f)*

#### *4.1. Roads and Traffic*

*The 2004 Planning Study Report comprehensively addressed the traffic aspects of the development proposal. The investigations conducted then found, in summary:*

- The capacity of Antill St is adequate;*
- Issues with some queuing at the Antill St/ Phillip Ave intersection could be (and can readily be) resolved independently of this proposal;*
- There are no intersection capacity problems within 2km of the site;*
- Through traffic from Gungahlin and NSW is likely to be currently using Antill St;*
- The operation of the intersections on Antill Street that will serve the proposed development will be satisfactory;*
- There are no substantive traffic issues associated with this development proposal.*

Here's the problem: ACTPLA apparently thinks that a traffic study conducted in 2004, before the massive upsurge in development in Gungahlin delivered thousands and thousands more cars per day to Antill St, is an adequate reflection of today's world. The submissions in response to the draft variation relate to today's world. ACTPLA is living in the past and is out of date. The 2004 traffic study is now irrelevant, and should never have been quoted in ACTPLA's response.

Perhaps ACTPLA realised this when they failed to respond to 4.1 (g), (h), (i), (j), (k) and (l).

*4.2. Infrastructure*

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

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

*4.2. Infrastructure*

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

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

It is, indeed, heartening to read that **future** residents' infrastructure will be developed. Does that mean that, if by mischance the rezoning were approved, a bigger sewerage main, broadband access, adequate roads, public transport, shops and recreation areas would be developed before a development application was approved?

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

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

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

Oh, how I hope that this response is incorrect. It is my understanding that the ACT Government has not yet considered the studies, and it is my fervent wish that, when the time comes, the Government does not support the proposal.

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

*c) Increased density development must be built within the existing area of Canberra and not spread out past existing suburbs.*

*Response c) This site has been zoned for urban development since before the introduction of the Territory Plan and is considered to be within the existing urban area boundary.*

The existing urban area boundary is an arbitrary set of circles on a map. A sensible way to delineate an urban area boundary would be to use natural geographical features. For example, one wouldn't consider a lake a suitable urban site just because it fell within an arbitrary circle centred on an arbitrary point (Civic). Similarly, the edge of the Limestone Plain, or the nearby Antill St, should be the urban area boundary.

*d) Addition of more unsightly and matchbox-like units and terraces to Watson is unacceptable.*

*Response d) Design standards will be high as required by the relevant Development Codes.*

High standard matchboxes.

*e) Site is not suitable for large numbers of dwellings/residential intensification.*

*Response e) Planning investigations have demonstrated that the site is suitable for residential development.*

No, its not, but even if it were it is far more suitable for recreation and educational use, and already has the development for those purposes. Makes sense to me to keep the bulldozers out.

*f) Development should not occur at expense of community amenity and natural assets.*

*Response f) It is not considered that the proposed development will be at the expense of community amenity and natural assets.*

Yes, it will be. Note that my argument here is as cogent as ACTPLA's.

*g) Considerable part of site is under water and consists of clay subsoil. Substantial costs for testing of soils could escalate the cost of [affordable] dwellings on the site or dispersed to the ratepayers of the ACT community.*

*Response g) None of the site is under water (except for constructed dams and ponds). Clay soils occur throughout Canberra and on-site costs cannot be charged to ratepayers.*

I believe that the point here is that houses constructed on what were dams and ponds for decades will be sited on **wet** clay soils. The costs of driving piles to the bedrock will very substantially increase the costs of all proposed dwellings, thereby blowing out of the water the already spurious "affordable" tag.

*h) Expect that ACTPLA will conduct compaction tests and soil density tests and that for this DVP to progress this assessment would need to prove that the soil is suitable to build on. Would like to see independent body confirm the testing.*

*Response h) All buildings on the site will need to conform with standards as required under the Building Act. This is a matter for the developer at Building Approval stage.*

The previous comment applies here, also.

*i) There can be no neighbourhood in North Watson if there are no recreational activities, no pub, no walking access to shops, schools, no medical services, no broadband, no room and no quiet.*

*Response i) The site has access to shops and recreation facilities within the adjoining residential areas and suburbs.*

The nearest shopping centre being a short walk of a couple of kilometres away. The nearest in-use bus stop is around 800 metres away.

*j) 316 dwellings on such a small area of land should be termed 'high density' rather than 'medium density'.*

*Response j) The appropriate zoning has been determined as Residential RZ1 Suburban Zone and therefore the proposed development is not considered to be medium or high density residential and furthermore maximum building height is restricted to 2 storeys. The development will need to comply with the requirements of the Residential Zones - Multi Unit Housing Development Code as it is proposed to be a Community Title development.*

This seems to be a case of using the technical meanings of jargon words to confuse the public. If this crowded proposal is not medium density, then what is it? The next category down would be low density, no? Does that mean that the majority of Canberrans in suburbs other than North Watson live in sparse density? So, then, would most people in Sydney.

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

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

*Response a) Retention of all the existing buildings for the uses suggested is not commercially viable. However the existing building located on the northern side of the pond is intended to be retained within community open space within the development as a community building.*

There's a shift from previous responses here: the commercial viability is now related to use as community space, the precinct of government. It seems to me that this is a good argument for the government to resume the lease and save the buildings.

By the way, the one building previously slated for retention is now also a bulldozer target.

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

*Response b) The buildings are of modern construction and have no inherent heritage value.*

The latest heritage report by Kamminga (2008) gainsays this statement.

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

*Response c) The site has failed commercially as a replica heritage village and maintaining this function is not considered to be viable.*

Again we see the shift from previous statements which said that all businesses at the site, Clancy's included, had failed commercially.

Any number of businesses, for example, catering, liquor outlets, entertainment, craft shops, could and would be commercially viable and beneficial to the North Watson community at the same time, and beneficial to the Nature Reserve, if the current zoning is maintained.

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

*Response d) The heritage assessment considered all site features, it did not conclude that the buildings had any heritage significance.*

The latest heritage report by Kamminga is more comprehensive and up to date, and, what's more, assigns heritage significance to the buildings.

*9. Distance from shops, schools, facilities, public transport  
(7) a) Increases dependence on cars due to lack of/ inefficient public transport and distance from services and facilities.*

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

What has Civic got to do with it? All parts of Gungahlin are closer to services and facilities in Gungahlin than North Watson is to services anywhere on Earth.

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

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

ACTION's first response has been to delete the 36 service from their timetables.

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

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

**Where else in Canberra are the nearest services 2.2 kilometres away? If there are many such suburbs, then the government ought to do something about it.**

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

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

**Routes 7 and 39 are accessible if you call an 800 metre walk to the bus stop accessible.**

*12. Inadequate community facilities (1)*

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

*Response*

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

**It's lucky that we have a caring standing committee to look at the big picture painted by the incremental impacts on individual agencies. The effect on each agency may well not be enough to trigger alarm bells in that agency, but the overall impact should be of concern to the government.**

*13. Affordable housing issues (11)*

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

*Response j) The infrastructure that will be replaced is not considered to be functional in its current form.*

**Some misguided people consider that the Legislative Assembly building is not functional in its current form. Should it be bulldozed and redeveloped?**

*14. Speculative buying of property (1)*

*Objection to speculators buying a property with the intention all along to redevelop for housing. By employing a strategy of not making a success of the AHV and allowing it to run down this neglect is now being used as an argument to destroy a great place with the motive of realising a huge profit.*

*Response*

*The Lessee of the site has advised that this is not the case and attempts were made to have a viable entertainment enterprise which was not successful to the extent of being commercially viable.*

The lessee's advice is incorrect and everybody knows it. If the rezoning is approved, the standing committee and the government will be perceived as pawns of the cynical developers.

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

*a)*

*Objections to allocation of block of land [direct grant] to a preferred developer without going through a contested tender process or public notification.*

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

It seems to me that an error perpetrated in ACTPLA, possibly as late as 2002, is responsible for this block of land being landlocked. Could it be that a simple drafting error is all that stands between the ACT ratepayer and millions of dollars?

The simplest and most cost effective solution is for the government to resume a strip of block 3 along its southern border, sufficient to give access to part block 2. The value of part block 2 would soar by millions of dollars, the ratepayers would benefit and the government would be popular.

An easement or right-of-way through block 3 or even block 4 is also a possibility.

Land resumption for the purpose of building access roads is a fact of life in all countries of the world. I'm surprised that ACTPLA sees it as impossible.

*d) A direct sale to the developer does not seem to be the most transparent way to manage the redevelopment of the site, nor does it appear to offer the Government a good financial return.*

*Response d) Refer a) above and note that the land will be sold at market value as determined by independent valuation.*

The market value of the land can be increased tenfold by the simple process outlined in my previous comment. I suggest that, once this process is followed for this block, a survey of similar prospective land value enhancements be undertaken. Don't leave it up to the developers to find these little goldmines sprinkled throughout the ACT.

*f) Block should remain as a buffer to the Canberra Nature Park or be incorporated into the nature park.*

*Response f) The part of Block 2 zoned Commercial CZ6 Leisure and Accommodation Zone was not included in the nature reserve when Variation 182 (Public Land Nature Reserve, 2002) was undertaken, as it was not considered to be of sufficient value to change the land use policy and incorporate into the nature reserve along with the rest of the block.*

**Variation 182 may have been responsible for the accidental landlocking of part block 2.**

*g) Fact that block is 'landlocked' should not mean it is practically worthless and ACT Government can grant it to a building company with no-one else having a chance to bid for it.*

*Response g) The land could not be practically developed by any other party.*

**See my comment at a) above.**

*18. Loss of Entertainment Accommodation and Leisure Land (6)*

*a)*

*There needs to be a review of which land should be kept for tourists, entertainment and leisure opportunities. Consideration of strategic location, surrounding landscape and land use and aesthetic aspects should direct such a review.*

*Response a)*

*A review of Commercial CZ6 Leisure and Accommodation zoned land requirements was included in the planning study work. This demonstrated that there was sufficient land in Canberra under the CZ6 zone for tourist, entertainment and leisure opportunities should there be demand for this land use in the future.*

**I believe that the point of this objection is that the development of the site as CZ6 has already been undertaken. It would be foolish and wasteful to bulldoze this site, then construct more CZ6 buildings on a greenfields site.**

*19. Precedent (2)*

*Development of site sets a precedent for further changes in land use and development along the footslopes of Majura north of Antill Street.*

*Response*

*This proposal is not considered to be a precedent for any future residential development in North Watson. All proposals are assessed on their merit.*

**This proposal has no merit.**

*21. Social issues and noise impacts (5)*

*21.2 Noise impacts*

*a)*

*Noise from traffic and braking on Federal Highway [southbound downhill direction] will adversely affect future residents of area.*

*Response a)*

*All development will be required to meet noise standards as per the Environment Protection Act 1997.*

The noise won't be generated by the development; it already exists, generated by the kathunk strips on the approaches to the roundabout and the fact that trucks need to use their brakes to slow down.

*c) No available documents or studies on air traffic noise impacts. Proposed development will be nearest housing to south-western flight path from Canberra Airport.*

*Response c)*

*The site is well outside the relevant Australian Noise Exposure Forecast corridors published by Canberra Airport and Air Services Australia which determine appropriate locations for residential development with respect to aircraft noise.*

ACTPLA may well rely on the controversial ANEF corridors, but the standing committee should rely on common sense and a survey of North Watson residents who are awakened at 6:11 each morning that the wind is blowing from the northwest – the prevailing wind, by the way.

*Response*

*21.2 Noise Impacts*

*22. Lack of transparency and Government opportunism (1)*

*a)*

*Government should take long term view of future development of Canberra rather than take an opportunistic approach at losing valuable ACT land to property developers to make money.*

*Response a)*

*The site is a privately owned lease. The Government is not intending to resume the lease or purchase the land. There is sufficient Commercial CZ6 Leisure and Accommodation zoned land to provide for possible demand in the future.*

This is the wrong parcel of land to allow housing development on. Its too close to the nature reserve and it already has appropriate buildings on it.

*b)*

*Correct procedure should be for ACT Government as per lease agreement to terminate the lease. Incorrect procedure is allowing the current owners to redevelop land, profit from activities, and exploit ACT ratepayers' money.*

*Response b)*

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

It would be far more beneficial to the community, and also beneficial to the Legislative Assembly's image as a protector of community interests, to reject the rezoning proposal.

23. *Flaws in DVP document (3)*

*DVP Document*

24. *Territory Plan/Spatial Plan issues*

b)

*Canberra Spatial Plan (SP) may purport to define Canberra by a series of concentric circles, but edge of Limestone Plain should define border (natural well defined historically significant border. Canberra stops at Antill Street - to build dwellings in the bush on the slopes of Mt Majura is not acceptable.*

*Response b)*

*Subject site has been considered as being suitable for urban-type Entertainment, Accommodation and Leisure land uses since the introduction of the Territory Plan.*

**Only because of the faulty system of defining the zones.**

2.2.3 *Watson Community Association (WCA) Submission*

3. *Heritage values - 'Canberra Fair'*

a) *'Canberra Fair' and its immediate context have significant heritage values, although not having a heritage listing. Buildings and precinct also have significant educational and social values.*

*Response a) The heritage value of the site is not considered to be significant as identified in the Cultural Heritage Assessment undertaken by Navin Officer in September 2004.*

**The latest assessment undertaken by Kamminga rates it as significant.**

4. *Lack of maintenance of buildings*

a) *Short term sub-lease arrangements are unfavourable to many potential lessees.*

*Response a)*

*Sub lease tenancy decisions are made by the lessee on a commercial basis.*

**Add: whilst licking their lips at the prospect of a huge windfall profit if the government gives in.**

b) *Breaches of lease covenants regarding maintenance of the buildings and grounds.*

b) *It is acknowledged that the upkeep of the buildings and grounds has been sub-optimal however the lessee and representatives have been in negotiation with the ACT Government over the past few years to find an acceptable outcome for redeveloping the site in a viable manner.*

Three of many options available to the government: 1) resume lease and re-lease to a more responsible lessee; 2) resume the lease and use the land and buildings as community facilities; 3) reject the rezoning proposal and let the lessee come to their senses.

*5. Financial viability of Australian Heritage Village*

*a) Owner company seems to have convinced ACTPLA and ACT Government that the AHV has been/will be financially unviable/ does not provide an acceptable financial return. Watson Community Association (WCA) does not support this claim.*

*Response a) It is evident the tourist ventures on the site are not sustainable from a financial perspective - as a number of ventures have been tried and have been unsuccessful.*

Its not evident to me, nor to the many people who have attempted to sub-lease buildings over the past few years.

*b) WCA suggests that reasons many of buildings remain vacant, attractions in disrepair and only small number of businesses operate there is because developer wants it this way to secure rezoning to highly profitable residential zoning.*

*Response b)*

*The lessee is pursuing a residential proposal because of the failure of entertainment and leisure activity on the site over an extended period.*

No, the pursuit is because of the prize of \$30 million profit, and the only two hurdles left are the Standing Committee and the Legislative Assembly.

*g) Perceived need for 'affordable housing' should not take undue precedence over other community needs and values including preservation of existing natural and cultural heritage.*

*Response g)*

*Affordable housing is regarded as a critical part of the future housing stock in the ACT. There is sufficient land in north Watson for Commercial CZ6 Leisure and Accommodation type activities if the demand arises in the future and the site does not contain cultural and natural heritage that would preclude the redevelopment of the site.*

There is sufficient land in North Watson for RZ1 affordable housing – land which is not adjoining a nature reserve.

*6. Block 3 Section 75 (horse agistment)*

*b) Block adjoins the Canberra Nature Reserve. A peripheral road and fire retardation buffer is proposed along this boundary, which along with 300+ dwellings will have negative repercussions for flora and fauna and removal of significant trees.*

Response b)

Management of Canberra Nature Park will continue to be the responsibility of the Department of Territory and Municipal Services and will be in line with management practices for the park elsewhere where it interfaces with urban areas. The bushfire protection zone will be wholly contained within the subject block and not encroach on the nature reserve.

I'm sure that TAMS would agree that the less interfaces, the better.

8. Part Block 2 Section 75 Watson -Direct Grant

b) Lack of accountability. No process whereby the public can be satisfied the value of Direct Grant is reasonable or appropriate.

Response b)

The process for the direct sale was in accordance with the requirements of the relevant legislation and Government procedures.

The process may be legal, but it is not in the best interests of the ratepayer or the government. An access corridor to the landlocked block should be provided, thereby increasing its value tenfold. Then it should be made available to all interested parties.

9. Block 3 Section 75 - land uses and lease

b) Current owner in breach of lease covenants by failure to keep block clean and tidy, and failure to maintain, repair, and keep in repair the premises. Only restoration option is for the ACT Government to resume the lease, become the new land owners, and restore and maintain the site on behalf of the ACT community.

Response b)

The owners have been negotiating with the ACT Government over the past few years to find a suitable outcome for redeveloping the site in a viable manner.

See the three options (not an exhaustive list) on the previous page.

11. Access to existing services and facilities The AHV site is not well-located with regard to access to local shops and community facilities. No dedicated bicycle path to get to shops and there are safety issues associated with crossing Antill Street. Distance too far to walk to shops and schools.

Response

The site is served by a convenience shop at the adjacent service station and Watson local shops. Antill Street is a bus route with services to Watson shops, Dickson Shops and the city. Many residential areas in inner Canberra do not have bicycle paths with direct links to shops.

Fancy forcing little five year olds to walk 2.2 kilometres each way to and from school each day. The government should be ashamed. (Developers have no shame.)

12. Community facilities in North Watson

a) Apart from old Craft Council facility (now ACT Potters Society) no dedicated community facilities available in North Watson, and none currently planned.

Response a)

This is correct. However community facilities are available in other parts of Watson and surrounding suburbs. One building is proposed to remain on site for community uses.

Seems a shame, and a shortsighted shame, to demolish buildings with such potential as community facilities. By the way, that one building is now slated for demolition.

b) Buildings on AHV site which could be used for community uses. Removing buildings represents loss of potential publicly available community assets in North Watson.

Response b)

The site is held under a privately owned crown lease and do not, therefore, represent community assets.

So what can we do? If the lessees aren't interested in serving the community, perhaps the government could step into the breach and act?

### 13. Pressures on movement and transport systems

a) Traffic data provided by proponent inadequate. Does not apportion traffic to Knox Street or traffic up to Antill St-Phillip Ave roundabout which has become a bottleneck in AM peak hours and encourages rat runs through Hackett to connect with Majura Avenue.

Response a)

Traffic matters were addressed in the planning study.

That planning study is well and truly past its use-by date and does not reflect the world of 2008.

b) WCA wants a PA to address this wider issue. Outcomes could trigger measures to address peak hour safety issues at Knox Street/Antill Street intersection, Madigan Street/Antill Street intersection (to stop rat running), and Antill St/Phillip Ave bottleneck connected to Phillip Ave connection with Majura Ave.

Response b)

Wider scale transport and traffic planning is a matter for the appropriate agency, the Department of Territory and Municipal Services. TaMS received a copy of the DVP and planning study for comment and did not raise any concerns with the recommendations of the traffic study.

Looks like the Standing Committee is the next line of defence. Please raise some concerns.

### 15. Affordable housing

*c) WCA fails to understand how the worthy undertaking to provide affordable housing can be achieved in practice for this development. Restrictions on investors and limiting purchase only to first home owners and those on restricted incomes is not something that can be legislated by Government or promised by industry [Planning Study, p5].*

*Response c)*

*Examples of these types of arrangements are already occurring elsewhere in Canberra - such as Macgregor West and requirements for new suburbs to provide 15% affordable housing blocks.*

**Then these types of arrangements contravene the Trade Practices Act and are illegal.**

*16. Physical infrastructure*

*16.2 Sewerage*

*Issues with sewerage capacity is one of the matters which WCA considers requires a thorough Preliminary Assessment available to the public at large. There may be costs to the taxpayer and would like to see a proper economic analysis of the alternatives.*

*Response*

*16.2 Sewerage*

*Infrastructure costs will be met by the developer. No issues were raised during agency consultation.*

**I believe WCA would be referring to the sewerage capacity of the main down Northbourne Avenue, the costs of replacement of which are hardly likely to be met by the developer. They will be met by the ratepayer and by the individuals downstream whose toilets overflow.**

*16.3 Water supply*

*No long term planning done for water supply when further developments on Antill Street, Federal Highway and elsewhere in North Watson are undertaken. Which development will trigger a problem requiring expensive solution sometime in the future? May be costs to taxpayer and WCA would like to see proper economic analysis and forward strategic planning for physical infrastructure, not merely ad hoc assessments of individual sites.*

*Response*

*16.3 Water supply Infrastructure costs will be met by the developer. No issues were raised during agency consultation. The Government is currently undertaking action to secure adequate water supply for the ACT.*

**Surely it is obvious that WCA is referring to water supplied from outside the proposed development, the infrastructure costs of which will not be met by the developer.**

*17. Alternate proposal for land use*

*a)*

*ACT Government should resume lease and pay compensation to current owners for improvements.*

*Response a)*

*The ACT Government does not consider resumption of the lease to be the most appropriate solution.*

**I hope the government doesn't consider that complying with the developers' dream of a huge windfall profit is the most appropriate solution.**

*f)*

*Site could become community and cultural facilities infrastructure for North Watson.*

*Response f)*

*The site is held under a private lease and the use of the site for community/cultural facilities has not been considered a financially viable option.*

**The government is there to run financially non-viable, but nevertheless essential, services.**

*21. Bushfire, flooding and contamination*

*No discussion in document [Planning Study, p17] provided regarding 'Flooding and Contamination'. Will the Bush Fire Hazard Assessment require an encroachment into the Nature Reserve at some stage?*

*Response*

*The site is not flood prone and not on the ACT register of contaminated sites. However Environment (Dept TaMS) has stated in its comments that the perimeter of the service station site must be assessed to determine whether any contamination has resulted from these activities, and be remediated accordingly if required.*

**Environment needs to be told that the Mt Ginn Raceway has had thousands and thousands of litres of oil poured on the track to lay the dust and to make the surface suitable for speedway type racing. That oil is still in the soil.**

*23. Cultural heritage values of Part Block 2 and Block 3*

*b) It is recommended that ACTPLA require a new cultural heritage assessment to guide its decision making in relation to the draft variation to the Territory Plan.*

*Response b)*

*This is not deemed to be necessary. The assessment provided by Navin Officer is considered to be sufficient and has provided a comprehensive assessment of the site.*

**The Navin Officer assessment is patently inadequate.**

*c) Canberra Fair is not a 'replica of an early 1900s Australian Village', as described in 2004 Cultural Heritage Assessment [prepared by Navin Officer] but a 'recreation of a nineteenth century village' with its buildings modelled on ones that exist in different parts of Australia.*

*Response c)*

*This is not deemed to be necessary. The assessment provided by Navin Officer is considered to be sufficient and has provided a comprehensive assessment of the site.*

Seems to me that Navin Officer didn't even know what they were assessing, so how could it be considered sufficient?

*f) ACTPLA should set aside the 2004 cultural heritage assessment report and call for a new assessment by a cultural heritage professional.*

*Response f)*

*A new assessment is not considered to be necessary. The 2004 assessment was thoroughly and competently conducted by qualified and experienced professionals.*

I don't agree.

*g) There is evidence that Canberry Fair has cultural heritage values that may be sufficient to require preservation and conservation of Canberry Fair as a whole, or in part to an extent greater than that proposed by the VBC.*

*Response g)*

*No such evidence was uncovered by the assessment.*

Therefore, the assessment was inadequate and insufficient.

### *2.3 Responses to questions raised in submissions Consultation and Legal Issues*

*Q3.*

*Does this mean that the Draft Variation is in effect now?*

*A3.*

*As the changes to zoning as proposed in the draft Variation are more onerous than the existing zoning regarding residential development, the proposed Residential zoning does not have precedence over or supersede the existing Commercial CZ6 Leisure and Accommodation zoning until such time as the variation is approved (if not withdrawn prior) and officially commences.*

Here's where the confusion continues: ACTPLA's answer says that the proposed rezoning is more onerous, and the legislation says that the more onerous provisions apply.

*Q5.*

*Who decided that there was to be no open tender for the use of Part Block 2, and Why?*

*A5.*

*The direct sale process, in accordance with Part 9.2 of the Planning and Development Act 2007, will be used, as the land cannot be sold independently as access to this part of the site is via a nature reserve or via the Heritage Village site. The sale is subject to the approval of the DVP and will be at full market value as determined by independent valuation and will enable the land to be developed in a coordinated manner with the adjoining land.*

The government, through its agencies, should take immediate steps to deal with all landlocked parcels of land in the ACT by resuming sufficient land from the locking blocks to provide access corridors.

In this way, the huge increase in market value of the formerly landlocked blocks will benefit the whole community, not just a few smart developers.

*Q7.*

*Were other developers notified that Part Block 2 was scheduled for rezoning and therefore open to tender?*

*A7.*

*Part Block 2 was not open for tender as no other developer/interested party could have realistically developed the block as a separate entity.*

See my previous comment.

*Q16. Breaches to lease (Block 3): [What are] reasons for Government's failure to deal with the Lessee's failure to maintain the property satisfactorily.*

*A16. The lessee has been negotiating with the ACT Government over the past few years to find an acceptable outcome for the redevelopment of the site that will be commercially viable and benefit the community.*

I hope that the government now realises that they've been hoodwinked.

*Revenue Questions*

*Q17. How much more could the sale of Part Block 2 make if sold on the open market in an open process?*

*A17. It is not possible to sell a landlocked parcel of land such as this on the open market. It should also be noted that the parcel of land will be sold at market value as determined by independent valuation.*

The land can easily have its value increased tenfold, and become eligible for open market sale, by the simple process of proclaiming a right of way across block 3 or block 4.

*Q19. What will additional cost be for additional infrastructure (such as water supply, sewerage, parking, road widening, traffic lights, roundabouts, noise attenuation barriers, transport infrastructure).*

A19. Infrastructure costs related to the development will be funded by the developer.

The question was referring to infrastructure outside the boundaries of the parcel of land.

*Affordable housing questions*

Q20. How many blocks will be guaranteed to be sold to low-to-moderate income earners?

A20. The properties will be available to first home buyers and those on restricted incomes.

So what about the Trade Practices Act? Has it been repealed?

Q23. How many blocks will be sold to investors?

A23. The developer has advised that sales to investors will be restricted to approximately 1/3 of blocks.

Everybody who buys land is a budding investor.

*Traffic issues*

Q39. Has the Government added up the increments from this development and other developments in north Watson, Gungahlin and increases in cross-border traffic?

A39. Incremental traffic impacts have been considered in the traffic studies that support the planning study.

What, the 2004 study?

*Environmental issues*

3.

COMPLIANCE WITH THE PLANNING AND DEVELOPMENT ACT

3.4 Environment Protection Authority (section 61 (b) (iii))

Contaminated Sites:

The Environment Protection Unit is aware that hazardous materials are located on part of Block 3 Section 75 Watson in the form of underground fuel storage tanks which are associated with the operation of a Mobil Service Station.

Has the EPU considered the hazardous materials dumped on the Mt Ginn Speedway Track?

We support the proposed Territory Plan variation and redevelopment of the site, provided that the recommendations in the Flora and Fauna report as well as some additional recommendations are incorporated, as follows:

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.

Who will be the policeman for these rules? The body corporate?

The proposed development would be a time bomb of exotic seeds with a short fuse.

I implore the Standing Committee to deny the rezoning.

John Howard