

**FEDERAL GOLF CLUB
COMMUNITY PANEL**

**REPORT FROM SIX CONSERVATION AND
RESIDENTS' GROUPS**

**PREPARED FOR MEMBERS OF THE
LEGISLATIVE ASSEMBLY**

NOVEMBER 2017

Executive summary

Six Panel members of the Federal Golf Club Community Panel are presenting their own Panel report to Members of the Legislative Assembly.

The six Panel members are the:

- **Conservation Council ACT Region**
- **Deakin Residents' Association**
- **Friends of Grasslands;**
- **Garran and Hughes Residents' Action Group**
- **Hughes Residents' Association**
- **Red Hill Regenerators**

The key recommendation made by this group is that:

the ACT Government suspend all development activity in the Red Hill open space area until an overarching planning and management framework for the area has been prepared and implemented.

On 25 October 2017 the Legislative Assembly passed a motion which calls on the ACT Government to not proceed with separate Territory Plan Variations for residential development proposals on Red Hill until an integrated Plan for Red Hill has been prepared.

This group calls on the ACT Government to implement the Legislative Assembly motion in a manner which ensures genuine and lasting protection for Red Hill and in so doing takes into account the key issues set out in this Report.

This report has been produced as a result of shortcomings in the conduct of the Federal Golf Club Community Panel as outlined in Part B below. These shortcomings resulted in the Panel not satisfactorily dealing with community issues. The six Panel members have prepared their own Panel report to Members of the Legislative Assembly to make it clear that the Panel process did not produce a community consensus and that the proposed Federal Golf Club development does not have social licence to proceed.

All six of this group of Panel members strongly support the thrust of this report and the recommended actions, with a limited number of differing views being held about certain aspects of the Panel's operations.

Part A

The Development Proposal

The MBark development proposal involves the construction and operation of a retirement village of approximately 125 dwellings on the Federal Golf Club (FGC) lease area. The proposed development involves the construction of a new clubhouse and the relocation of carparks and maintenance buildings, together with necessary adjustments to the layout of the golf course. The proposed development will occupy an area of approximately 5.5 hectares, with some buildings being up to three storeys high. The development will take place in

stages over a period of at least 4 years. Access to the proposed development will be through Gowrie Drive which will need to be upgraded.

Since 1995 seven development proposals (excluding the current proposal) have been put forward for various parts of the FGC lease area as outlined below.

- 1995 proposal to construct 140 houses.
- 1999 proposal to build 59 residential dwellings.
- 2000 proposed unit and townhouse development.
- 2007 residential development proposed for the Hughes woodland area and land above the 14th fairway.
- 2009 residential development of land above the 14th fairway.
- 2011 proposed embassy development.
- 2013 proposed unit development.

None of these development proposals proceeded because they either failed to gain the necessary Government approvals or were withdrawn for various reasons including public opposition.

The Findings

1. The area of open space on Red Hill referred to in this section includes the Red Hill Nature Reserve, the FGC lease area and a number of large urban open space blocks of land in Garran, Hughes and Deakin, together with parts of section 66 in Deakin, which abut the golf course and the Nature Reserve. This area is highly sensitive and significant.

2. The area contains a nationally significant remnant of the critically endangered Yellow Box Red Gum grassy woodland. The woodland comprises over 200 native plant species, a number of which are threatened and rare, as are a number of animal species which are supported by the woodland. The woodland and its components are found both within and outside the Nature Reserve.

3. Apart from the nationally significant woodland, Red Hill is also of likely national significance as demonstrated by a large area being included in a nomination for inclusion on the National Heritage List. Red Hill is a critical part of a multifunctional urban open space system which is of historical, visual, cultural and ecological significance.

4. The open space area is surrounded by housing and major roads on all sides. While providing an important amenity to residents and other people, the surrounding suburbs and roads contribute to the detrimental impacts on the area.

5. Notwithstanding the iconic character of the Red Hill area, it has and continues to be adversely impacted by a wide range of ad hoc damaging activities. These activities include:

- the dumping of gravel and building spoil;
- the dumping and burning of cut trees and other vegetation;
- the installation and maintenance of telecommunication infrastructure;
- the creation, widening and maintenance of fire trails and informal bike and walking trails;

- gas pipeline construction;
- planting of exotic and non-indigenous native species;
- installation and maintenance of power lines and cables;
- the removal of vegetation for flood prevention purposes;
- construction of water supply infrastructure; and
- the removal of vegetation for fire suppression purposes.

This large number of piecemeal activities over many years has resulted in significant damage being done to the area.

6. The size and proposed location of the retirement village will add to the impacts detailed above. The construction and operation of the proposed FGC development will have a detrimental impact on the critically endangered woodland in the adjacent Nature Reserve and on the golf course lease area,

Of particular concern is the proposal to upgrade the Gowrie Drive access road which will have immediate and ongoing adverse impacts on the adjacent woodland. The proposed development will have a detrimental impact on recreational activities in the area and will significantly impact on the amenity of nearby residents. The development will increase traffic flows and result in further congestion on roads in nearby suburbs.

The development proposal involves the conversion of the leased golf course land worth many millions of dollars to private gain for the benefit of a few hundred golf club members.

The proposed location for the development is entirely inappropriate for a retirement village as it is on the edge of a bushfire zone and is not supported by infrastructure such as public transport, bike/walking paths, community and medical services, and shops.

7. Now and into the future other development proposals are certain to be put forward. Development proposals will be encouraged by the ACT Government's policy of "infill" and its projection of a population of 120,000 people living and working in the Woden corridor by 2040.

Any proposed developments, if allowed to proceed, will significantly affect the environment and amenity of the Red Hill area. A prime example is the major development proposal announced in August 2017 by the Hindmarsh Group. This proposed development involves the construction of up to 550 residential units at a site on Kent Street in Deakin. This site contains critically endangered woodland, with two sides of the site abutting onto woodland in the Nature Reserve.

This proposed development by the Hindmarsh Group is likely to have significant direct and indirect impacts on the woodland both on the site and in the adjacent Nature Reserve. In addition, the site is likely to be polluted by leaching and other forms of erosion from two adjacent legacy rubbish tips that contain toxic waste. The development will also exacerbate traffic flow problems on the already overcrowded and dangerous Kent Street.

8. The Red Hill area is now faced with two very large residential developments which will have a wide range of environmental and social impacts on the open space area. There is every possibility that further damaging developments and activities will be proposed in the future. If these proposals are dealt with on a case by case basis it will be planning by

development rather than development through planning. For this situation to be avoided an overarching planning framework needs to be put in place.

9. For the reasons outlined above we recommend that the ACT Government suspends all development activity in the Red Hill open space area until an overarching planning and management framework for the area has been prepared and implemented.

10. This framework should address the following issues:

- Providing the means to protect the remaining Red Hill open space and its values.
- Putting in place mechanisms to ensure that there are no detrimental impacts on the critically endangered woodland and its components.
- Providing the means to protect mature trees and hollow bearing trees.
- Identifying the steps to be taken to facilitate important areas of woodland outside the Red Hill Nature Reserve being incorporated into the Reserve.
- The establishment of criteria and management guidelines to govern decision making in relation to all activities and proposed developments to be undertaken in the area. The development of these criteria and guidelines should take into account the existing requirements governing the management of the Nature Reserve and the golf course lease requirements.
- Enabling the identification and assessment of indigenous heritage in the area.
- Providing the means to protect the heritage values of the area including the landscape values and the view field.
- Protecting community use and sense of belonging to the area.
- Criteria and mechanisms for ensuring that the amenity of adjacent residents is not eroded.
- Giving careful consideration to the existence of the high risk Bushfire Zone in the area and the potential damage that can result from the need to “scrub” areas of woodland to protect poorly located residential developments or their access roads.
- Ensuring that the extraction of ground water is less than the discharge rate.
- The means to ensure traffic flows do not result in detrimental impacts on the environment and public safety and result in additional congestion on roads in surrounding suburbs.
- Development of a plan to transition land in the FGC lease area into the Red Hill Nature Reserve, in a number of stages, in the event that the FGC is no longer financially viable.

Implementation of the planning and management framework will involve the use of a range of ACT Government processes, plans and regulatory instruments.

Legislative Assembly Motion

On 25 October 2017 the Legislative Assembly passed a Liberals/Greens motion which calls on the ACT Government to:

- (a) not proceed with separate Territory Plan Variations for residential development proposals for Section 66, Kent Street Deakin, the Federal Golf Course and other sites immediately adjacent to Red Hill Nature Reserve; and
- (b) only proceed with a joint Territory Plan Variation for the sites after completion of an integrated plan for Red Hill Nature Reserve and surrounding residential areas that:
 - (i) includes a detailed environmental plan to protect Red Hill Nature Reserve from the impact of the proposed developments;
 - (ii) addresses the joint transport and amenity impacts of the proposed developments;
 - (iii) includes a detailed investigation of the old Deakin tip site and rules out development in any areas that may be contaminated and unsafe; and
 - (iv) limits development to proposals that have been developed in close consultation with the community and have a reasonable likelihood of majority community support.”.

12. This motion accords with the Panel recommendation made by the majority group.

13. The majority group calls on the ACT Government to implement the Legislative Assembly motion in a manner which ensures genuine and lasting protection for Red Hill and in so doing takes into account the issues set out in paragraph 10 of the Findings above.

14. In presenting these Findings the Panel group also makes it clear that any Panel Report prepared by EPSDD, and in particular any Panel Outcomes, are not supported or endorsed by this Panel group.

Part B

Panel establishment

Prior to the establishment of the Panel, discussions were held with the Environment, Planning and Sustainable Development Directorate (EPSDD) about the proposed purpose and operation of a possible Panel. A key reason for the discussions was to ensure that the Panel

deliberations would enable meaningful discussion of the development proposal, and not simply be used as a vehicle to facilitate the progressing of a Development Application by the proponent.

A number of organisations agreed to participate in the Panel process as a result of the following statements made by EPSDD.

The function of a Panel of this kind is to ensure that:

- all the relevant voices are heard;
- all the right questions are asked;
- all the answers to those questions are robust and reliable; and
- problems are discussed with a view to agreeing a Panel position.

We were also advised that sufficient Panel meetings would be held to satisfy these requirements.

The Panel was chaired by EPSDD. In addition to the Panel members presenting this Report, the following Panel members were also present at Panel meetings: FGC, MBark, National Capital Authority, ACT Government Architect, Matilda House (cultural heritage) and the Inner South Canberra Community Council.

Panel Operation

The following comments are provided on the Panel process.

All the relevant voices are heard

The Panel was to be made up of invited stakeholders who were representative of a group, organisation or association that has an ‘interest’ in the Federal Golf Club site. As a result of the Panel membership being determined by invitation not all relevant groups were aware that the Panel was being established. An example is the Hughes Residents’ Association which did not initially receive an invitation and was only added to the Panel after contacting the EPSDD. To ensure that all relevant interests were represented on the Panel it would have been preferable to broadly advertise the intention to establish the Panel. This would have allowed all relevant parties to indicate their interest in being a Panel member.

A problem faced by Panel members in making their voices heard was that at Panel meetings FGC, MBark and EPSDD were provided with the opportunity to make set piece presentations. The opportunity to make a formal presentation, to outline issues of interest, was not offered to other Panel members.

All the right questions are asked

Most members of the group considered that the presentations made by MBark were very general in nature, mainly involving known facts and did not provide the level of detail required to have a substantive discussion about the development proposal.

Information was made available at meetings, with no opportunity provided to examine the material prior to the meeting and prepare informed questions and responses. Panel members were required to ask questions and respond on the spot, or respond out of session. Questions

asked or responses made out of session resulted in the issue not being considered in the Panel meetings.

In an attempt to overcome these problems a residents' group prepared a comprehensive paper which set out the full range of concerns with the development proposal and put forward a range of alternative approaches which should be explored by the FGC. Despite ensuring that the paper was circulated in advance of the second Panel meeting the paper was not discussed, but was simply noted.

All the answers to those questions are robust and reliable

In order to give proper consideration to the development proposal Panel members sought basic information on a wide range of issues including:

- the future financial viability of the FGC in relation to the proposed development;
- alternative options to achieve the long-term financial viability for the FGC;
- impacts on the environment, and in particular the woodland both inside and outside the Nature reserve;
- work to be undertaken to upgrade Gowrie Drive and the likely impacts;
- changes to traffic flow on Gowrie Drive and in surrounding suburbs;
- impacts on recreational users of the area;
- views of emergency services concerning the location of the village and access and egress from the village in the case of an emergency;
- any adjustments required to bushfire management strategies;
- management of the impacts on the amenity of surrounding residents during construction of the village and new clubhouse, and when occupied and in use;
- legal means of guaranteeing that, if the proposed development proceeded, no further housing developments could be undertaken on the FGC lease area.

Very little relevant information was provided to Panel members on most of these issues. Most of the issues were included in a table to be considered as part of the Environmental Impact Statement and Development Approvals processes.

MBark stated several times that they should not be required to undertake any work to provide the information sought by the Panel. In the view of MBark work to provide this information should only be undertaken as part of the Development Approvals process and would be totally separate from the Panel process.

Problems are discussed with a view to agreeing a Panel position

The terms of reference for the Panel stated that “the community panel will hold open and inclusive discussions about how the Federal Golf Club site should evolve and develop into the future” and that the Panel will “endeavour to form a consensus view on development opportunities”. No attempt was made to have a wide ranging discussion about the future use of the FGC site. In fact the opposite was the case, with any attempt to raise broader use issues being closed down on the basis that it was beyond the scope of the Panel.

In addition while the terms of reference for the Panel allowed for a wide ranging discussion they did not preclude the option of no development on the FGC site. However the draft Panel Report states that community groups were invited to join the Panel “to provide feedback on residential development options within the Golf Club grounds and in particular as proposed

by developer MBark. No attempt was made to solve any problems or bring parties together. It became clear that the Panel process was simply being used to provide information to MBark about community concerns as a precursor to the preparation of a Development Application.

Number of Panel meetings

EPSDD and MBark throughout the panel process were determined that there would only be three Panel meetings regardless of how well the panel was performing in terms of issues being uncovered and dealt with. Most members of this group of Panel members considered that more Panel meetings were required to adequately deal with the issues raised.

Despite suggestions being made that additional meetings should be held the Panel process was crudely brought to a halt after three meetings even though many issues had not been discussed and no Panel report had been produced. In addition, critical information such as the results of an independent assessment of the financial viability of the FGC in relation to the proposed development was not yet available making discussion of this issue impossible.

MBark used the fact that only three Panel meetings were being held to justify not providing required information. MBark stated that it would be pointless providing detailed information to the Panel as there would not be enough time to consider the information in the course of three meetings.

Suggestions have been made that the Panel process was not successful because it had become politicised. This group of six Panel members are not aware of any politicisation of the process and are firmly of the view that the Panel process was not successful for the reasons detailed above.