

**FEDERAL GOLF CLUB
COMMUNITY PANEL**

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

**PREPARED FOR MEMBERS OF THE
LEGISLATIVE ASSEMBLY**

NOVEMBER 2017

Including FGC & Mbark Responses, February 2018

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.

Response: Our understanding of the objectives for the Community Panel process was not that it would result in any proposal having a 'social licence to proceed'. In our experience that is not what consultation is targeting and any proposal must be subjected to assessment under the established statutory processes (regardless of whether it has overwhelming community support or not). Whilst consensus is undoubtedly a preferred outcome for FGC & Mbark, it is rarely one that is offered by the community at large as it is difficult to satisfy the needs of all parties, all of the time.

The Community Panel process was not unique in this regard as for example, one community group made it clear that consensus could only be attempted if the proposal be modified to accord with the views held by that group which included suggestions to move the development to another part of the FGC lease area further away from Brereton street (2 location options were suggested) or ceasing to proceed with any proposal at all (which unfortunately is not an option for FGC). The alternate location options suggested were thoroughly tested as to viability and practicality but ultimately resulted in unnecessary and in some instances significant environmental impacts as well as other impacts that the proposal

in its presented form could otherwise avoid. We would be happy to elaborate in more detail as to the limitations of these alternate suggestions for those interested.

For these reasons, the location of the proposal in the existing developed area of FGC (current clubhouse and car park area) offered the lowest impact outcome, balancing all community requirements and not favouring feedback from some groups over others.

The Community Panel was a focussed consultation process to allow changes and work to be directed towards issues that local stakeholder groups had **before** moving to the equally important, broader community consultations. It was held at a time that was deliberately early in the proposals evolution so that changes could be made, based upon feedback received and questions asked.

This appears to be where some of the concern emerged of this consultation process. FGC & Mbark came to the table to discuss issues before it put pen to paper on any final development or territory plan variation application. It would appear from this paper that some community groups came with the expectation they would be commenting on an advanced proposal with detailed workings. The gap in expectations can only be overcome once the proposal has advanced to the point where it had the detailed information that some community groups were seeking.

Much of this information has now been prepared and is available. FGC & Mbark have contacted all groups that participated on the panel and offered to sit down and share this information and to discuss any residual issues with the panel members and their organisations. This offer will remain open following these groups getting a further understanding of how their earlier questions and FGC & Mbark's commitments have progressed.

We will remain open and transparent with the community and its representative organisations and we reiterate that we are now in a better position, having done significant work, to discuss aspects of the proposal in a level of detailed clearly desired by some of the Panel representatives.

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.

Response: If the thrust of this report is that an integrated plan that ensures Red Hill is protected in the consideration of any future development, then we also support the thrust of the report.

We stated our support for this during Panel meeting 3 whilst also advising that time presented risks to FGC's operations due to the ongoing water crisis and therefore any process would be something we would participate in but not initiate.

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.

Response: The description of the proposal is materially correct. The Gowrie Drive works will be undertaken subject to being able to deliver an upgrade using a design and construction methodology to have minimal disturbance to the Red Hill Nature Reserve. A design has been prepared and shared with local environmental groups and their comments and feedback have been received. Whilst FGC & Mbark cannot speak for these groups, the feedback received did not highlight material impacts to the Reserve and we are comfortable that a good outcome has been achieved in this regard and there are certainly no significant environmental impacts arising from the proposal.

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.

Response: The history of proposals for the FGC site is well documented. The current proposal is unique and highly differentiated from those listed above. Those listed however are symbolic of the continuing need for FGC to do something and could be interpreted as FGC being likely to continue to pursue options on this site whilst ever they remain as lessee.

This proposal is the first proposal that is for much needed social infrastructure and to deliver age appropriate housing choice into an existing suburb within the ACT (a huge issue that is only going to get bigger with time). These opportunities are rare and must be capitalised upon if we, as communities, are to ensure that suitable housing choices are presented to support ageing Australians being able to stay within their communities rather than being pushed to the urban fringes (or forced to compromise or be limited in any other way as to how they live as they age). This proposal responds directly to an independent planning study carried out on the site following all previous proposals and is for a form of development that is highly compatible with the golf club operations and demographics.

This proposal occupies a land area fundamentally different from any previous proposals, being concentrated on the existing urban footprint of the golf club operations and car park.

The proposed footprint is a significant distance away from the Red Hill Nature Reserve boundary and maintains a substantial buffer to adjoining residential properties.

The proposal has a high degree of strategic alignment with local policies on urban in fill, housing choices and the need to provide much needed social infrastructure and age appropriate housing and services within existing communities and not just as part of new urban expansion developments.

Regardless of the strength and outcomes of any previous proposal, FGC & Mbark believe this proposal should be judged on its merits and its demonstrated responsiveness to all issues and feedback raised throughout the consultation and any subsequent assessment processes.

The Findings

Response: We believe the following statements are opinions and not findings of the consultation process.

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.

Response: FGC & Mbark recommend approaching with caution broad groupings under the heading of ‘open space’. The Red Hill Nature Reserve is clearly part of the open space network but privately leased areas are less clear. For example, it is difficult to see how s66 can be considered open space when it is privately leased and has existing permitted uses that could see it intensely developed as industrial (amongst other more environmentally unsympathetic options – refer to the permitted uses under the TSZ2 zoning). Whilst we have nothing to do with this project, an external observer could say that it needs to be considered in this broader context as well. Similarly, the urban developed area of the FGC lease which includes buildings and carparks does not sit comfortably with the term open space whereas areas closer to the Nature Reserve boundary make more of a contribution to the open space network.

Notwithstanding the above, FGC & Mbark definitively support the position that the Red Hill Nature Reserve is a significant community asset and areas it adjoins should be carefully managed.

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.

Response: Noted and agree. These values have been comprehensively studied by the proposal ecologists and others who have advised on a location for the proposal that would see it avoiding material or significant impacts on the Reserve. The siting of the proposal is a

result of these studies and consultations and is in a position of already developed land within the FGC lease area, maintaining significant buffers from the Nature Reserve.

Specific initiatives aimed at mitigating and managing any environmental impacts include:

- The removal of hollow-bearing trees is to be undertaken in accordance with the measures recommended in the Construction (Flora and Fauna) Management Plan (CFFMP) at Appendix 5. This includes the careful removal of the tree during the clearing stage, and the subsequent relocation of either the whole tree or large trunk/limb sections of the tree into suitable nearby areas. The final decision on each tree's relocation treatment (in terms of whether it is the whole tree or a section of the tree as well as whether it is positioned to be standing up or attached to another tree will come to further assessment of each tree at final detailed design and will require an arborist inspection as well as discussions with an appropriate contractor to determine the viability of moving each tree intact. This information is beyond the scope of this study, however an indicative process for assessing the feasibility of the tree relocation is provided in the CFFMP).

- Final detailed designs should include consideration of retaining walls and the like at the building fringe, as opposed to more extensive areas of gently sloping batters, to maximise the retention of trees located along the development fringe. Further, tree protection measures during the construction stage are to be designed to ensure that all trees located along the development fringe are suitably protected from construction impacts.

- The timing of the removal of hollow-bearing trees is to occur outside the breeding season of the Superb Parrot (i.e. is to occur between April and September).

- The tree plantings proposed should include a component comprised of local endemic species, and provided at a ratio of approximately 10:1 of the removed trees. The tree plantings should also be done to reflect natural settings (i.e. clumping of planting to form small woodland patches), and can be provide across suitable areas of the FGC site, as well as through contributions to planting within the RHNR

- All works at the site, and particularly, in the adjacent offsite areas within the mapped Box Gum Woodland TEC is to proceed in accordance with the management measures recommended in the Construction (Flora and Fauna) Management Plan at Appendix 5, particularly in regards to the establishment of erosion and sediment controls and weed hygiene protocols.

- A Kangaroo population health monitoring program should be established in conjunction with the ACT Government for assessing the health of the local population over time, and providing a management framework for any actions required to actively intervene or undertake specific actions should they be required. As this is part of a broader ACT-wide issue, the responsibility for this matter should not fall on the individual landowner to address and take action on, but should be a collaborative process with ACT Parks and Conservation Service.

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.

Response: Noted. To address this FGC & Mbark have undertaken significant work to ensure the proposal will not diminish the values described above. The decision by FGC & Mbark to

ensure the proposal did not have significant impacts on Red Hill Nature Reserve or the woodland areas has resulted in the proposal location being contained to the existing developed area surrounding the FGC golf club. This decision had significant commercial implications for the proposal as it is not the most commercially viable development land and there are significant costs to be incurred in assembling the site for the proposal (including replacing parking that could otherwise have been avoided). In order to follow through on its commitments to community groups, FGC & Mbark subordinated commercial outcomes behind the environmental credentials of the area.

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.

Response: Whilst this point is not specific to the FGC proposal it is noted and we have considered the substantial surrounding residential context, traffic and other impacts when siting and documenting the proposal and its development application.

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.

Response: Noted and we advise that the FGC proposal does not contribute directly or indirectly to any of the impact categories noted above.

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,

Response: Detailed ecological surveys and reports have been prepared to assess the proposal and any environmental impacts it may have. These reports have concluded that any impacts will not be significant and mitigation of minor impacts through management strategies will be effective.

If the proposal is to proceed, it will only do so with a construction management plan that is able to satisfactorily avoid or mitigate potential impacts. The proposal has been sighted well

within the FGC boundary and will not have impacts on the Red Hill Nature Reserve from its ongoing operations. In this regard, the proposal is located in the optimal position to minimise any Reserve impacts from its construction and operation. The nature of the village environment ensures that a native landscape palette can be maintained and certain species (cats, for example) can be restricted to ensure no increased threat to local wildlife.

FGC & Mbark continue to welcome any specific feedback on this point as we believe that with the right planning and management, any impacts can be appropriately managed.

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.

Response: Potentially resolved. It is noted that your comments above were written at a time when detail of the intersection design proposed was not available. The subsequent work has now been performed and we advise a very minor design improvement, largely focussed on speed regulation, has been developed and is intended to form part of the proposal. This access road upgrade has been determined by expert ecologists as low impact and not to have a significant impact on the Red Hill Nature Reserve.

The design has also been provided to local environmental groups and their feedback received. This feedback did not suggest significant issues on the proposed design exist now that the design work has been carried out.

The proposed development will have a detrimental impact on recreational activities in the area and will significantly impact on the amenity of nearby residents.

Response:

Recreational activities - The proposal achieves the opposite to detrimental impact by ensuring the primary recreational use as a golf course is preserved into the future (along with the community recreation access that is currently in place). There will be no changes to the current access arrangements to the FGC lease area for nearby residents or other users of the site. That is, no changes in the way members of the public access and use the FGC lease area. We have received feedback during the public consultation sessions in December 2017 that incorrect information has been circulating suggesting public access to FGC and its area will change and these statements are categorically not true.

Resident amenity - The presence of a new elderly retirement community is highly unlikely to provide amenity impacts to nearby residents. In fact, the Golf Club operations will remain the significant use on the site and any potential amenity impacts relating to the Club's use will be vigilantly managed by the new Retirement community that will be in much closer proximity to the Club and its operations than any existing residential area. This is an important concept to understand.

The amenity of nearby residents in Brereton Street has been a detailed focus in evolving the proposal. We will write to the nearby residents shortly, sharing this document and our commitments update with them, and offer any of these residents the chance to sit down and discuss the proposal collectively or individually. It is very important to us that nearby residents are as informed as the community representatives and the information is direct to them (as is the access to Mbark and FGC if they have questions or concerns).

Concerning the potential amenity impacts for nearby residents, we have completed several studies to understand and mitigate potential impacts to access (no changes) from noise (construction and operational) and to views.

Access

The main potential impact for Brereton Street residents that was identified as needing to be managed was any traffic access connection into Brereton Street. This is something residents presented as an issue in early consultation and as a result the proposal has never contained this element. It has been discussed on a number of occasions however the FGC & Mbark have always maintained that it does not support this access or a connection between Gowrie Drive and Brereton Street.

Noise

Noise impacts will be managed during the construction phase to be within the time periods permitted for existing golf course operational works. There will be no extension to these hours due to the proposal. Other than the short period of time that bulk earthworks are performed for the proposal, the golf course operations and maintenance are likely to create more noise than the construction of a staged number of residential homes, some distance from any existing residences.

As noted earlier, as residents move into the proposed village, they will be located in much closer proximity to construction activity than any existing nearby residents. Mbark has significant experience in managing the construction interface with village residents and has been successful in ensuring this does not become an issue within the village itself, as it is developed. If these impacts with near range village residents can be managed effectively, nearby residents can take comfort that development activities impacting them will be tightly managed.

Operationally, the proposed village does not create any noise of a material nature and is unlikely to impact on nearby residents. The golf operations will continue to be the most active use on site.

While the proposed club house does shift towards the FGC lease area boundary it maintains a 50M buffer from the nearest rear boundary of the adjoining residential homes (and much further from the homes themselves). Available noise mitigation strategies are likely to improve under the proposal as the function rooms within the clubhouse have been located at the end closest to the retirement village, not Brereton Street, and an expensive, underground car park is proposed to help manage noise impacts at the conclusion of any function. This is further to FGC's existing record of no noise complaints relating to a function held at the club house in at least the last 17 years.

Again, it is worth noting that the retirement village residents will be in much closer proximity to noise activities requiring management than any existing residential area.

Views

We have undertaken a comprehensive view analysis from Red Hill lookout and are satisfied that the modification of mid ground views from this location is not detrimental to that view line or the look out.

We have offered nearby Brereton Street residents, on two occasions, the opportunity to have a site-specific view analysis done from their home, followed by any necessary discussions on how any impacts might be dealt with.

Most residences adjoining FGC are separated by a thick mature stand of vegetation at or near to the boundary. This vegetation will **not** be removed by the proposal (notwithstanding the incorrect assertion to the contrary on certain websites and social media), meaning that heavily filtered views of the clubhouse will be maintained. Any view impacts will be further alleviated by the building proposed to replace the existing club house sitting more sympathetically in its environment in terms of colours and materials palette than the existing building.

We acknowledge that there is one home that will experience material changes to their current views / outlook. We are currently completing work on the final ground levels in this location and following this we will finalise the view analysis and consult with the impacted resident. The purpose of this discussion will be to explore landscaping or mitigating strategies that may be suitable and acceptable to the resident.

The only other resident that has accepted our offer has been shown the results of the view analysis and will shortly be provided with copies for more thorough review and feedback to us. They may potentially choose to share their analysis with others who did not allow the necessary works but that will be the decision of the individual residents.

The development will increase traffic flows and result in further congestion on roads in nearby suburbs.

Response: The traffic analysis that has been completed suggests that the additional traffic movements generated are not likely to have an impact on the existing traffic network. Being a retirement village where the residents are retired, they tend to have more flexibility around time of travel which results in an avoidance of any peak traffic periods. They also represent lower household formation numbers where a village typically averages less than 2 residents per dwelling compared to average household numbers greater than 2 people. The combination of a lower relative head count, the flexibility to choose to travel off peak and the private consolidated transport options (village bus and car share) offered by the village all contribute to a traffic generation that has been assessed to not have material impacts.

A results table from our traffic surveys is below.

ROAD NAME	AM PEAK		PM PEAK		DAILY	
	IN	OUT	IN	OUT	IN	OUT
Access Road	8	14	14	8	125	125
Gowrie Drive	8	14	14	8	125	125
Stonehaven Crescent	2	2	2	2	19	19
Hopetoun Circuit	1	1	1	1	10	10
Strickland Crescent	1	1	1	1	9	9
Kent Street	1	1	1	1	9	9
Melbourne Avenue to Empire	6	12	12	6	101	101
Melbourne Avenue ex Empire	4	7	7	4	63	63
Empire Circuit	2	5	5	2	38	38
State Circle	4	7	7	4	63	63
Mugga Way	1	1	1	1	5	5
Flinders Way	1	1	1	1	5	5

The cumulative assessment of traffic impacts is being coordinated as part of the integrated plan for Red Hill however our initial modelling on traffic dispersal patterns is suggesting that the contribution to cumulative impacts is also likely to be minimal.

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.

Response: The only thing FGC gains from this proposal is ensuring the Club survives into the future with appropriate and upgraded infrastructure. In this regard, the Members are closely aligned with the interests of the broader community as any removal of FGC from the site would result in a risk that the land would be used for a much larger scale residential in fill development. It would be easy to dismiss this as a convenient assumption in support of the current more modest proposal but those with expertise or background in strategic planning will undoubtedly see the alignment that such an in-fill development would have with the policy direction and requirements to accommodate a growing ACT population. There would not be too many in fill sites more ideally located in the ACT.

If the proposal is to proceed, a change of permitted use needs to occur for the part of the site housing the proposed retirement village (no such changes are proposed for any of the residual FGC land). This change of use will require a Lease Variation Charge is paid so that the leaseholder (FGC) does not end up with a windfall gain. This charge will be calculated and paid in accordance with the legislation that governs it and is available to any lease holder seeking to add uses to their Crown Lease. FGC is not seeking any treatment not otherwise available to any Crown Lease holder.

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.

Response: The proposal has a requirement to comply with all bushfire protection measures. Being a managed village community there are people on site to assist with the management of any bushfire risks should they present. Master keys provide access to all properties and the physical on-site presence of staff dramatically lower the risk of bushfire evacuation events for residents. The proposal has been sited a significant distance from the Red Hill Nature Reserve which has two main benefits. Firstly, it moves all building and residents well away from the bushfire prone vegetation and secondly it completely avoids the need for any bushfire management of vegetation to be performed within the Red Hill Nature Reserve. No Nature Reserve vegetation will be impacted or modified for bush fire management activities for the proposal.

The proposed site is located within a community that is extensively serviced by infrastructure and services. Inner south Canberra has a great diversity of supporting services across multiple neighbourhood and sub-regional centres. It is not the purpose of this village to build a gated community with all shops and services located on site but to provide the residents the opportunity to continue to be part of their existing community by supporting them to remain independent, social and active with assisted transportation options.

Private supported transport (village bus) is provided as part of the proposal and it is likely that residents will have a strong preference to use this transport or their private vehicles over public transport where their mobility and safety concerns are not always met. There is an abundance of walking trails that will support wellbeing but the demographic likely to occupy the proposal are not significant users of long destination walks and cycling to work.

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.

Response: Noted and agree that the proposal is consistent with the strategic direction and needs for a growing ACT but we are unable to speculate as to other developments. FGC confirms it has no intentions (or need) to develop any part of its lease for residential purposes should the proposal proceed. FGC has specifically stated during consultations that it is willing to do anything the community needs it to in order to give the community peace of mind that it will not support further development proposals beyond this proposal.

The actions FGC has taken are:

- (1) Only seeking a change of use on the land proposed for the retirement village;
- (2) Limiting that to an additional permitted use of retirement village and not seeking to change the underlying zoning;
- (3) Only seeking to deconcessionalise the part of the site used for the proposed retirement village and clubhouse and leaving the remaining area as is; and
- (4) Utilise any other area within the FGC in a manner that means it cannot be developed in the future (new practice facilities) or adjust the boundary and put the land back into the Nature Reserve (over 10Ha proposed).

We also note that this opinion on the ACT Government's policy aligns with and supports our view on the land's potential to be developed on a large scale should the golf club cease to operate.

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.

Response: We have been made aware of this proposal but are unable to offer any comment on it at this time. Our proposal will be considered jointly with this proposal as part of the Red Hill Integrated Plan.

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.

Response: We hope that the development of the Integrated Plan for Red Hill should provide the community with the comfort it is seeking on this matter.

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.

Response: As noted above, we hope that the development of the Integrated Plan for Red Hill should provide the community with the comfort it is seeking on this matter.

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.

Response: EPSDD discussed with FGC & Mbark the desire to explore a new way of earlier engagement with active community stakeholders. There was no limit to the number of meetings, only a view that meetings would only be held whilst the conversation remained relevant and constructive. Once all of the issues, concerns, opportunities and questions had come out we would be required to take that feedback very seriously and ensure that any further work we did on a proposal responded to it in a robust way.

We believe that we have maintained this approach at all times.

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.

Response: The presentations were requested of (not by) FGC & Mbark to give the Panel Members the necessary background on the proposal and the work undertaken to date (at that time). The remainder of Panel Meeting 1 was spent discussing all of the areas and questions potentially of concern. This list was then given to FGC & Mbark as ‘Homework’ with the responsibility to go away, explore the issues and revert on how it would be considered if the proposal was going to progress. The list of homework provided was voluminous.

The presentation provided at Panel Meeting 2 was simply a presentation of the homework considerations that had been given to FGC & Mbark and the resultant responses and findings, approaches and aspirations of how it would be considered.

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.

Response: The opening section of the meeting in question (meeting 2) was afforded to the writer of the paper to present and discuss the issues raised in the paper noted above. To suggest that this paper was not discussed is incorrect. The fact that it was and then formally tabled meant that it represented a body of work comprising “the right questions being asked” or at a minimum contained a significant number of questions asked directly by the

community group tabling it and having high relevance for the proponent to take away and attempt to address the questions raised.

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.

Response: This appears to be where the major expectations gap from the Community Panel process exists. FGC & Mbark felt that the process had resulted in a wide ranging and detailed list of questions, issues and concerns that they would need to satisfactorily address in a robust way in the preparation of any further work on the proposal. It is a shame the panel was not supported through to its conclusion as now these issues have only been tabled in this report which is not signed off by all attendees at the panel meetings.

The other end of that spectrum is now clear in that some panel members felt the panel function should extend beyond providing the issues and concerns and actually extend into a form of assessment, once further work had been undertaken.

Unfortunately, given the very early stage these discussions were taking place, it was not possible to provide the levels of detail on all matters outlined above. For example, it was clear that detailed environmental and ecological surveys would be necessary and would be carried out for the proposal. But the nature of such work to be undertaken was not explicitly to return to the panel and have the panel perform the assessment of these studies. Whilst certain Members had the expertise and interest to make this possible, others did not.

The panel process reached a point where no ‘new’ questions or issues were being raised, at which time the proponent provided the Panel with a list of commitments, representing the proposed principals and approach it would use to advance the work required. These commitments reflected the way the proposal would be moved forward and, where possible, detailed the work that would be undertaken to ensure the questions and issues raised could

be accurately assessed, by the statutory process that is established to undertake that assessment.

The below paragraph has been shown as deleted as it is categorically untrue and incongruous given the significant work the FGC & Mbark did in voluntarily participating in the Panel. Further, it is difficult to reconcile the statements below in light of the numerous discussions held by FGC & Mbark with members of the panel on issues they maintained an interest in following the panel meetings.

We have voluntarily, and not under the banner of the Panel continuance, written to all represented organisations on the Panel and offered to brief them on all of the work that has been undertaken and to explore the solutions to some of the issues raised now that further detailed information is to hand.

We believe these actions certainly do not appear to be consistent with the accusations below.

~~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.

Responses: Whilst the panel process did not meet the expectations to oversee the assessment of the proposal, it did form what FGC & Mbark understood to be the underlying purpose of this early stage consultation. A diverse group of community representatives were able to provide information, guidance and feedback to ensure that any proposal did its best to ensure the community voices had been heard and responded to. The provision of this feedback by the Panel members, or the proposals compliance with it, in no way suggested the proposal would ultimately be approved. We are grateful to the groups who participated and presented their views. For the proposal to proceed it would need further broader community consultation to inform it and a comprehensive merit assessment.

The dictionary meaning of ‘consult’ is to seek advice or information from or to refer to for information. The fact that we listened to and acted upon information provided to it at the

Panel should not be grounds to render the process a failure or to suggest FGC & Mbark were not genuine in their attendance.

Number of Panel meetings

EPSDD and Mbark [Mbark removed here as to suggest that the Mbark had any influence in the panel structure or number of meetings is not true. Like everyone else, we were a voluntary participant] 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. As stated above, we have recently offered the Panel Members the opportunity to hold some information sessions in February 2018 (as distinct from continuing the Panel) whereby interested participants can come and see how all of the questions and issues are progressing and being addressed. This would carry no formal or statutory weight. It simply represents an opportunity for the community representatives to get current and correct information to take back to their memberships.

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.~~

The above paragraph is shown as deleted because we believe it is a misrepresentation of any discussion held. FGC & Mbark provided all information it had to hand that served to support answers to concerns and questions raised. Work that was going to take many months to correctly undertake was simply not available but was committed to by the proponent to ensure it would be part of any applications made to the ACT government.

The implication that FGC & Mbark were trying not to provide very detailed information to the community is simply not a true reflection of the extensive consultations that have been undertaken for this proposal. In fact, we have publicly stated that prior to seeking to add the retirement village use to the site, it would prepare and make available a level of detail well in excess of what would ordinarily be required. The time and expense of doing this would serve to give the community absolute clarity of the extent and nature of what was being proposed, rather than this being revealed on a piecemeal basis. What this means is FGC & Mbark are committed to doing full DA level studies and work prior to applying for a Territory Plan Variation so that the community would have a level of certainty and comfort over exactly what was being proposed and that this would not change if the Territory Plan was in fact changed.

It is also not consistent with the subsequent actions of FGC & Mbark in seeking to keep all interested parties informed of progress and issues.

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.