

GARRAN and HUGHES
RESIDENTS ACTION GROUP

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Mr Allan Stewart
President
Federal Golf Club
Gowrie Drive
Red Hill
ACT 2603

copy to Mr Scott Elias, General Manager

6 June 2016

Dear Allan,

Re: Rejection of Proposed Development Scheme for up to 125 Residences for a Retirement Village on Federal Golf Club (FGC) land.

The Garran and Hughes Residents Action Group (GAHRAG) represents the interests of Garran & Hughes residents and other community members.

Property Development Proposal by the FGC.

We write to you concerning your proposal for FGC to ***sublet a sizeable portion of golf course land to construct a substantial residential development of up to 125 residences, including 4 storey structures, on land that is dedicated for golf course purposes in an open grassy woodland setting.***

Summary of Our Position.

GAHRAG rejects the proposal and also the underlying concept of a massive residential development of this type at such an important and unique location as the FGC. The reasons we reject the Proposal are set out below and we ***Request These Views be Brought to the Attention of Members before the vote on 20th June 2016.***

The Attachment to this letter is an Appendix which more fully sets out our reasons for rejecting this proposal

1. Reasons the Development is Flawed.

- The financial position of FGC has been made well known by Club representatives during your promotion of the Proposal. Whilst we understand your circumstances, it is not seen as a basis for an abandonment of the original commitment the Club made to the preservation of the unique and special environment offered by the Course. The Course area is enjoyed not only by the Club's members but also (by right), the local community and numerous other stakeholders.

- The Club, its members and the community must be aware that ***the sheer size of the Development, of up to 125 residences covering an area of over 57,000m², is far too demanding for the Course to accommodate without significantly compromising its character and quality.*** This will have a direct and profound effect not only on your own members but also on other stakeholders.
- The Club appears to be single-mindedly embracing a totally inappropriate scheme without recognising its many flaws and oblivious to the rights of others.

2. Past History of Failures - Even More Negatives with Current Scheme.

An objective assessment of the history of 7 failed attempts by the Club should be sufficient indication of community concerns about the present scheme. All previous schemes were on a much smaller scale and still raised significant issues and community concern. This scheme adds further unacceptable outcomes including :-

- degradation of valuable components of yellow box/red gum woodland on the Course,
- construction on environmentally sensitive locations with removal of many significant trees,
- replacing open woodland at the Course entrance with bitumen, structures and parking,
- compromising permitted public access to the course,
- opening up a Pandora's box of bushfire related issues,
- further removal of trees under new course redesign necessitated by this development etc.

For the above reasons it is impossible to see how this Scheme could be classified by the Planning Minister as in the "public interest", as is required once any application to Government is forthcoming.

3. The Crown Lease and Betterment.

The FGC enjoys subsidised and concessional terms under a current Crown Lease that also prohibits the proposed new land use. Betterment charges will be an important feature of process and the size of the increase in value will raise understandable community concerns and press attention.

4. Unacceptable Threat to Course Neighbours at Garran/Hughes.

As has been shown on previous occasions, the wide community that use the Course, especially Garran and Hughes residents, do not accept any proposal that destroys the amenity of the area as a solution to FGC's financial concerns.

If allowed to proceed, the development would—

- have severe impact on amenity of the area with roads, parking and residential units replacing park like grassy woodland;
- significantly affect property values and effectively embargo the property market in the area for up to 8 years;
- condemn residents to a 6-year construction period (Mbark's estimate) with all that entails;
- Have a permanent effect on the amenity of numerous residences particularly through the construction of dominant 4 storey structures in a parkland setting.

5. Impact of Locating Retirement Village in a High Risk Bushfire Prone Zone.

The proposed location of the Retirement Village is classified by ACT Emergency Services as a high risk Bushfire Prone Zone. There are factors here which may have a profound effect including special design considerations, emergency access/egress safety protocols and additional (unplanned) design and construction costs.

ACT Emergency Services will require a Bushfire Plan with particular emphasis on safe, emergency Access/Egress availability. The main available option is Gowrie Drive which will likely be deemed unsuitable as it would direct resident and/or Emergency Services vehicles back into a high bushfire prone location. ***The most obvious alternative is a direct road link of the proposed Retirement Village to Brereton Street in Garran.***

The construction costs would undoubtedly be placed on the Developer and could well scuttle the whole development proposal.

Any road connection of Brereton Street to the Club/Retirement Village will certainly generate considerable and widespread community opposition which also may kill off the whole project.

Outcomes that might be recommended by ACT Emergency Services may well be objectionable to the Club/Mbank but are nonetheless key matters of safety and protection of the Village residents.

The ramifications of Bushfire Protocols, the cost of constructing a suitable access/egress route and the certain and fervent opposition of Woden and South Canberra residents to a Brereton Street linkage will cause insurmountable problems for this Development Proposal.

RECOMMENDED ACTION.

1. We request that the members be provided with a balanced representation of the proposal, including this letter.
2. Faced with balanced information, we are confident members will reject the proposal as a flawed and unbalanced response to the GGC's current financial position.
3. The GAHRAG and other community groups are committed to opposing development of the Golf Course reserve and Red Hill. If the proposal is not withdrawn the FGC can expect a repeat of previous community opposition and rejection of the current proposal. Deconcessionalisation, Variations to the Territory Plan and Development Approval will be vigorously opposed and that the Government and Legislative Assembly will be strenuously lobbied and made fully aware of the extent of community concerns over this proposal.
4. We would be pleased to receive your response well before the vote on 20 June 2016

Yours faithfully

Roger Adcock (on behalf of the Convenors of the Garran and Hughes Residents Action Group)

ATTACHMENT TO LETTER TO FGC

DETAILS OF REJECTION OF FGC DEVELOPMENT SCHEME, 2016.

A. Previous Failed Attempts -This Continuous Regurgitation of Previously Rejected Schemes Must Stop.

1. Since 1999 there have been 7 previous failed attempts by FGC at similar developments to be located on the Course, all strongly opposed by a wide cross section of the community and rejected by Government. These 7 previous attempts have been rejected for sound planning, development, environmental and social reasons.
2. It seems highly improbable that these outcomes will in any way change by varying the residential use to a Retirement Village or making minor alterations to the location on Course. A retirement village is still a residential use and this concept has been rejected numerous times.
3. A retirement village at FGC represents an even more unacceptable use than residential as it fails to meet well accepted criteria for such facilities including ready access to Public Transport, shops, medical facilities etc.
4. We advise that **all groups** who opposed earlier attempts will again oppose on this occasion.

The whole local community is frustrated at having to oppose yet again another unacceptable FGC Development Proposal and will be making representations shortly to ACT Government that this situation is untenable and needs to be rejected.

B. What We Believe Must be protected and Retained.

The golf course contains some 86 ha of area and forms part of a unique natural setting centred around the Red Hill Nature Reserve and its white box/yellow box/red gum grassy woodland. Many parts of the course consist of this critically endangered woodland or components of it. The woodland in the Course area is an integral, contiguous and important component of the wider Red Hill Reserve woodland remnant. Many of the Course trees are over 200 years old with a large number of rare or threatened plant and animal species present.

The Course is located within this magnificent bushland setting and provides members and the wider community with a unique amenity in which to play golf or enjoy.

C. FGC Made Commitments on Signing its Crown Lease and Accepting Zoning Controls.

The PRZ2 Zoning for the Course protects the Restricted Park/Recreation setting of the Course from most development and even specifically prohibits Residential Use including Retirement Villages. FGC did not object to this classification when it first applied and signed up for its current Crown Lease, which reinforces the limited use the Club can put its land to. These are commitments which it made to acquire its land in the first place and which it has been forced to observe by Government for many decades since.

These are also obligations that have protected and preserved the amenity of golfers as well as Course neighbours and the broader Canberra community that enjoys the facility.

FGC Plans to Abandon the Commitments It Made to Secure Its Land in the First Place.

It is clear that the Board, in pursuing this residential development, cannot continue to meet the above commitments. It has been consistently willing to renege on these commitments and now intends again to ask the ACT Government, the community and its neighbours for support to do this. The Club has continuously stressed its pecuniary position as the reason behind abandoning its commitments and compromising a key asset it shares with the Community. At risk also are the rights of the public (see Clause 4(c) of the Crown Lease) to unrestricted access to all areas of the Course including the area to be sublet to Mbark.

D. Unacceptable Threat to Course Neighbours at Garran/Hughes.

Garran and Hughes residents, particularly those that are more directly affected, are unable to accept that the Club should be permitted to renege on previous undertakings that have been relied on by neighbours to purchase their properties in the first place. They made all the necessary checks and searches and had no inkling of the sudden appearance of this development proposal. If allowed to proceed, the development would—

- have a severe impact on amenity of the area with roads, parking and residential units replacing park like grassy woodland;
- result in the degradation of box/gum grassy woodland with significant tree removal inevitable as is clearly demonstrated by the development plans;
- significantly affect property values and effectively embargo the property market in the area for up to 8 years;
- condemn residents to a 6-year construction period (Mbark's estimate) with all that entails;
- Have a permanent effect on the amenity of numerous residences.

What are Brereton Street Neighbours Being Asked to GIVE UP?

The PR22 Zoning controls applying to the FGC Lease state: - ***the Lessee must "ensure the amenity of adjoining development is not unacceptably affected by the operation of the sporting facility..... particularly in terms of noise, traffic, parking, privacy and outside lighting at night".***

IT IS INEVITABLE THAT RESIDENTS WILL TAKE ALL MEASURES AVAILABLE TO RETAIN THESE PROTECTIONS THEY CURRENTLY ENJOY.

E. Poor Assessment of Impact of Development Scheme.

There has been NO assessment by the Club of the damage; environmental, social, or otherwise that will result from its proposal.

It is entirely unacceptable for Mbark to produce a 3rd generation Concept Plan which has been presented to members as the basis for a YES VOTE to enable the Development Contract to be finalised when it has ***omitted to consider key criteria such as environmental impact, tree and plant conservation, bushfire protection plans, ACT Emergency Services requirements for access/egress, ACT Tree Act registrations, removal of trees impact from proposed course variations necessitated by the Development etc. etc.***

It is not acceptable to say; trust us we will have a look at these issues ***after*** members have voted. If there are significant issues that could compromise the future of the development, as we believe there are,

they need to be assessed and members and stakeholders need to be fully advised of their impacts BEFORE they vote for the project.

Members and Stakeholders Need to be Advised on How Mbark will meet the “Public Interest Test”.

The Club must satisfy the ACT Government Minister for Planning that “deconcessionalisation” of its Crown Lease and a variation of Territory Plan would be in the “Public Interest”. Surely the members and stakeholders are entitled to be informed by the Board/Mbark how satisfying this requirement will be achieved. The failure of the Club to clear this hurdle on the most recent development proposal, requires that membership be reassured that the Club’s reputation will not be seriously compromised again. Failure to do this will be treating the Club’s Membership and the wider community with disdain.

F. Failure of Consultation Process with Course Neighbours.

Mbark and Club representatives made no attempt to obtain Neighbouring resident feedback before formulating their first Concept Plan. A high level of distrust was generated when the opening gambit of Mbark was for an outrageous number of proposed new residences and roadways directly abutting a significant number of Brereton St properties. This poor start to consultation led to a serious lack of trust that was never repaired.

There appears to be a lack of understanding by the Club’s management, members and Mbark of the rights and protections enjoyed by neighbours under current zoning controls and the Crown Lease applying to the Course. Perhaps even more importantly there was never any acknowledgement of the impact and permanent loss of amenity, the loss of property value and the disruption and impact of a 6-year construction period the development would have on residents. Garran residents now believe the Club would have its new irrigation system at any cost, especially to its immediate neighbours.

We have given the Board and Mbark every opportunity to respond to representations on versions of the Concept Plan. This has not occurred and in fact in the latest concept the situation worsened and has galvanised greater opposition, not only to this latest Plan, but also the very development concept itself.

We have been left with a firm impression that they were merely going through the motions of a consultation process and were firmly set on a preconceived outcome that best served themselves and their respective organisations.

G. Failure to Recognise the Value of Area Sought for Development.

The consequence of the decision by Mbark not to spend the funds on expert analysis of the area proposed for development has resulted in the Board not being aware of serious flaws in the plans that will most likely render them unworkable.

- Environmental “scoping” of the area from the entry gate of the Course down to the 5th green has revealed that this area contains key components of the Red Hill grassy woodland including a number of species of high conservation significance.
- The presence of these woodland components and in particular a large number of significant trees as defined under ACT law will in all probability severely curtail the development potential of the land concerned and in so doing remove a sizeable portion of the development area proposed by Mbark for roads, parking and a number of “duplex” residences.
- This may prove terminal for this development model which is already under severe space constraints as a result of the Crafter/Mogford findings of safety shortcomings with the Mbark proposal.

- This is illustrated by Mbark now having to resort **to 4 storey blocks of flats right next to the Clubhouse and 18th green (see below)** trying to reach its unrealistic goal of up to 125 residences. It will prove almost impossible for Mbark to identify any suitable alternative location on the Course for these lost areas. Do the members fully understand what 4 storeys of development will look like in the midst of their golf course and next to their clubhouse?

H. Impacts of Retirement Village Being in a Bushfire Prone Zone.

The proposed location of the Retirement Village is classified by ACT Emergency Services as a high risk Bushfire Prone Zone. This is again an area where it was essential that Mbark/the Club spent money on obtaining expert advice from an ACT accredited Bushfire Consultant, as there are factors here which may have a profound effect on the feasibility of any development proceeding at all. These include high cost design and construction requirements, special materials requirements, sprinkler systems, provision of approved road design and off site works for emergency access/egress etc.

- **Road Link to Brereton Street, Garran May Be Required.** ACT Emergency Services will require a Bushfire Plan (in accordance with NSW Bushfire Protection Measures as adopted by ESA). The Plan must address Special Fire Protection Measures with particular emphasis on safe emergency Access/Egress availability. This presents real difficulties as the main available route is Gowrie Drive which will likely be deemed unsuitable as it would direct resident and/or Emergency Services vehicles back into a high bushfire prone location. Whilst other presently unidentified alternatives could be nominated, the most obvious alternative is a direct link of the proposed Retirement Village to Brereton Street in Garran.
- **Cost of Construction to Be Met by Club/Developer.** The cost of this work would be high and likely involve construction of a bitumen road capable of carrying Emergency Service Vehicles to and from the Village. The construction costs of such works would undoubtedly be placed on the Club/Mbark. Mbark have consistently advised of their opposition to this outcome. This opposition is not based on expert bushfire analysis, but rather on a wish to avoid expenditure. If some other, presently unidentified but acceptable alternative route were to be found, the cost of provision and construction would again fall to the Club/Mbark. Any policy of having emergency vehicles taking access to the area through the Course and without any formal route or roadway may have been acceptable when no one lived on the Course, but certainly would not be acceptable where up to 250 residents were present as planned.
- **Connection to Brereton Street Would Necessitate Significant Redesign of Concept.** Whilst any connection to Brereton Street would elicit the very strongest resident objections throughout Garran and beyond, it would be nothing to the fervent opposition if the connection allowed through traffic from Woden Valley to South Canberra via Gowrie Drive. The only solution to this problem would be to design the connection to the Village as a "NO Thru Road". This of itself would be problematic and, even if achievable, would necessitate a significant redesign with further ramifications for the project.

Conclusion On Bushfire Requirements and Road Connection to Garran.

All of the above considerations have been totally overlooked in the process undertaken to date by the Board/Mbark. Outcomes that may be recommended by ACT Emergency Services may well be objectionable to the Club but are nonetheless key matters of safety and protection of the Village residents. They will impose high additional costs on the project and will certainly generate considerable and widespread community objection which may kill off the whole project.

The ramifications of Bushfire Protocols, the cost of constructing a suitable access/egress route and the certain and fervent opposition of Woden and South Canberra residents to a Brereton Street linkage will cause insurmountable problems for this Development Proposal.

I. Other Significant Flaws in the Proposal.

Size of the Development.

The sheer size of the Development (up to 125 residences) is far too demanding for the Course to accommodate. The developer's insistence in persisting with this size business model in too small a footprint has led to various critical design flaws including pushing up much too close to existing residences. Of particular concern is the appearance of FOUR STOREY BLOCKS OF FLATS next to the clubhouse which will dominate aspects and views over the whole of the Course as well as being totally out of character with a bush and parkland setting which golfers, residents and the local community now enjoy. It is considered highly unlikely that ACT Government would approve 4 storey buildings in this area ***It is our submission that the Board is giving away too much of the Course's attributes and heritage on a scheme that is not realistically suitable for such a location.***

The 8-12 Million Dollar Clubhouse.

By far the biggest benefit offered to the Club is the massive \$8-12m clubhouse with high cost facilities such as a swimming pool, theatre and gymnasium. There appears to be evidence that many current members do not want and will not use these facilities. FGC is after all a golf club not a fitness centre. The Developer will apparently not accept as an alternative a scaled down clubhouse design + cash injection to the Club. It wants a grand clubhouse and facilities for its retirement village members.

It is our submission that the massive club house, rather than a benefit, is a significant detraction to the proposal both by virtue of its intrusive size and extravagant cost. As such it will be much less likely to receive community and Government support. The Club's motives and reputation will be seriously questioned as a result.

It is noted that the new Clubhouse will continue to be fully owned by the Club and remain as concessional leased land. As such the Club will be responsible for staffing, maintenance, repairs and all other ongoing costs. In addition higher land rent and rates will likely result from vastly larger and improved facilities constructed on Club land.

Construction Impact and Safety Concerns – Roadworks on Gowrie Drive.

It is well documented what a significant impact 6 years of construction will have on club members, golfing enjoyment and the lives of Course neighbours. Once construction begins, the brutal reality of what it entails will likely result in member resignations. The extent of such resignations will determine whether the Club even survives in the short term. The Board is gambling with the very survival of the Club right now.

A further and equally serious problem is safety concerns associated with Gowrie Drive. The poor conditions associated with the road are also well documented. There has been concerns expressed that the much increased traffic loads and vehicle types resulting from construction will exacerbate existing dangers to unacceptable levels. Whilst promises of an upgrade have been made, there is a noticeable trend by Mbark to defer expenditure on such items for as long as possible. This is not acceptable here and

road upgrade should be one of the first actions before any other construction commences. This matter is just another serious problem associated with the proposal that adds to concerns.

J. Level of Development Documentation Presented to Members.

It was evident that the quality of documentation for the latest concept plan from Mbark is not of a standard that Members could form an opinion as to its content, although it now forms the very basis for seeking a vote for membership approval.

e.g. the newly proposed apartments buildings at the 18th green and next to the Clubhouse are apparently of **3-4 storey height**. The plan only refers to 40 Apartments and does not happen to mention they will be 4 storeys high. One wonders what the reaction of members would be if they realised that their time on the Course would now be dominated by 4 storey blocks of flats.

There is a similar lack of detail on the 18-20 newly proposed duplexes that will now abut several Brereton Street residences. There was no indication of height or number of storeys for these structures.

For the latest and most important concept plan No cross sections, perspectives or view impressions have been made available now leaving members and residents wondering what the developer is trying to hide.