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Protecting, promoting and enhancing the economic, cultural, social and environmental well-being of the residents of North Canberra

The North Canberra Community Council receives funding and support from the ACT Government



Minutes: General Meeting 7pm 18 May 2022 Held online via Zoom

Minute taker for the meeting: Chris Finnigan

Attendance: Marcus Hipkins, Jane Goffman, Joachim Zeil, Marianne Albury-Colless, Christopher Mobbs, Bruce Smith, Ernerstine Kirsch, Gordon McAllister, Ian Hubbard, Marg Dudley, Max Pouwer, Neil Parsons, Simon Clarke, Timothy Holt, Peter Callan, Catherine Cronan

Observers: Shane Rattenbury MLA, Rebecca Vassarotti MLA, Jo Clay MLA, Paul Costigan, Harry Dunstall, Marea Fatseas, Ian Ross,

Apologies: Sue Dyer, Margaret Henderson, Leon Arundell

GUEST PRESENTATIONS

NCCC Deputy Chair Jane Goffman opened the discussion with a presentation on [Variation 369 \(Living Infrastructure in Residential Zones\)](#), outlining the context around the need for Variation 369 (i.e. to address urban heat islands and biodiversity loss associated with new developments).

On 29 April, the DV369 Direction 2022 came back from Minister Gentleman's office (as a notifiable instrument). It listed 7 dot points as items to be amended in the recommended variation.

Jane's main concerns were as follows:

Summary of concerns

1. The approved variation differs significantly from the Ministerial Direction
2. Special dispensation for greenfield projects dated January 2020 onwards is left open-ended, i.e. the **old** provisions have been preserved indefinitely for projects underway now, next year, ad infinitum
3. Estate development plans (EDPs) did not exist before May 2002 at the earliest, so referring to them creates a giant loophole
4. The approved variation deletes the key private open space and site open space provisions for any block that fails to meet the EDP threshold test, so private open space and site open space rules are essentially turned OFF in established areas for all future single and multi-unit dwelling proposals
5. Last minute changes to the Recommended Variation have altered the meaning of each and every provision, and do not achieve the intent of the Variation
6. Residential blocks excluded from the new provisions will include regular older subdivisions, rezonings, technical amendments, call-ins, Mr Fluffy

Jane advised that the established suburbs are no longer captured by this Variation or what it is meant to achieve.

Rebecca Vassarotti MLA advised this is not what was intended and the Greens would like to ensure it is addressed in the legislation.

Jane suggested that the way forward is to put the legislation on hold, put in a technical amendment so that it doesn't have to turn into a giant furore. The Minister could withdraw the legislation, and fix it.

Minister Vassarotti noted the importance of having V369 in place before the new Territory Plan is in place. Shane Rattenbury MLA said that, in terms of greenfield development, the intent is for future greenfield blocks to be included and only to exempt people who have signed their contracts and commenced the building of their house. Minister Rattenbury suggested that they could organise a roundtable with EPSDD, the ACT Planning Minister Mick Gentleman MLA's Office and relevant Community Group representatives, to determine whether the legislative detail reflects the intention. Marianne Albury-Colless raised the issue of Canberra's Heritage listed housing precincts which are mandated to have 40% planting area and indicated she would seek clarification.

The motion was then put forward ([Attachment A](#)) and agreed to with the following amendments: removing Minister Vassarotti as a concerned Minister given she has no statutory powers (it rests solely with Minister Gentleman) and replaced with a broader reference to all MLAs; and removing a Freedom of Information request, noting that if the negotiations do not proceed constructively, this can be re-visited at a later date.

With those changes included, the motion is agreed to by all members (moved by Joachim Zeil and seconded by Marianne Albury-Colless).

GENERAL BUSINESS

1. Confirmation of previous Committee Meeting minutes

- a. The March 2022 Committee Meeting minutes are confirmed.

REPORTS

2. Chair's report

- a. Joachim Zeil notes there is a range of long-term absences for NCCC office bearers over the middle months of 2022. A key issue in particular is around covering the absences of the Chair and the Deputy Chair.
 - i. Joachim will be away for a few months and Jane will also be absent for four months from late July. Joachim suggests Chris Finnigan could Chair any meetings over this period where both Joachim and Jane are away. It is noted that this could be done but it would require a drawing down of other functions (e.g. comms and secretary functions) in order to balance the workload over this time.
 - ii. Enerstine Kirsch volunteers to take minutes for upcoming NCCC meetings, with other NCCC members to assist where possible on other functions (with the logistics of the above to be discussed via email subsequently).
- b. Joachim notes the inclusion of Ainslie and Braddon to the NCCC was agreed in September 2021, but this was not reflected in the minutes at that time. Given that the issue was agreed last August (as evidenced by the email correspondence) it is agreed that the August minutes be updated to reflect this.
- c. Joachim also notes Paul Costigan raised a concern around guest presentations at committee meetings without NCCC members and observers having sufficient notice. It is noted that the website has been updated to clarify the distinction between General and Committee meetings and that guest presentations will not be done for committee meetings in future.

3. Treasurer's report

- a. Bruce Smith notes that the current balance is \$6,868, with expenditure since February including an ACAT appeal and routine website administration expenses.

4. Other business

- a. Response to resident's query regarding pet noise/dog barking in strata blocks. Simon Clarke (Watson) advises he will liaise with the concerned resident. Marianne Albury-Colless also notes that the RSPCA could provide useful advice.
- b. Social media discussion. It is noted that there has been a number of well-received posts (as measured by Facebook engagements and views) and that there is a lot of potential for the social media to keep developing the NCCC's profile. The Social Media Sub-Committee will continue consideration of how longer term funding for comms can be secured.
- c. Resident Association updates are enclosed in Attachment B.

Close of meeting

Committee meetings and general meetings are held on alternative months. The next General meeting will be held on 20 July.

Attachment A – Motion

Territory Plan Variation 369 Motion to NCCC 18 May 2022

Whereas:

1. The version of Territory Plan Draft Variation 369 circulated since 2019, revised by the planning and land authority (ACTPLA) and submitted to the Minister as a Recommended Variation in October 2021, applied to **all residential blocks zoned RZ1 to RZ5** in the ACT, and
2. On Friday 29 April 2022 the Minister directed ACTPLA to make some minor amendments to the October 2021 version of DV 369, including an amendment to both the Single Dwelling Housing Development Code and the Multi-Unit Housing Development Code to make clear that the proposed provisions do not apply to “blocks approved under an estate development plan **after 1 January 2020**”, and
3. Contrary to the Ministerial Direction, the version of DV369 that ACTPLA returned and was approved by the Minister on the following Monday 2 May 2022 has revised the language in all the provisions and created several additional layers of complexity, and
4. ACTPLA’s amendments bear no correlation to the Minister’s Direction. Contrary to the wording of the Ministerial Direction, the Variation still applies to blocks approved under estate development plans (EDPs) after 1 January 2020 for “private open space”, then, in relation to the provisions dealing with tree planting, site coverage etc, ACTPLA has further disobeyed the Ministerial Direction by only applying the Variation to blocks approved under an EDP before 1 January 2020. This does give partial effect to the Direction, however it goes much further and restricts the application of the Variation to blocks approved under an EDP (which means it will not apply to any of the blocks in the inner northern suburbs), and
5. These changes radically alter and undermine the intent, application and scope of Variation 369, for the majority of established areas where estate development plans did not exist in the Territory Plan before 2002 at the earliest¹, and
6. There is no explanation as to why, after 6-7months of the Minister considering the Recommended Variation, these last-minute changes occurred over the space of one weekend and resulted in a whole variety of changes with mixed effects to key parts of the Single Dwelling and Multi-Unit Housing Codes that were approved by the Minister on the next business day, and
7. Approved Variation was tabled and presented in the Legislative Assembly on 5 May 2022 under Section 79(1) of the Act, so is presumably now subject to the relevant Section 80 of the Act if the approved version presented is valid. Thursday 9 June 2022 appears to be the Assembly’s final sitting day to address and repair any glaring administrative errors. Note - According to Hansard, on 5 May 2022 the Minister advised the Assembly that Variation 369’s commencement shall be delayed until 1 September 2022.

I move that the NCCC:

1. Formally write to Minister Gentleman to lodge a complaint and request that Approved Variation 369 be amended to ensure it applies consistently to all residential blocks in the ACT, as per the original intent, fact sheets and public statements.
2. As soon as possible communicate with all other Community Councils, the Conservation Council ACT Region, the Environmental Defender's Office and ACTCOSS notifying them of our concerns with Approved Variation 369 and the process that occurred.
3. Prepare a media release outlining the concerns of the NCCC regarding the sequence of events leading up to changes made to Recommended Variation 369, and their potential consequences for established suburbs and new development proposals.
4. In the event Variation 369 comes into effect in the current restrictive form, refer the matter to the ACT Ombudsman to investigate our complaint concerning how such a restrictive version of Territory Plan Variation 369 came to be drafted and approved at the last minute, despite disobeying clear Ministerial Direction.

Attachment B – Residents Association Updates

Ainslie Residents Association

Like much of the Inner North, Ainslie is looking magnificent at the moment with its autumn colours. Taking the dog for a walk up Tyson Street I heard the sound of a cork being twisted out of a wine bottle and there in the gum trees were two pairs of gang-gangs. So lucky to have such endangered birds visible in our landscape. It's good to see the Government trying hard to protect our Urban Forest and the Garden City urban design.

The Redevelopment of the Ainslie Football Club site.

A confusing array of development applications are being tactically lodged by Spacelab on behalf of the Ainslie Football and Social Club with the aim of a significant commercial and residential development on the football oval grounds in Wakefield Avenue Ainslie. The first of these DA's seeks a subdivision of the sport and recreation site into three blocks. Two of these blocks covering a big chunk of this land will have the lease purpose changed to carparks. This DA is tactical because it seeks a subdivision of the existing block without the opportunity to test the impacts of the proposed future development. The NCCC is appealing ACTPLA's approval of this subdivision and seeking a comprehensive assessment of the proposed redevelopment and potential loss of green recreation space to commercial redevelopment.

Local Public Housing Residents are being forced to relocate.

In March, the NCCC put out a media release (see website) asking the Government to reconsider evicting public housing tenants from homes that they had lived in for decades as part of their *Growing and Renewing Public Housing* program. ACTCOSS has put out a media release with a number of community groups expressing their alarm regarding the 'impact of this program on vulnerable Canberrans living in ACT public housing and are writing to urge you to end all forced relocations under the scheme and instead revert to a voluntary, opt-in program of relocation'. <https://www.actcoss.org.au/news-events/media-release/open-letter-calls-act-government-end-forced-relocations>

The letter to Minister's Berry and Vassarotti outlines the vulnerabilities of these residents demographic.

- 87% are women living alone or with children
- 61% have physical or psychological disabilities, chronic health conditions, or are carers
- 17% are single mothers with dependent children and
- 14% identify as Aboriginal or Torres Strait Islander people.

Ainslie has one of the highest proportions of public housing and we would like the Ministers to provide some reassurance to these vulnerable Canberrans.

Tree Register

The ARA was successful in getting a number of trees in a Park placed on the provisional tree register giving them greater protection from damage under existing laws. Shout out to the ACT Conservator of Flora and Fauna and the staff at City Services for their help through this process. The area is clearly understaffed and increased resources will be fundamental if the objectives of the Urban Forest Strategy and Variation 369 are to be achieved.

Braddon Collective

- Highlights - Braddon Modern History Tour
 - we hosted the Braddon Modern History tour as part of the [Heritage Festival](#) on 1 May with two walking tours of the Braddon "H". Positive feedback from participants but numbers were down on last year (our event was one of the last events of the Festival this year).
- upcoming review - [Braddon Place Plan](#)
 - CRA have informed us that there will be a review of the Braddon Place Plan during 2022.
- other Braddon issues
 - still no update on the commencement of upgrades to Lonsdale and Mort Streets
 - the Haig Park Community Centre has commenced construction
 - still waiting for TCCS to meet with us regarding pedestrian crossings in Braddon (at present there are zero pedestrian crossings) - we have been waiting for over 6 months now for an on-site meeting
 - successfully advocated for unsafe bollards to be removed from the nature strip outside the Coles Express service station on Girawheen Street.

Campbell Residents Association

There is continued concern regarding DV369. No response has been received from either Ministers Gentleman or Vassarotti to a letter sent by the CCA President regarding the significant difference in the wording between what was sent out for consultation and approved by the Minister and the current form of DV369. This issue will be pursued.

Chris Steel MLA has advised that the matter of the CCA's petition to the Assembly around community concern about the adequacy of parking both in the streets and the Campbell shops are now with TCCS for their program of community consultation. The installation of a number of traffic counters around the suburb have been noted.

The matter of the inability of staff and customers to access parking spaces provided for the commercial units within the Mica development at the Campbell shops is still to

be resolved. As this has implications for the amount of parking available for users of the other businesses located at the shops, this is of ongoing concern.

Poor mobile phone access for Telstra customers remains an issue in the suburb. Alicia Payne's office has been unable to assist. Information regarding the delivery of NBN upgrades to the suburb has also received mixed messages.

Although the Campbell shops upgrade was touted to begin "in early 2022" there has been no indication as to when work may begin.

Three community vegetable beds are soon to be constructed in the park behind the Campbell shops. We are currently looking for an interested party to coordinate this project.

Finally on a happy note, large numbers of birdwatchers have made their way to the park behind the Campbell shops to see the small flock of critically endangered swift parrots that have chosen the park to call home for the time being. The parrots that breed in Tasmania migrate to the south-eastern mainland Australia to spend winter in slightly warmer climes. Previously it was thought that the wild population was in the thousands, but a new study has revealed that the population may consist of just 300 individuals. This highlights the necessity of protecting remaining mature eucalypts such as those in the park in Campbell.

Downer Community Association

Downer events and projects

- ☐ We held a successful Party at the Square on 20 March.
- ☐ Our Clean up Australia Day event collected 9 bags of rubbish, 40 masks and 2 bags of recyclables.

- ☐ Election day sausage sizzle and cake stall, 21 May.
- ☐ The Majura Women's Group is preparing a mosaic for the circular brick wall.
- ☐ The committee is considering updates to the DCA constitution.

Public Toilets SEEChange proposes to take "custodianship" of the decommissioned Downer public toilet block.

Bradfield St trees: DCA will write to Heritage Council to support consideration of deciduous trees rather than Canary pines, to allow more winter sun.

Downer pump track: DCA is the auspicing organisation for the administration of a community grant for a bike track to be built near the corner of Melba and Bonython Streets.

Berry/Legge St park: The DCA Committee agreed to auspice a local group's application

for a grant for a consultant to design a master plan for the park.

Lyneham Community Association

(limited capacity to provide an update this month, following a range of personnel changes on the LCA Committee, following the AGM on 1 May.)

Hackett Community Association

Proposed repurposing of the Majura SES depot, Holtze Place, Hackett

The SES depot, at Holtze Place, Hackett, was proposed for redevelopment in early 2020. But by early 2022, there was still no action on the site. In February, the HCA contacted Minister Mick Gentleman, Minister for Police and Emergency Services, seeking an update on the redevelopment. The Minister advised that the SES redevelopment will not be going ahead and that the block will be “repurposed.” The SES will be moving to another location. On the north side of this block is Block 14, Section 12, which was identified around 2006 for “Future Redevelopment. Advice from Minister Megan Fitzharris in 2016 said that this block was zoned for ‘Community Facilities.’ In April 2022, the HCA sent a letter to the Chief Minister, Mick Gentleman, and MLAs for the seat of Kurrajong, proposing that both blocks be repurposed to provide important community facilities. We look forward to receiving progress on this proposal.

Hackett oval trees

In April 2021, the HCA found historical records on the National Library, National Archives of

Australia, and ACT Archives, which identified the purpose of the trees. In the late 1920s, the area now bound by Grayson, Mackenzie, Madigan Streets and Phillip Avenue, was identified as a site for a future northside cemetery. The trees were planted in the 1930s to form a screen between the cemetery and a future suburb. The HCA applied in mid 2021 to have these trees listed on the ACT Tree Register but was rejected. In November 2021, the HCA requested a review of this decision, but we are still waiting for a response. It is possible that, if we are unsuccessful in getting the trees put on the Tree Register, we could nominate them for the ACT Heritage Register.

HCA submission to ACT House of Assembly Inquiry into Environmental Volunteerism in the ACT

The HCA sent a submission to this inquiry concerning the lack of consistency in the Deeds across different ACT Government grant programs and in the questions/criteria used in grant applications on the ACT Smartygrant portal. It would appear that each Directorate have their own words for grants they administer. These inconsistencies do not assist volunteers having to spend time understanding such differences. The submission is first considered by the Committee and subject to their agreement will be posted on the Inquiry website.

Reid Residents Association

Highlights

Heritage Grant application to undertake Phase 2 has been submitted and RRA would like to thank Jochen & NCCC committee for their support for this project. It will be interesting to see if Heritage and Roads ACT will agree to conserve the couple of pebble signposts that exist outside heritage precincts. We hope so!

Issues

Railway easement, Amaroo Street, Reid

This sliver of land between Amaroo Street and CIT is being used by Gang-gang Cockatoos and we are keen to ensure that the two rows of established *Eucalyptus mannifera* are conserved for the future.

We have requested a meeting with Allan McLean, Urban Parks & Places Volunteer Coordinator, Rachael Dawes, Senior Director Urban Treescapes and Stacey Taylor, Conservation Strategy Officer to discuss how best to proceed.

Ainslie reserve (adjacent to Quick Street, Ainslie)

Since the last Reid report Mt Ainslie Weeders have been contacted regarding this Woody grassland area and are keen to assist. We will be also approaching Allan McLean to see how we can progress the sustainability of the grassland.

Vandals

We have had reports of two cases of mindless vandalism from Reid residents. This included sump oil being spread on a car parked on a resident's drive, spilled on the driveway and also onto the tiled entrance, and glass bottles thrown onto a balcony, plants being torn out of the ground. Police were called but appear that there is little they can do even though there is CCTV footage of three young men, yes in hoodies but one frame shows a face.

Who knows what may be happening in the lives of these young men but this still remains antisocial and intimidating behaviour.

Watson Community Association

What makes good planning?

At our recent meeting we were invited to view the Living Streets video entitled

“Section 76, Watson” – look it up on YouTube! It is amazing.

Their basic premise is that good planning is not about the design of dwellings, it's about where and how you arrange the dwellings on the land. Good planning is about encouraging/creating community through dwelling design and placement, use of the natural environment, creation of community spaces and opportunities to connect, enhancing multi-generational living and living in harmony with your community and the environment. This is our hope for Section 76 and we plan to try to get this into the ears of the decision makers as soon as we are able.

Current Projects status.

Section 76 Watson. EPSDD is progressing with detailed design work on the future local neighbourhood park on Section 76 Watson. The design is evolving around feedback from the Watson community received during the Place Plan process and recent consultation with the Ngunnawal Community. A more detailed update to the broader community will be available on the YourSay website in the coming weeks.

See <https://yoursayconversations.act.gov.au/northwatson>

EPSDD are also working with the Suburban Land Agency on the development of the subdivision of the remaining portion of Section 76 Watson. Details on this work will be made available via the Suburban Land Agency in the coming months.

Inner North Play Space. A What We Heard Report was released in March.

<https://yoursayconversations.act.gov.au/inner-north-play-space>

In Summary. 570 items of feedback in total with 85% of those identifying as Inner North residents. There was strong support overall for the new inner north play space in Watson. Many respondents expressed a strong desire for the inner north play space to cater to all ages and abilities, especially older age groups such as teenagers and young adults who may not traditionally be well catered for.

Facilities. The top three ranked recreation facilities were children's play equipment, trees and shade structures followed by toilets, seating and open green space. There is also support for ensuring the recreation area can support community events, markets etc. A flexible staging area with power was suggested.

Play opportunities The top three ranked play opportunities for children were nature play (70%), structures with climbing (59%) and water play (52%). Children suggested a wide variety of imaginative and active play options including tree houses, a flying fox and multi-purpose courts. There was a significant amount of support for bike and skate facilities to be

included in the new inner north play space.

Next steps: Inner north play space design phase (subject to future funding).

AIE re-development – no news at present.

Watson “Service Station” redevelopment. No news at this stage

Other Events.

Justice Robert Hope Park – Concern re invasive weeds etc. WCA met with Rangers to discuss strategy. Very wet weather has not helped control but equally concerning is that some “control” efforts have targeted native grasses, mistaking them for invasive weeds – very disappointing.

Living Streets Youth held a very successful community picnic with games and activities at Section 76 on Sunday 24 th April.

AGM – We held a virtual AGM in March with historian Dr David Headon as our keynote speaker. David was very informative and entertaining as he spoke about John Christian Watson – Australia’s 3 rd PM and first Labour PM. We had a good turn out.

Micro Forest – The very dedicated group of residents behind this initiative continues to progress with events and working bees. The space is developing well and is used by many groups, especially parents with young children.