



LAKE BURLEY GRIFFIN
GUARDIANS INCORPORATED

Environmental Referral for Future London Circuit Development —Section 63

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Process of Assessment and Consultation

This environmental referral is to enable development that will be the first step of a larger development scheme to include Light Rail (Stage 2A – referral number 2019/8582), all of which has considerable impacts that include **heritage, traffic congestion, loss of public recreation opportunities, people movement issues, damage to public health, inadequate management of storm water run-off, lake pollution, increased urban heat bank from compact concrete development and lighting, and enormous financial impact on the public purse.**

Separating this early environmental planning stage from the rest of the later design and development stage and seeking EPBC Act assessment and community consultation on it, is a misleading planning approach now practised by planning agencies to lock in the complete development. To expect concerned individuals to comment sincerely on this fragment of complete development without explaining the ongoing development is dishonest.

As this development is setting up the Light Rail Stage 2A (and the more extensive Stage 2) project desired by the ACT Government. Our submission refers to the ongoing and associated impacts of the proposed development of Section 63 that will follow on from the results of this referral.

The associated Light Rail Works are itemised and are said (in the Project Scope) to be 'not the subject of this referral'. This is problematic given the EPBC referral policy of requiring entire projects to be referred rather than parts. The staged referrals are inappropriate project design given the referral requirement. The suggestion that a coordinated approach between the light rail (incl construction compound and storage) and the construction project here would seem appropriate and required but it should also be in coordinated with the entire 2A light rail stage and the entire construction project (at Section 63) not just the basement/preparation level works (even though the latter is said to be subject to future private developer action). Given the legislative requirements, this presented approach of staging is inappropriate project planning for both light rail and the

preparatory development of the block for subsequent mixed use (after sale). This approach appears to have been chosen to avoid proper EPBC Act scrutiny.

Heritage

The presence of the Critically Endangered Golden Sun Moth (*Synemon plana*) and as stated in the EPBC referral, notes that their habitat will be obliterated by the development. It is one of five distinct regional populations and cumulative impact of this habitat obliteration will be significant. It is noted that you are following the common practice of developers in using environmental offsets, a practice criticised by some local scientists but also by the IUCN considering that current mitigation attempts using this approach were proving insufficient to reduce biodiversity decline. A strict offset mitigation strategy hierarchy approach must be used to ensure the highest standard assessment of the total biodiversity impacts are going to be positive. (See https://www.iucn.org/sites/dev/files/import/downloads/iucn_biodiversity_offsets_policy_jan_29_2016.pdf).

Eliminating this Critically Endangered Golden Sun Moth breeding habitat and the dispersal corridors of male moths for extra mixed-use development and the light rail is questionable. The proposed development may fragment an existing population into two or more populations if a breeding population exists on City Hill while dispersal is reliant on the exotic grassland habitat within the footprint. It is troubling to realise that this is one of three clover leaf developments at City Hill, all of which have Golden Sun Moth habitats. The continuation of the Light Rail along Commonwealth Avenue will destroy more of the habitats. Only City Hill will be left of the Golden Sun Moth habitats. The only mitigation offered for offsets in the SGS Preliminary Documentation Report is the weak comment:

There is the opportunity to mitigate the above potential impacts through detailed design development by a future owner/developer which should include consideration of the heritage design principles provided above. The heritage design principles are suggested to aid in guiding and mitigating heritage impacts and could be included within the Section 63 EDP Development Principles and Controls document that will accompany the deeds of sale.

As a suite of works, either in-train or proposed, that will progressively destroy and reduce the Golden Sun Moth habitat on s63 and in the vicinity, there needs to be an indication of the likely, cumulative, adverse impact of these intended actions in this and each subsequent documentation of these collective works so that this total impact is appreciated. (Actually revealed (at 6.1) where it is stated that the total, cumulative area of light rail impact is 5.4 ha).

A clear, public declaration of cumulative impact in the documentation is needed to expose the intended, longer term implication of these projects to create a 'death of a thousand cuts' for the Golden Sun Moth in this vicinity.

The EPBC Act requires Commonwealth bodies, such as the NCA, to identify and protect heritage within those areas they own or manage. In addition, as noted in the National

Capital Plan (NCP) heritage places within the Designated Area are also to be afforded the same degree of protection. The ACT Government's proposal for the Light Rail Stage 2 is within the Designated Area. The NCA's mandatory requirements is they they should ensure that the heritage values of places within, the Parliament House Vista, Lake Burley Griffin and Adjacent Lands (including Commonwealth Avenue Bridge), and City Hill have full protection. The EPBC Act also requires protection of heritage values from impacts resulting from works on adjacent or nearby properties.

In regard to the assessment of heritage impacts, whilst the Preliminary Assessment Report's heritage component indicated places nominated to the NHL as well as NHL places, on the reasonable basis of the EPBC Act's precautionary principle (s391), the EPBC referral only focuses on NHL places. This is insufficient. The impacts on the NHL nominated 'Canberra the Planned National Capital', plus the National Roads (critically important in the NCP) and the ACT Government's heritage listed City Hill should all be included in the referral and appropriate avoidance or mitigation measures provided as the *Lake Burley Griffin Heritage Assessment Final Report* (GML 2009) GML report recommends.

The implications for management and reduction of impact on all of these NHL and the other identified heritage places, should also be carried through to the recommended heritage design principles for future owner/developer.

The proposed Section 63 works are part of the larger City to the Lake, Light Rail Stage 2A and ongoing Stage 2 development works. In the GML report (2009) the impact of the proposed Section 63 development is likely to have a significant heritage impact due to the large scale of the proposed building structures and the blocking of the vista to City Hill from many locations. In this present scenario City Hill has been set up to be viewed only from Commonwealth and Northbourne Avenues and while the significant iconic role as one of the three vertices of Griffin's planned Parliament Triangle and a Canberra landmark will disappear so that City Hill becomes a courtyard for its multistorey surrounding buildings.

Storm water runoff polluting the heritage values of the Lake is a critical environmental issue, particularly with reference to what was experienced in the 'wet' autumn this year. There appears to be no storm water settling ponds in the planning to date.

The social benefits noted in the assessment report are based on business-economic values rather than a human liveable environment. This is amazingly short sighted. The Light Rail Stage 2 benefit should be for the workers of Canberra's business hubs and, more recently, residents.

Foreshadowed impacts that of this Section 63 development proposal

Parliamentary approval was granted in 2006 for the City Hill Precinct area despite expert objections. However, twelve years have since passed. During that time there have been major changes in science, environmental knowledge, including heritage, social needs and our climate that now need to be considered in any development that was designed prior to 2006, even if it obtained Parliamentary approval.

The NCA's guiding plan for the area apart from negative impacts on heritage vistas, is now obsolete and takes no account of ameliorating the adverse affects of climate change. The Section 63 area is proposed for high rise development as well as the Light Rail Stage 2. The Light Rail Stage 2 proposal is not reflected in the National Capital Plan.

Apart from climate change considerations there is nothing to indicate recreation spaces needed for a large population, creeping infill development and infrastructure expansion.

Where are the open green spaces with substantial tree groups (apart from the few small green lollipops shown on the street verges)?

Traffic congestion and traffic management is a serious issue that needs to be addressed in its relationship to the Commonwealth Avenue and Commonwealth Avenue Bridge.

Heritage design principles are provided to mitigate and guide the design of future developments in respect of the Parliament House Vista, National Land Roads and City Hill. (See Table 4.)

These mitigation actions are good but do not go far enough.

Design controls - Landmark buildings (14-18 storeys) permitted by NCP City Hill Precinct Code are questionable as they severely limit broad views/vistas, allowing only narrow, corridor sight lines along the roads to the various features such as the Lake and surrounding hills.

Visual impacts - A way of considering this assessment is that the current City Hill Precinct Code permits buildings of 25m or more are seen to be problematic, obscuring important views and vistas.

The recognition of the need to have enforcement of the provisions in perpetuity is acknowledged as necessary and commendable. The addition to the principles set out, the recommendations provided is also appropriate.

Summary

The ACT Government's planning for developing Section 63 is the first step for the Light Rail to the Lake Burley Griffin and south of the Lake. The planning does not seem to have included adequate traffic studies, nor associated environmental and social impact studies.

The Guardians supported a Light Rail Stage 2 across Kings Avenue Bridge that would provide transport to the work hubs of Kingston, Russell, the University of NSW and ultimately be an easy to link to the airport but the ACT Government fixated on the financial gain from lakeside real estate, removed that option. The full range of options that would have less impact on the traffic implications and the aesthetic, social and

heritage values of Commonwealth Avenue and Commonwealth Avenue Bridge appears not to have been adequately explored.

It should be noted that not only does the National Capital Plan show no reference to Stage 2 of Light Rail that is supposed to cross Lake Burley Griffin and run through the Parliamentary Zone, there has been no decision from the Commonwealth regarding approval for Light Rail Stage 2 crossing Lake Burley Griffin, so why is this development proceeding?

There is no evidence of sufficiently rigorous heritage, traffic and social planning by the ACT or the NCA to allow for approval of the proposed Section 63 development that is the first step of a destructive development.

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