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Territory Plan Comments
ACT Government Territory Plan Unit
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CANBERRA ACT 2601

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Dear Sir/Madam,

COMMENTS ON PLANNING AND DEVELOPMENT DRAFT VARIATION NO. 351 – D.M. FINLAYSON

1. INTRODUCTION

I wish to make some comments on some issues raised in Planning and Development (Draft Variation No. 351) Consultation Notice 2015 – Notifiable Instrument NI2015-220. That document contains proposals to make changes to land use guidelines for the West Belconnen Urban Development.

Draft Variation No 351 indicates on Page 16 -

2.5 Reasons for the Proposed Draft Variation

The reason for the draft variation is as follows:

- *West Belconnen is recognised as being suitable for future possible settlement in the ACT Planning Strategy, which states that West Belconnen is an 'area(s) for future possible settlement within the ACT ...**will be considered in a regional context and in terms of their interrelationships with immediately adjoining areas of NSW**'. **This draft variation is to put this intent into effect.***
(DMF bold and underline)

Although the Draft Variation No. 351 is focussed on the land use within ACT, it is my contention that the land use variation within ACT cannot be divorced from the necessary changes in land use within the NSW part of the proposed urban development. Section 2.5 of the Draft Variation above makes this quite clear.

The same standards for infrastructure (roads, lighting, sewage, etc.) in ACT must be applied in NSW for the urban development to be a success. Also, a similar standard for housing construction in ACT must be applied within the NSW part of the development. It is therefore appropriate that similar guidelines for river/creek corridors with ACT must also be applied in NSW.

2. AUTHOR D.M. FINLAYSON - BRIEF BIOGRAPHY

See **Appendix 1**

3. FOCUS OF COMMENTS

My comments wish to focus on the **provision for adequate river and creek corridors in the future development that should be available for conservation, education and leisure purposes for present and future generations of Australians.** In particular I wish to emphasize the recreational use of the river and creek corridors since the area was first colonised by settlers in the early 1800's.

The river/creek corridors considered must include a West Belconnen land area appropriate for a conservation reserve and, eventually, a national park including river corridors farther north along the Murrumbidgee River. In this respect the changes to land use within the ACT cannot be separated from changes to land use in NSW if there is going to be a coherent plan for the whole of the West Belconnen Urban Development.

The Draft Variation No. 351 document makes clear that the whole West Belconnen Urban Development proposal is to be considered. See [Appendix 2](#) – Draft Variation No. 351 selected extracts.

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7.4 Environment Protection

64. The development is to be generally contained to the area north of Stockdill Drive, east of the Murrumbidgee River, south of Ginninderra Creek and extending to the ACT/NSW border.

The National Capital Plan DA 85 document (See [Appendix 3](#)) makes clear that the planning process must contain the following;

“.....protects the environmental quality of Canberra's present and future water catchments, river systems, and important ecological and heritage areas from the increasing pressure of Canberra's growth.”



Generalised map of the West Belconnen Urban Development (Riverview Pty Ltd.)

4. BRIEF HISTORY OF LAND USE – MURRUMBIDGEE RIVER AND GINNINDERRA CREEK CORRIDORS

The beauty and recreational value of the land area being considered for the West Belconnen Urban Development, both in ACT and NSW, has been recognised since the earliest days of colonial settlement in the early 1800's. The indigenous and European heritage of the area must be respected in ant West Belconnen Urban Development.

Historically the Ginninderra catchment area has been an important link between the 19th century settlements around Yass, Queanbeyan, Lake George and the Limestone Plains. The Ginninderra Creek catchment was first sighted by Charles Throsby in 1820 on a reconnaissance expedition from the Lake George area. In 1824 the "King's Botanist" Allan Cunningham arrived in the district and on 19 April visited the area around the Ginninderra Creek catchment and reported valuable sheep pastures and a large river winding to the north-northeast.

In 1825 James Ainslie depastured a flock of sheep in the Giininderra Creek catchment on his way from Bathurst and Yass to establishing the Robert Campbell property in the Pialligo area that eventually became Duntroon. Between the years 1830 and 1836, the colonial surveyor Robert Hoddle made several visits to the district, to survey property boundaries. Robert Hoddle was an accomplished artist and sketched the scenic attractions around Ginninderra Falls that were evident even during those times.



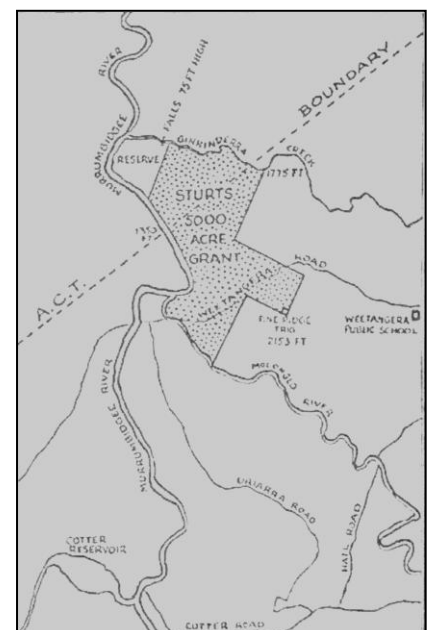
Robert Hoddle sketch of Ginninderra Falls, 1835.

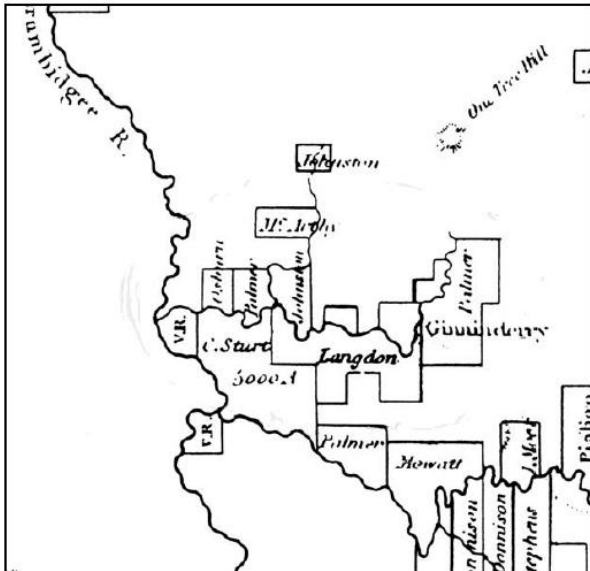
In 1829 Alick Osborne applied for land in the Ginninderra area; eventually he obtained 987 acres on Ginninderra Creek near the confluence with the Murrumbidgee River.

In **1835**, in consideration of his exploration of the Murrumbidgee and Murray Rivers, a section of land in the County of Murray was granted to and first owned by Captain Charles Sturt (1795-1869). Captain Sturt originally named the property 'The Grange'. Subsequently 'The Grange' was bought in 1838 by Charles Campbell and renamed 'Belconnen'. The property was locally known as "The Grant".

A map of the Sturt property clearly shows the "reserve" along the Ginninderra Creek gorge and waterfall corridor. Even at that time the value of the reserve as a place for recreation was acknowledged. In **1838** Charles Campbell bought "The Grange" property and renamed it "Belconon".

Map of the 1835 property of Captain Charles Sturt near Ginninderra Creek; "The Grange". (J.H.L. Compston, 1951)

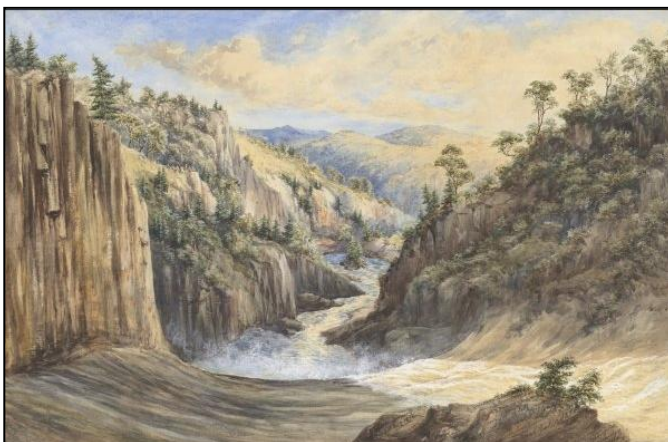




Surveyor Robert Dixon's map published in 1837 put the Sturt property in the context of other properties. Note the VR (Victoria Regina) crown reserves.

From the **mid-1800's** onwards the whole area was opened to settlers who were looking to establish grazing properties and commercial enterprises, e.g., George Thomas Palmer established 'Palmerville' on the upper Ginninderra Creek in about 1826. The Murrumbidgee River and Ginninderra Creek corridors were regarded as reliable sources of water for stock. Properties, large and small, changed ownership numerous times.

Heritage listed "Belconon" homestead built by Charles Campbell in 1850.



Gordon Cummings painting of Ginninderra Falls, 1875

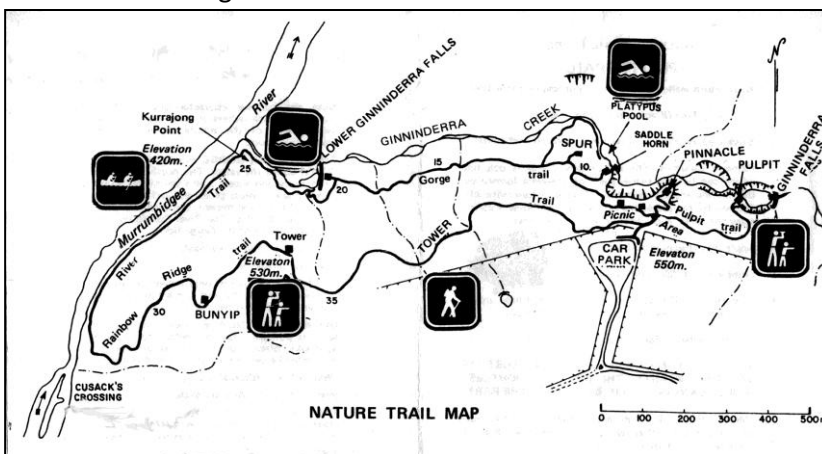
The corridors and gorges around the confluence of Ginninderra Creek and the Murrumbidgee River were regarded as a welcome recreational area by the whole community.

A major change to property boundaries occurred when the Limestone Plains region was chosen as the site for the Capital of Australia. The Federal Capital Territory came into existence with the passing of two complementary Seat of Government Acts in 1909 (*Surrender* by NSW and *Acceptance* by the Commonwealth), vesting the land in the Commonwealth on 1 January 1911.

The surveying and marking of the **boundary between the Federal Territory and New South Wales** began in **June 1910**. The first section of the border surveyed was the straight-line section from Coree Trig to One Tree Trig by Percy Sheaffe which was completed by October 1910. This boundary crosses the proposed West Beconnen Urban Development.

During the years of Federal Government administration, interest in developing a national park along the Murrumbidgee River and Ginninderra Creek corridors continued. In the Canberra Times of 17 February, **1931** there was a meeting of Federal Government officers and politicians to consider "...that it be a **recommendation to the Honourable the Minister that the Federal Government** submit offers to landholders for the resumption of land necessary to provide public access to Ginninderra Falls". "Ginninderra Falls was one of the finest spots that could be seen within a reasonable distance from Canberra." The recreational and educational value of the river corridors continued to be recognised.

In more recent times (**1960's onward**) the landowners next to the Ginninderra Falls have opened the area to the public for a small entry fee. In 1979 Rob Caldwell and Greg Hayes leased the area around the falls and constructed walking trails and lookouts. Later there were wildlife enclosures constructed. The tradition of



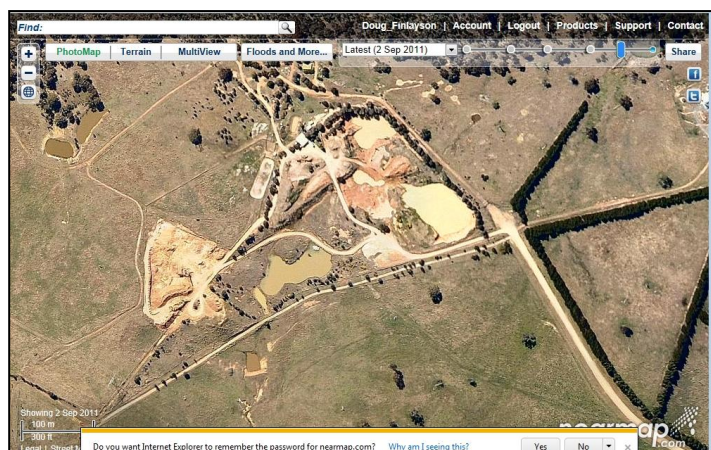
public access to the Murrumbidgee and Ginninderra Creek gorges and waterfalls thrived for a while.

However, public liability insurance issues in the **1990's** eventually closed the park to the public.

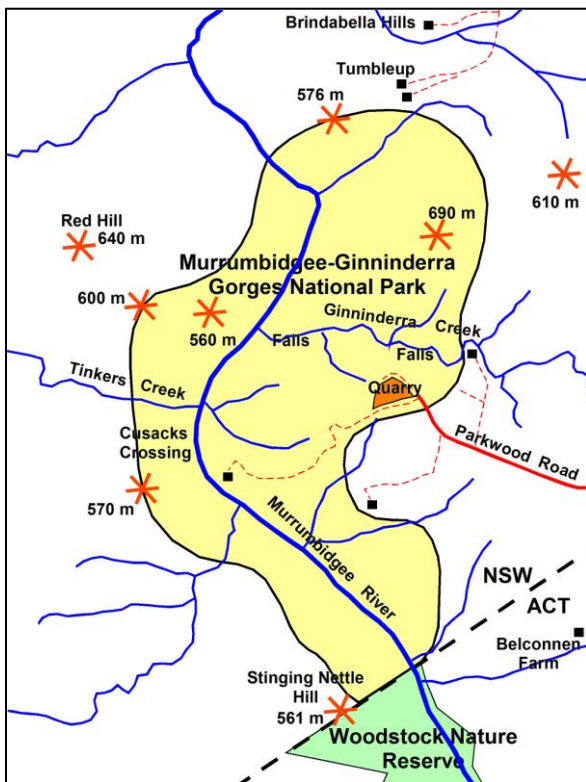
In **November 1984**, the land owners around Ginninderra Falls sought Shire Council permission to subdivide their land "**To establish an environmental protection zone** within the Yarrowlumla Shire along the corridors of the Murrumbidgee River and Ginninderra Creek" and "**To protect the corridors from further material extraction processes** which have significantly damaged the area in the past".

Despite these laudable aims, quarrying of the Ginninderra Porphyry near the Ginninderra Falls for use as ornamental gravel throughout Canberra was subsequently started and continues to this day.

Ginninderra Porphyry gravel quarry near Ginninderra Falls (Nearmap image).



After several years during which various informal community groups, with the support of the Belconnen Community Council, sought to have public access to Ginninderra Falls restored, on **7 March 2012** the Ginninderra Falls Association was incorporated in ACT and, with the encouragement of landowners, aimed to lobby for the creation of a National Park around the confluence of the Murrumbidgee River and Ginninderra Creek.



The Murrumbidgee-Ginninderra Gorges National Park – a proposal



Lower Ginninderra Falls
(Photo - John Baker)

After working with the NSW Government and the NSW National Parks and Wildlife Service for about two years, this proposal eventually collapsed because the area was not considered by the NSW Government to be a priority area for expenditure despite the potential for regional tourism growth.

5. TOWARDS A TRULY WORTHWHILE CONSERVATION PARK OR NATIONAL PARK

In the last year the Ginninderra Falls Association has consulted with Riverview Pty Ltd to consider ways of ensuring appropriate river/creek corridors are designed to enable a truly worthwhile conservation park is created that will enhance the West Belconnen Urban Development and the surrounding regional communities.

My comments here are designed to highlight the 180 year history of the recreational and aesthetic recognition of the area around the confluence of Ginninderra Creek with the Murrumbidgee River, including the Ginninderra Falls and Murrumbidgee River gorge.

Now is the time to set aside land that can be developed into a world class conservation park that, in the fullness of time, may be expanded into a national park. The current West Belconnen Urban Development proposals show an urban footprint that has residential areas and infrastructure that come far too close to Ginninderra Creek. **A corridor with no buildings at least 300±30 metre wide from the waterway would be a worthwhile target.**

In line with the statements in the Draft Variation No. 351 page 16:

“.....future possible settlement within the ACT ...will be considered in a regional context and in terms of their interrelationships with immediately adjoining areas of NSW’. This draft variation is to put this intent into effect.” –

....it is clear that there are different standards for the width of river/creek corridors being applied in the ACT and NSW sections of the West Belconnen Urban development. These deficiencies should be addressed by the Draft Variation documents to ensure that there is truly cross-border consultation with the Yass Valley Council regarding the rezoning of land use within NSW.

The Murrumbidgee River and Ginninderra Creek corridors in both ACT and NSW should all be wide enough to -

- 1. Enable the 180 year heritage of public access and recreational use to be continued into the future.**
- 2. Enable the ecology and natural heritage of the area to be conserved as a world-class park meeting international standards seen elsewhere in Australia.**
- 3. Enable the indigenous heritage of the area to be appropriately respected and acknowledged.**

There can be no double standards across the ACT/NSW border within the West Belconnen Urban Development when urban and conservation park design is considered.



Correa exalata
“Ginninderra Falls”

Appendix 1 – Douglas Finlayson brief biography

The author of these comments, Douglas Finlayson, has been a resident of Canberra since 1965. He has retired from a long professional career as a research scientist with Geoscience Australia (formerly the Bureau of Mineral Resources and the Australian Geological Survey Organisation). From 1961-1965 he had a career with the British Antarctic Survey. He has a BSc(Honours) and a DSc from the University of Edinburgh. He is a member of a number of associations including the National Parks Association, the Ginninderra Falls Association (Treasurer), the Geological Society of Australia (Vice Chairman ACT, Chair Geological Heritage Sub-Committee ACT), and the Australian Society of Exploration Geophysicists.

During his professional career he has been to most remote corners of Australia. He is a keen bushwalker and regularly walks in national parks around Australia. He leads geological excursions in the region with U3A. He has written a guidebook to the geology of the Canberra region. He has visited the Murrumbidgee River and Ginninderra Creek corridors on a number of occasions.

Appendix 2 - Draft Variation No. 351 document – selected extracts

(Author bold and underlining)

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2.6 Planning Context

2.6.1 National Capital Plan

The Australian Capital Territory (Planning and Land Management) Act 1988 established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that **Canberra and the Territory are planned and developed in accordance with their national significance**. The Planning and Land Management Act 1988 also required that the **Territory Plan is not inconsistent with the NCP.**

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2.6.2 Territory Plan

2. Spatial Planning and Urban Design Principles

Non-urban Areas

2.11 Planning policies will protect the landscape and environmental qualities of the hills and ridges surrounding urban areas, the Murrumbidgee and other river corridors, the mountains and forests west of the Murrumbidgee River, and productive rural landscapes.

2.13 Clearance zones will be established where necessary around major facilities to protect the operational efficiency of those facilities and to minimise adverse environmental impacts.

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6.5 Environment protection

27. The landscape setting and values of West Belconnen will be recognised and sensitively incorporated into the urban design of the area. **This includes the visual connection to the range of hills immediately west of the Murrumbidgee River, the distant Brindabella Ranges and the group of hills to the north of Ginninderra Creek.**

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7.4 Environment Protection

64. The development is to be generally contained to the area north of Stockdill Drive, east of the Murrumbidgee River, south of Ginninderra Creek and extending to the ACT/NSW border.

66. The visual connection to important hills is to be maintained. These include the range of hills immediately west of the Murrumbidgee River and group of hills to the north of Ginninderra Creek.

Appendix 3 - NCA Development Application DA85 – selected extracts

Introduction

- Protect the undeveloped hill tops and the open spaces which divide and give form to Canberra's urban area.

The site

- The neighbouring land in NSW subject to investigation is bounded by the Murrumbidgee River and Ginninderra Creek.

National Capital Plan

- The Hills, Ridges and Buffer Spaces and River Corridor land use categories form part of the National Capital Open Space System (NCOSS). The NCOSS recognises the importance of the natural setting of the National Capital, and provides an integrated system which protects the environmental quality of Canberra's present and future water catchments, river systems, and important ecological and heritage areas from the increasing pressure of Canberra's growth.