

**Standing Committee on Planning, Public Works and
Territory and Municipal Services
Draft Variation to the Territory Plan No.288**

**ADDITIONAL COMMENTS
By Caroline Le Couteur MLA**

In general, I support the Standing Committee on Planning, Public Works and Territory and Municipal Services Committee's (the Committee) recommendations with respect to DV288 as I believe that they will improve the planning process and in particular the outcomes on this block. I do not support Recommendation 6. However, in some areas I think they have not gone far enough to ensure the best use of one of the best blocks in Canberra. I will make a number of additional recommendations in this document.

History and current state of the site

The site of the Lyons Estate Redevelopment Proposal (Blocks 3 and 4 Section 69 Lyons) was originally developed during the mid 1970's and consisted of 264 units, mainly single bed-sitters, and was commonly known as Burnie Court. It was owned by ACT Housing who decided to demolish the complex in 2001 due to management issues.

A Master Plan for the site was prepared in 2001. This Plan allowed for 274 dwellings and a maximum height of 3 stories in accordance with the current height restrictions for the blocks. Most of the units had good solar access – ie they were north facing. Part of the block was offered for sale in 2003, with development conditions as set out in the Master Plan. The land was passed in at auction, as it did not meet the reserve price. This was surprising given the favorable economic conditions at the time. It appears that there has been a failure of LDA, ACT Housing and ACTPLA to realise the potential economic value of the site.

Subsequently the block boundaries were changed. In 2005 a joint venture entity consisting of Hindmarsh Living and the Commissioner for Housing was established for the development of the site.

So far the development on the block consists of 24 three storey public housing retirement units (Freycinet) at the southern end and 6 blocks of nearly finished single storey retirement units developed by the joint venture. These single storey units cover over two thirds of the site (Page 11 of the Planning Study) thus leading to the need for higher developments on the rest of the site to maintain even the previous density overall.

When the Committee asked why there was so much one storey development given that the previous development was three storeys we were told that single storey is demanded by the retirement market. However, Goodwin Village has been successful in its multi-storey redevelopment in Ainslie and I am told that most of the units in the 20 storey Sky Plaza in Woden Town Centre are occupied by over 55's. And if retired people want to be on the ground floor for accessibility reasons then they could be on the bottom storey of a multi unit development. The adjacent (Freycinet) public housing retirement units are three storeys.

The site previously had 240 public housing units. It now has 24 – 10% of the previous, although there will also be 12 units owned by a community housing provider when the

development is finished, making a total of 15%. It is clear that with the current eligibility criteria for public housing that large public housing estates such as Burnie Court tend to create social issues and should not be repeated today or in the future. However, it is important to maintain the same level of public housing in inner-suburban locations close to services and transport. I am concerned that these kinds of redevelopments end up displacing residents on low incomes to outer suburban locations where the cost of living is higher.

Community consultation

There has been a lot of public discussion about this site. It has covered a number of elements: poor solar access; the 10 storey tower; and the strange development style (with the site being developed in two parts by the joint venture plus an early development by ACT housing); and replacing a 3 storey development with a one storey one. Many people have commented on the absurdity of totally redeveloping the site to end up with the same number of units as before.

The development has changed markedly from one in the 2001 Master Plan but the changes do not appear to be in response to the community's concerns. As the Woden Valley Community Council said in its submission, "To find out at this late stage, and only through the release of the Draft Variation, that the proposal has changed from medium density maximum 3 storey (with a 9 storey tower) to high density 6 storeys to be allowed to be developed over the entire site (with set back of 50 m) and a 10 storey tower, flies in the face of all the years of earlier consultation with WVCC. It is a similar example to the disregard given by ACTPLA to the Woden Town Centre Master Plan after at least 3 years intense consultation with the community."

Solar orientation has also been a major element of community concern. The three storey public housing block is north facing but much of the remaining units under construction are not. The planning study and the ACTPLA response states that the "orientation of the buildings across the site has been designed to maximise the solar aspect of all proposed buildings" (P 38). And "The majority of units have a strong northerly orientation at the main frontage, with the remainder predominantly facing east or west". However, the Committee received evidence (P.4 Hansard, Mr D Wrigley on 20-03-09) that in Stage 1 (which does not include the public housing units) only 22% of the housing units have a northerly aspect. In Block E, 10 of the 11 units have no northerly windows.

The discrepancy between the descriptive text and reality was pointed out to the Committee by a couple of witnesses. This misrepresentation of the actual characteristics of the development can only add to the distrust the community feels about this, and other developments. It also makes more work for the community in commenting on planning proposals because to be confident they have understood what is being planned they have to decipher the actual plans rather than rely on ACTPA or the proponent's description.

More broadly, many drawings presented with planning documents are "indicative" or "illustrative" and therefore do not bear much resemblance to the DA when they become available for community consultation. This is inherently misleading and problematic because the Committee observed that the community commented largely on the indicative plans (ie potential DA) not the Territory Plan Variation (TPV) by itself. This is because the TPV is written in technical language, and to understand it requires knowledge of the whole Territory Plan. It would seem that public consultation would be better structured around a Draft Precinct Code that is based on a site-specific urban design. The Draft Precinct Code

could clearly illustrate the maximum permissible 3D building envelope and possibly the proposed design if that is available.

The assembly has no role in development applications and while the community can comment, as long as the DA is consistent with the Territory Plan, ACTPLA must approve it. I support the Committee's Recommendations 1, 8, 9 and 10 all of which are aimed at improving the consultation process. I believe that there is a bigger debate to be had about the development and building design process.

Recommendation A: In descriptions accompanying planning proposals, ACTPLA ensure that the text is consistent with the actual characteristics of the development. Consultation on TPVs should also include an illustration of the maximum permissible 3D building envelope.

Recommendation B: That the Committee and ACTPLA consider ways of improving the consultation process without imposing unnecessary costs and delays on either the community, proponents or Government.

Improving the development

The majority of comments I received about this development are that the current development is a waste of a good site. I totally agree with this. To cover 2/3 of a significant site next to Woden Town Centre which has such great transport, employment and shopping opportunities with single storey units is outright bad planning when you consider Canberra's growth and development as a whole. To do this as well as fail to orientate the units north seems unbelievable given current knowledge of passive solar design and climate change.

However, what makes this one of the most blatant examples of poor design and planning from the ACT Government is that they had a large empty site in a brilliant position which they owned and still partly own. This is not a situation where poor decisions have been made by external developers and the ACT Government has been powerless to intervene.

It demonstrates a lack of commitment by ACT Government to the ACT Greenhouse Strategy and the Canberra Spatial Plan, which is supposed to reinforce residential densities around town centres.

I note that the ACT Government has committed itself to zero net greenhouse gas emissions at some stage in the future. As far as I am aware, no analysis has been done of the greenhouse gas emissions of this site either in development or operation. It is unlikely to be zero.

Greenhouse gas emissions are related to, but different from, energy efficiency ratings. An energy efficiency rating shows how efficient a building is per square metre. However, a smaller but less energy efficient house can lead to fewer greenhouse gas emissions than a bigger but higher rated house. This is why energy ratings for fridges and washing machines include expected total energy used as well as the star rating.

Also from a greenhouse gas point of view, the energy source makes a difference. On site photovoltaics are very different to use of the grid. As well as greenhouse gas benefits, they would also reduce the stress on the grid in summer afternoons as I would expect that the development will require air-conditioning on current plans. Given the expected number of

multi-unit buildings it would be interesting if the proponents explored tri-generation, as this might be cheaper from a dollar and environment point of view. Other technologies such as chilled beams could be explored, which need to be provided for the whole building and so must be done at the development stage.

Recommendation C: Proponents of future large developments should prepare an environmental analysis of different options and submitted as part of any masterplan, draft precinct code or rezoning application. This analysis should be included in public consultation.

It is easy to criticise the current development proposal. Creating Territory Plan rules which would improve the situation on that site or reduce the possibility of similar planning failures in the future is much harder. Part of the reason for this is that the existing development severely limits the possibilities of the site. Another is that many of the key decisions that will determine the sustainability or otherwise of the development will be made at the development application stage.

Multi-storey units

I support the Committee's Recommendation 4 which would re-zone the site to RZ5. I would point out that the 2001 design used the existing planning constraints to achieve a slightly higher number of units with much better solar orientation.

I support Recommendation 3 to allow higher buildings in RZ5, and in particular on this site. As discussed above, it is important that the number of units on this site is at least equal to the previous development. The issue is to ensure that the buildings are as sustainable as possible.

I believe that if anything, multi unit dwellings should require higher initial energy efficiency ratings because, compared with single residences, they are harder to retrofit to improve them. Other developers in Canberra are building multi storey blocks of units where many units are 6 star energy rated. However, in this development, the units which face Melrose Drive will probably have to have fixed windows to reduce noise and are thus likely to have to rely on air conditioning in the summer. Many units will be east or west facing, which increases the chance of over heating during the summer. This makes energy efficiency even more important. COAG and the ACT Labor-Green Parliamentary Agreement have commitments to 6 * for new residential buildings.

The RZ5 variation will apply to all future RZ5 units so it is important to improve building efficiency.

Recommendation D: That the minimum energy efficiency rating for RZ5 should be raised to 5 * minimum with an average of 6*. If the BCA is later changed to give a higher minimum for single residences, then this should also apply to RZ5. This should also apply to the other multi-unit codes for RZ2, RZ3 and RZ4.

In addition to energy ratings, the Green Building Council has recently released a multi-unit rating tool. The Government in its developments should voluntarily adopt the minimum 4 Greenstar rating which would guarantee a much higher standard.

Recommendation E: Government multi unit developments should aim for the minimum 4 Greenstar rating.

It can be difficult to give adequate solar access to all units in a dense multi unit development. In saying this I note that the existing requirements for 3 hours of sun can be fulfilled by an East or West facing unit – in fact anything that does not face solely south. This is probably particularly important for the retirement units which are likely to be occupied during the day but they have already been built. However, we can still improve the yet to be built multi units by ensuring that those units which do not face North are at least energy efficient. I support the Committee's Recommendation 7.

One of the distressing features of this development has been that the number of units on a prime site was not increased. It is expected that with the proposed 10 and 6 storey buildings it will still only have as many units as the previous 3 storey development due to the large amount of space occupied by single storey units. In this context I support the Committee's Recommendation 5.

Recommendation F: That future leases for all but single residential sites (except RZ1 or single) contain a requirement for a minimum yield.

10 storey tower

This was not supported by many people in the community consultation undertaken by the proponents and ACTPLA. This feeling continued in the evidence given to the Committee.

I understand that the main reasons for the ten storey element are:

- To allow the site to reach the same density as before, given the large amount of single storey development. I support retaining the density but the need for the 10 storey element has been created by the proponents. They have not specified how many extra units will be in the 10 storey building compared to 6 storeys, or what the options are for increasing the units in other ways. The ten storey tower is being used as a 'get out of jail card' to cover up the other problems of the development.
- To be a 'gateway' into Woden Town Centre and provide 'a stronger visual impact'. It is opposite the Tradesmen Club's proposed 20 tower development. This does not seem a good reason as a gateway would be before you get to a place. Aside from this, Melrose Drive doesn't really need a 'gateway'.
- To reduce site coverage. Quoting from the submission of the Planning Institute of Australia, "In the Response to issue 2.2.17 "Objection to height" is the unattributed assertion: "allowing an increase in building height on part of the site provides the opportunity to significantly reduce the building site coverage (by approximately 25 per cent) when compared to how the site could be developed under the existing Territory Plan policies and the 2001 Master Plan, where the coverage was 40 per cent. This efficiency translates directly into opportunities for creating a high quality urban design outcome." This assertion is again taken directly from the consultant's report (first dot point page 2) supporting the development proposal. ACTPLA has however added the words "on part of the site" and appear to be trying to suggest that ten storey building by itself reduces the overall site coverage by 25 per cent, which is of course nonsense."

The ten storey tower is planned for the north east corner of the site. It will significantly overshadow buildings Q and M and the open space around them. As many people stated, a high-rise building on the northern end of the site maximises the overshadowing over the rest of the site. The most positive comment is that it will not overshadow other blocks, only Melrose Drive. In this context I support the Committee's Recommendation 2.

There is considerable professional debate about what height is best for sustainable development. Clearly taller buildings have the possibility to reduce the amount of land used. This possibility may of course not be realised as more space may be used for lifts and lobbies, other shared facilities or bigger units. It would seem that it is easier for a medium height rather than higher buildings to capture sufficient renewable energy to be self sufficient. However, the northern façade could be covered with photovoltaics to generate electricity. Many commentators have pointed out that traditional multi-storey buildings in European cities tend to be 4 or 5 stories high. Given the amount of dwelling space is equal; the amount of overshadowing would seem to be a function of the overall site design not just height of the buildings.

In this particular site the plan is to put the bulk of the residential units facing a 6 lane intersection. This is poor planning practice because of traffic noise and fumes and its impacts on human health.

I think there is not an overwhelming case for a 10 storey tower, particularly in the proposed location. It has been strongly opposed by the community and therefore I do not support the Committee's Recommendation 6.

Recommendation G: Redevelop the proposed site and building layout to improve solar access and thus sustainability. This could use the plans drawn up by Mr Wrigley as the basis or possibly a design competition.

Single Storey Elements

As discussed earlier, covering 2/3 of the site with single storey dwellings is incomprehensible given its location. It is so incomprehensible that a number of people have suggested to me that they will be demolished in a few years and rebuilt at a higher density. This is possibly the reason for changing the height limit for the whole site, including parts which are currently under construction or built. I assume that the sale of the units to individuals could make this redevelopment difficult.

Recommendation H: That the joint ventures analyse the feasibility of altering some or all of the single storey units to two (or more) storeys to increase the density. This should be done immediately before all the units are sold to minimise cost and legal issues.

Recommendation I: That ACTPLA, LDA and ACT Housing improve practices to increase densities around town centres in accordance with the Spatial Plan. Increased densities should be done as part of a robust, high quality urban design process that is subject to public consultation and debate and results in site specific building envelope controls being incorporated into a territory plan precinct code.



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