



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL

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Submission Cover Sheet

Engagement with Development Application Processes in the ACT

Submission Number: 054 - Woden Valley Community Council Inc.

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The Committee Secretary
Standing Committee on Planning and Urban Renewal
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601

Dear Committee

Woden Valley Community Council Submission to the Inquiry into Engagement with Development Application (DA) Processes in the ACT.

The Woden Valley Community Council (WVCC) appreciates the opportunity to provide input to the Standing Committee on Planning and Urban Renewal's Inquiry into DA processes. Our submission primarily comments on the limitations of the policy documents - Statement of Strategic Directions and the Master Plans - to inform and translate to the Precinct Codes that determine what DAs can come forward for approval.

Some DAs do not meet basic planning principles, the policy intent of an area or the needs of the community.

The Vision in the 2015 Woden Town Centre Master Plan is around the central Town Square which is very important to the future renewal of a meeting place for Woden.

"Woden Town Centre is a major community and commercial hub for the Woden Valley and wider Canberra region. It will be a place that attracts people to live, work, socialise and enjoy throughout the day and evenings. The town square is the central focal point for social and community activity that will connect people to a network of safe and active streets and public parks".

The WVCC provides the following examples of the policy intent being diminished through the approval of DAs.

Grand Central

Building Heights

In the 2004 Master Plan, the Grand Central site was zoned for **6 storeys**

In the 2015 Master Plan, the Grand Central site was zoned for **12 storeys**.

In March 2017 DV344 was released for comment with **12 storeys**, an additional 4 storeys for being in the building hierarchy and near public transport – no community benefit required.

The May 2017 DA was for **16 and 25 storey** towers with 448 units

The 2018 DA approval was for **18 and 26 storey** towers with 430 units.

The DA for Grand Central was lodged in May 2017, 18 months after the Master Plan was finalised with building heights for the site significantly higher than the March 2017 precinct code. The approval was not in the spirit of the Master Plan and the dates for interim effect of the Precinct Code were used to allow approvals at higher heights. DV344 had interim effect in December 2016 to facilitate approval of Ivy at 16 storeys rather than 12 storeys and then did not have interim effect again until July 2018 to allow approval of Grand Central at significantly higher heights than prescribed in the Precinct Code.

The ACT Government decision for Grand Central stated:

Recommended Territory Plan Variation 344, which is informed by the Woden Town Centre Master Plan, has interim effect for DA s lodged from 1 December 2016 to 31 December 2016, and on or after 25 July 2017. This DA was lodged on 24 May 2017. As such, the Draft Territory Plan Variation has no statutory effect for the DA. The relevant Precinct Code is the current Phillip Precinct Map and Code, which does not prescribe height limits for the subject site.

The building heights for the site have increased significantly creating a massive scale on the north side of Woden's community pedestrian link. Should the building have been on the south side of the bus interchange and pedestrian link, the scale would have been to the south and shadowing over Westfield and a structured carpark.

With the site being 0.37 hectare this equates to 1,162 apartment per hectare - very high density.

The Master Plan provides for additional storeys if it does not increase overshadowing on nearby residential development or key public spaces such as the town square.

Solar Access

Solar access is vital for creating a comfortable place and attracting private sector investment in cafes which would encourage activity returning to the Town Square.

The ACT Government decision for Grand Central found that:

the proposed buildings created, compared to the existing situation, additional shadowing within the Town Square during the morning, diminishing to a very minor effect up to 10am

On 22 June, the winter solstice, the sun rises at 7.12am and sets 9 hours, 46 minutes later at 4.58pm. The loss of sun from 7.12am till 10am is almost 30 per cent of the sun available for the day. This is a significant loss of solar access from our primary public space and this fact was devalued by the ACT Government by the comment, *diminishing to a very minor effect up to 10am*.

While the town square is the central focal point for social and community activity in Woden, the precinct code zones the square's perimeter with 28 storey buildings.

Borrowdale House on the north west perimeter of the square has been approved and the Woden Centre on the east of the square is for sale. As the DAs are released for comment the community will find itself in a situation of fighting for the town square.

Unfortunately, poor planning leaves the ACT Government and the community in an adversarial situation, with the ACT Government unable to explain how buildings from 16 to 28 storeys, that can be 12 metres apart, underpins Woden's built form for the future. Similarly the lack of decent public spaces in the core, no community/cultural facility, no multi-purpose sports hall, no CIT and a pool that is at risk of closure cannot be explained by the Government in the context of active living and walking and riding to activities.

What does the community do? Many give up caring and then people wonder why it is so difficult to engage them about many other issues.

WOVA

WOVA is considered a marker building site. The site was previously approved with 2 lower towers.

The current DA seeks approval for four towers, 1 x 24 storey, 2 x 16 storey and 1 x 10 storey and 798 apartments. The Precinct Code allows for a marker building then allows one 16 storey building. While the Chief Minister advocates for tall slender buildings with lower impact shadows, the tall WOVA building is a 24 storey wall with a major impact on the over 55 residents across the road in Bellerive. This DA has caused much anxiety amongst the residents whose streetscape will be overwhelmed by a massive development that will take out around 30 per cent of their winter sun.

Shadow analysis undertaken for the Woden Town Centre Master Plan found that:

'taller development on the western edge of the town centre had more impact on surrounding residential areas than any other areas of the town centre. Therefore development adjoining Melrose Drive should be capped at approximately a 12 storey height limit to reduce the potential overshadowing impacts of the residential development on the western side of the road. However, there should also be a level of flexibility in the

recommended building heights to allow for more innovative and economically viable development to occur as markets change over time’.

This DA is under consideration by the ACT Government and is the subject of a paper and e-petition. Geocon has not adopted any of the feedback from the community and although asked on multiple occasions, only attended a WVCC public meeting after the date for submissions has closed.

Our comments with respect to the Terms of Reference are as follows:

1) Community engagement and participation in the DA process including:

a) the accessibility and clarity of information on DA and DA processes, including DA signage; the DA finder app; and online resources;

- We acknowledge that at times it is difficult to engage the community on planning matters however it is very difficult to know when a DA has been lodged.
- While the DA app may be good, we generally become aware of DAs when included in an email.
- The signs can be difficult to access eg on the side of the Yarra Glen roundabout for Ivy

b) pre-DA consultation and statutory notification processes; and

- Proponents should be required to provide a briefing to the community in a seated forum so questions can be asked as a group. Geocon’s consultations for WOVA did not provide seating, individuals were required to ask questions at posters that were placed on A frames around a room.
 - The elder people of Bellerive could not sit down and there were so many people they could not move around to the posters. Chairs were eventually brought in and a seated question and answer session was held.
 - The broader community was not offered a seated question and answer session for the 798 apartments in 4 residential towers. It is not reasonable for individuals to have an understanding of all the issues involved with very large developments. It is a divide and conquer method of consultation which does not allow individuals to consider and learn from questions that others may have. Geocon did not make any changes to their WOVA proposal in response to feedback.
 - It is not clear that Geocon’s drawings of WOVA are representative of reality. They are stylistic and not in scale to the surrounding buildings or streetscape.
 - The traffic modelling was old and had not been updated for the current developments that had been announced.
 - The Directorate should provide better scrutiny of the quality of the proposal with respect to its alignment with basic planning principles and its ability to meet the needs of the community prior to its submission. If it is not adequate it should not be allowed to come forward for approval.
 - Similarly, the DAs should not be lodged if they do not provide up to date information and realistic drawings of the proposal in the streetscape.

c) the availability and accessibility of current and historical DA and decisions in relation to DA, including reasons for DA approvals, conditions or rejections.

- Historical DAs and decisions, including reasons for approvals, conditions and rejections, should be available for reference.

2) The accessibility and effectiveness of DA processes, including:

a) the information provided in relation to the requirements for DA;

- The information in the DA can be difficult to synthesise into an understanding of the development. This is because the DA is similar to a check list and it can be difficult to determine what the DA is seeking approval for, particularly for changes to commercial premises. Perhaps the objective or purpose of the proposal should be stated as well as the changes that will achieve the objective. The quality of the description of the proposal is often very poor and should be checked for clarity prior to lodgment.
- There is often a very large number of documents to open and work through. The community should be provided a briefing about the development prior to the time period starting so there is time to consider the various aspects of the proposal.

b) the current development assessment track system;

- the merit track is too subjective.
 - The amount of sun provided for a public square eg the Woden Town Square (3 hours over 1,000 m²) and Southlands (2 hours between 12 and 2 pm) is inadequate.
 - Assessment under the Merit Track should pay careful attention to the overall effect of any particular development on the general community environment and to the likely combined effect of similar developments in the neighbourhood;
 - Merit Track proposals should be required to ensure that all setback and other dimensions are clearly indicated in the plans;
 - While the Code Track is simple and clear, the Merit Track is very opaque and unclear; applicants should be required to explain in detail how a proposal complies with a criterion.

c) the DA e-lodgement and tracking system, e-Development;

- DAs that have been finalised should remain available for reference
- The DA web site should provide a progress comment so it is clear where the DA is up to in the process

d) processing times for DAs

- Processing times may be shortened with better quality DAs that meet the needs of the community.

e) retrospective DA;

- Nil response

f) reconsideration and appeal processes; and

- residents should be able to appeal to ACAT for DAs located in town centres

g) Heritage, Tree Protection and Environmental assessments.

- A second expert opinion should be provided for important trees that are claimed to be sick or at the end of their life to ensure the opinion is validated.

3) DA compliance assessment and enforcement measures.

- residents should be able to appeal to ACAT for DAs located in town centres
- building certifiers should provide regular, independent compliance checks.

4) Development Application practices and principles used in other Australian jurisdictions.

- Nil response

5) Any other relevant matter.

Precinct codes should underpin planning principles to facilitate the right DAs coming forward to provide good outcomes for the community.

The Principles for Urban Areas contained in the National Capital Plan include

1. Canberra's future growth is to be accommodated by continuing the development of distinct and relatively self-contained towns.
 2. A hierarchy of centres will be maintained, with each town having a centre acting as a focal point for higher order retail functions, commercial services, offices and community facilities.
- Precinct codes should also reflect basic planning principles, including:
 - Job precincts
 - mixed residential and commercial building heights with human scale where appropriate and taller buildings where they do not impact on public spaces and residents.
 - Identification of public spaces, community facilities and cycling networks
 - Identification of open green spaces and areas for deep rooted trees.

Background

Population growth and environmental impacts are leading to densification in our town centres.

Woden, Canberra's first town centre, is centrally located, an employment hub and has duplicated roads that provide bus rapid transit from surrounding regions. While Woden should be thriving, facilities have closed forcing residents to drive to other districts for social and recreational amenity. This leaves Woden with little social activity and means to build a strong and resilient community.

Cities are the people that live in them - within cities, geographical communities (town centres) are identified for the provision of facilities and services - hubs where people can 'live, work and play'. These communities are important for the health and well-being of people, they provide places for people to meet, leading to reduced social isolation.

Generally governments provide planning for public spaces and non-commercial services and facilities, facilitating confidence in the area for investment by the private sector.

Policy for planning Canberra

The policy for urban hierarchy or Canberra and basic planning policies do not appear to be adhered to in Woden.

The National Capital Plan (p33)

One of the key principles of Canberra's urban structure has been that a hierarchy of centres has been developed, with each town having a centre acting as a focal point for higher order retail functions, commercial services, offices and community facilities. This hierarchical principle, at the metropolitan level, means that town centres provide retail, commercial, cultural, entertainment and other facilities to meet community needs, and serve also as locations for office-based employment. Continued expansion of services and facilities should be provided for and encouraged in each of the town centres.

Principles for Urban Areas

1. Canberra's future growth is to be accommodated by continuing the development of distinct and relatively self-contained towns.
2. A hierarchy of centres will be maintained, with each town having a centre acting as a focal point for higher order retail functions, commercial services, offices and community facilities.

Section 46 of the Act determines that there must be a Territory Plan and Section 48 states that the object of the Territory Plan is to ensure, in a manner not inconsistent with the national capital plan, the planning and development of the ACT provide the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation.

It is not clear that the planning in Woden is consistent with the National Capital Plan.

The WVCC is available to discuss our submission and attend hearings should they be held.

Yours sincerely

Fiona Carrick
President
Woden Valley Community Council