

Summary

Draft Variation 307 should be refused because:

- **Block 15 is unsuitable for re-zoning as RZ4. To proceed with this Variation would be contrary to the Draft ACT Planning Strategy; it does not provide more choice in housing types.**
- **A better option would be to zone the Block RZ1 or RZ2, with the lower flood prone areas remaining as Open Space.**
 - **This would encourage younger families to move into the area.**
 - **Retain the neighbourhood character and the green corridor from Manuka to Mugga Way.**
 - **Supply much needed housing stock to replace those homes bulldozed to make way for apartments.**
 - **Reduce the pressure on traffic, parking other infrastructure issues.**
- **It is not in the community interest for the Brumbies to benefit from windfall profits by cashing in a Concessional Lease.**

3.2 Issues and responses

3.2.1 Leasing issues

3.2.1.1 Concessional lease

I contend that an organisation which no longer requires land for the purpose for which the concessional lease was granted should not be in any favourable position in relation to future use of that land and should not be able to make a windfall profit by conversion of the land use to a new and completely different use.

On (page 11) of the Social Impact Assessment Statement submitted by the Brumbies in Development Application No 201120448 Lease Variation, Block 15 Section 42 Griffith it is stated that:

“The proposed development will facilitate the relocation of the Brumbies club to a headquarters and training facility (location to be determined) of a very high standard that will ensure the long term viability of the Brumbies in the ACT.”

In other words this re-zoning has been designed to maximise the financial return to the Brumbies and if approved the Brumbies will receive a windfall profit.

I contend that this outcome cannot be considered as in the public interest and is in fact detrimental to the community.

I therefore disagree with ESD’s response.

3.2.1.2 Compliance with current lease

Although the Brumbies are a sporting club, it is debatable that they have used the old bowling club facilities for sporting purposes. I cannot comment on what the interior of the buildings are now used for but the bowling greens are in an unkempt state and can no longer be used.

Compliance or non-compliance is therefore an open question.

3.2.2 Planning processes and decision making

3.2.2.1 Alternative processes for allocating the future use of the land

For ESD to state that ‘There has been no application made to hand the site back to the ACT Government, and that it has consulted widely with relevant ACT government agencies and is not aware of any proposals or intentions to acquire the land for community, recreation or any other purposes.’ It is an abrogation of its responsibilities as the ACT’s planning authority. Of course no application had been made – nobody knew the land was available; of course there was no application to hand the land back to the government, when there were profits to be made by re-zoning.

As far as I am aware ACTPLA did not investigate other uses for the land. It should have done that as part of its responsibility as ACT’s delegated planning authority.

If the land is not to be continued for sporting or recreational purposes, consideration should be given to other suitable uses, such as a child care centre or pre-school.

Another option would be re-zone part of the block (above the area prone to flooding) as RZ1 or RZ2, in keeping with the surrounding present housing stock and preserving the green corridor between Manuka and Mugga Way.

ESD’s response is flawed.

3.2.2.1 Holistic approach to planning for residential intensification

ESD’s response does not deal with the issues raised by many of the objectors.

The proposal to rezone Block 15 as RZ4 breaches Government guidelines that zonings for multi-unit developments will be restricted to areas within 200-300 metres of local or group centres or adjacent to major arterial roads and major transport routes. In fact, depending on which route you take and where you live on Block 15, you could have to walk over 700 metres to the nearest shops. Hardly suitable for the downsizing elderly and not consistent with the Draft ACT Planning Strategy released earlier this month.

Austin Street and this part of La Perouse Street are not suitable areas for medium density housing.

The normal requirement for RZ 4 is close to a town centre or on a major transport route. The nearest town centres are Civic and Woden – over seven kilometres away. Block 15 is not on a major transport route.

This proposal represents the typical bad, random spot rezoning that should not be approved.

As stated above, it would be possible to have reasonable intensification by re-zoning that part of the block RZ1 or RZ2 and leaving the flood prone areas as open space.

ESD’s response is flawed.

3.2.2.3 Purpose of the planning report

No comments on this response.

3.2.2.4 Evaluation of the planning report by ACTPLA

No comments on this response.

3.2.2.5 Conduct of ACTPLA and the Minister for Planning

I generally agree with the ESD's response but point out that the minister at the time had a conflict of interest on this issue because he was both Minister for Sport and Recreation and the Minister for Planning.

3.2.2.6 Public consultation processes

No comments on this response.

3.2.2.7 Applicable statutory plans

The status of the Griffith Neighbourhood Plan (GNP) is raised by ESD. I contend that the GNP is relevant; it was prepared by ACTPLA in consultation with the local community in 2004 and approved by the legislative Assembly in 2005. It is still being used by ACTPLA/ESD, *e.g.* in the Morling Lodge decision in Red Hill and also by the Brumbies in their Lease Variation Development Application No 201120448. Therefore, I would contend that the Griffith Neighbourhood Plan is very relevant.

3.2.2.8 Territory Plan variations and development applications

No comments on this response.

3.2.3 Reasons for the proposed variation

3.2.3.1 Financial viability of the proponent

While it is correct that ACTPLA is bound to consider the planning merits of a proposal as stipulated in part 5.3 of the *Planning and Development Act 2007*, I would have thought because it is a concessional lease ACTPLA should have examined the wider community interest and considered other planning options. They did not do this.

ESD's response is flawed.

3.2.3.2 Interface with surrounding residential areas – character and garden city values

ACTPLA'S response that: "ACTPLA indicated in DV307 that it supported the proposal because the site is separated from surrounding low density residential areas by Austin Street to the south and open space to the north, east and west." is totally inadequate. How can it be good planning if the proposed development is separated from everything surrounding it? Good planning should surely blend in with the current streetscape not be isolated from it. ***Totally flawed response.***

3.2.3.3 Viability of the bowling club

No comments on this response.

3.2.3.4 Current zoning

No comments on this response.

3.2.3.5 Alternative zones and future use of the site

Commercial CZ6 leisure and accommodation zone

I can accept that "the uses permitted in the commercial CZ6 leisure and accommodation zone are unlikely to be developed on the site in the future." The site in question is really an isolated zoning anomaly.

Community Facility CF zone

The discussion regarding the CF Zone is very weak and the statistic quoted of 36.3 m² per person for Canberra Central, including the Inner South is misleading and irrelevant because it covers such a huge area. In the Griffith area for example most of CF zoned land are taken up by schools and are not publicly accessible.

Parks and recreation PRZ2 urban open space zone

The response that *“The open space zonings were not investigated as alternative zones for the site. The ACT Government has no intention to acquire more land for urban open space in the area.”* is disappointing. The government would not have to acquire the land if part of Block 15 Section 42 was zoned PRZ2 because it already has it and it is effectively being used as open space now. Furthermore, in Griffith the Manuka Oval which is PR zoned has restricted access, so the statistics used are probably not relevant for this neighbourhood.

I cannot see why part of Block 15 cannot be zoned PRZ2 (where the flooding risk is the highest) and the other part RZ1.

Other residential zones

The case has been developed to warrant the conclusion that: *“The residential RZ1 suburban zoning was considered to be an under utilisation of the site given its current commercial CZ6 leisure and accommodation zoning, as well as the sites location and dimensions.”* ACTPLA has previously stated that: *“uses permitted in the commercial CZ6 leisure and accommodation zone are unlikely to be developed on the site in the future.”* So it is irrelevant to compare CZ6 with RZ1.

It should be clearly articulated why RZ1 is an under-utilisation and more particularly, why RZ4 is a better planning option.

ESD’s response is flawed.

3.2.3.7 Proximity to employment, centres and public transport routes

The responses under this heading are inadequate and appear not to be consistent with the Draft ACT Planning Strategy. It’s all very well to have intensification within 7.5 km of the City Centre, but one would hope that this would be a planned intensification, not a series of ad-hoc infills.

Furthermore Variation 200 not-only protected the residential zones; it also encouraged higher density development near regional and local centres.

Furthermore, to proclaim that one bus every half hour is an adequate service is just not correct if people are going to use this to get to work – and get back home!

Finally, The Draft ACT Planning Strategy argues for urban intensification along roads like Canberra Avenue, Adelaide Avenue. Flinders Block 15 is a long way from these.

ESD’s response is flawed.

3.2.3.8 Housing choice

The ACTPLA response to this issue makes me very angry. To state that *“The proposal will increase housing choice in the Griffith/Forrest area without directly affecting existing single dwelling housing.”* is simply not correct.

There is no shortage of apartments in the Inner South. The building stock of this type of housing is being added to on a regular basis. For example the Doma development in

Kennedy Street, Kingston; the large developments in Cunningham Street at the corner of Giles Street and Canberra Avenue in Griffith, the new complexes being built in Boolimba Street and Jerrabomberra Avenue in Narrabundah and the recently approved development for the construction of 31 units in Stuart Street, Griffith. There is a surfeit of apartments! Furthermore Block 15 will not be suitable for older people downsizing because it is too far to walk to Manuka. We need are more detached of semi-detached homes for families to correct the aging profile in the community. The present proposal is does not provide this option.
ESD's response is seriously flawed.

3.2.3.9 Population trends

I do not want to argue for or against an increase in population in the Canberra or the Inner South, suffice it to say that the need to invest in new expensive water storage, new roads and new suburbs is as a result primarily of population increase.

The plot below provides a chart showing the population increase from 1991 to 2010 from the ABS statistics available on its website. I am not sure that data before that time are very relevant in any case.

What graphs show are that the population in the Inner South has gradually increased during this period and particularly from 2004. The slight fall from 2009 is may be a due to several factors which there is not time and space to discuss here. The main point is that suburbs show a slight increase over the same period. Griffith's population will increase significantly over the next few years with the completion of several sets of apartments and the opening of the Residential Old-Age care facility near the Griffith shops. What needs to be addressed is the population profile, and in the time frame to prepare this submission I have not been able to research this. The point is that ACTPLA's assertion that it supported the proposal because "*The proposal will further assist in offsetting population decline in South Canberra*" is not supported by the evidence. There is no decline in population!

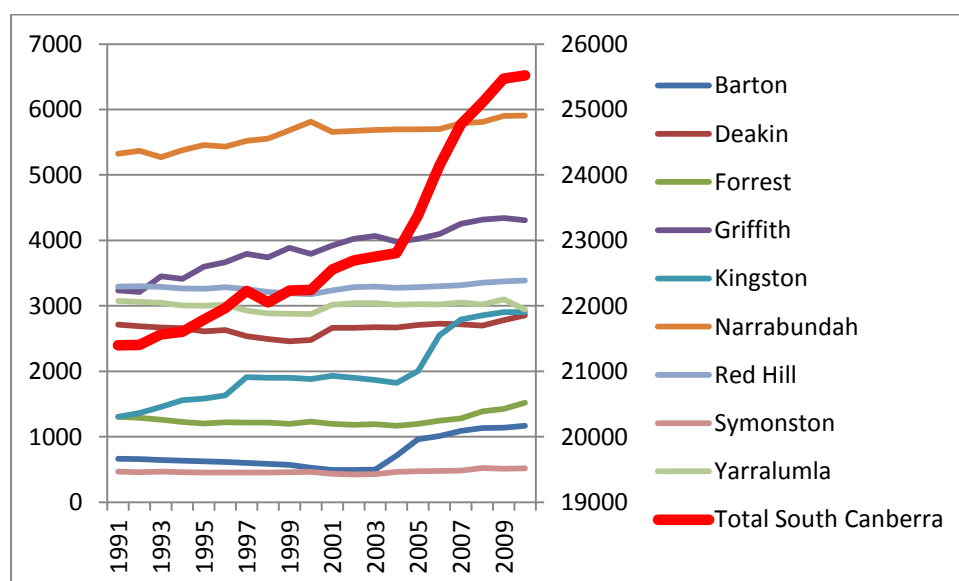


Fig. 1. Population in Inner South Canberra from 1991-2010. RH column shows total population on Inner South; left hand column shows populations in the nine Inner South Suburbs.

ESD's response is seriously flawed.

3.2.4 National Capital Plan

Agreed; the National Capital Plan does not cover the area involved.

3.2.5 Planning Strategy for the ACT – the Canberra Spatial Plan 2004

The Response does not strengthen the case for approving DV 307

3.2.6 Territory Plan

DV307 in the context of the Territory Plan Statement of Strategic Directions	
Responses by ESD to General Principles	Comments on Responses
1.1 In relation to the broad community involvement that the Statement of Strategic Directions stipulates for formulation of sustainable development policy, the community consultation undertaken to date is outlined in sections 2 and 3.2.2.6 above. Indeed this report on consultation forms part of these consultation processes.	OK
1.3 The site provides a unique opportunity to increase housing choice in proximity to a large employment centre. It will assist in achieving the population levels in the region not experienced since 1961, without removing any existing dwelling stock, open space (public or restricted access) or any community uses.	It will not increase housing choice, which has declined in recent years because many houses have been bulldozed to be replaced by apartments. Detached or semi-detached houses would also assist in increasing population levels. ESD has not demonstrated the benefits of increasing the population to 1961 levels.
1.9 The site is within the existing urban footprint, is designated as being within the urban area of the National Capital Plan and is within 7.5 km of the city centre.	So are many other areas.
1.17 The infrastructure and services of Griffith were designed for a population, which peaked in 1961. The current population of Griffith remains below that peak. The planning report in support of DV307 included at Appendix 3 an independent report on the water and sewer infrastructure in the vicinity of the site. That report concluded that existing water and sewer infrastructure have the capacity to service the site if redeveloped for multi units under the RZ4 medium density residential zone. The report was reviewed by the relevant ACT Government agencies and no concerns were raised about the capacity of the infrastructure to accommodate the proposed future use of the site. Note: Traffic and flood infrastructure are dealt within sections 3.2.7.3 and 3.2.7.5 of this report.	Appendix 3 states that a new main will have to be installed to supply the gas; a new substation will have to be built to provide electric power. The sewer and water systems are adequate. There has been no report on the state of the infrastructure near the site. Several of the sewers have had to be replaced recently in Griffith. So some of the infrastructure may require upgrading. Only the water was probably designed for more people.
1.18 As stated in section 3.2.3.5, Canberra Central is comparatively well serviced with community and sporting facilities. Development of the site would provide an opportunity for increased access to the existing facilities of this nature in the	This would also be correct if RZ1 or RZ2 zoning was applied.

Griffith area generally and to the public open space adjoining the site (blocks 16 and 17).	
1.21 As stated in section 3.2.3.8 the site provides an opportunity further increase the housing mix in Griffith without the loss of existing single residential dwellings. The multi unit housing development codes of the Territory Plan require 10% of multi units to be adaptable making them suitable for persons with a disability and the aged. There are provisions in the codes to ensure a mix of unit sizes. These provisions are expanded upon in the current review of the residential codes in DV306.	We are currently losing detached houses. They are being bulldozed to make way for apartments. So this variation will not increase the diversity. What is the point of building apartments for the aged and the disabled when they would have to walk ~700 metres to get to the nearest shops! It does not make good sense.
2.2 The site is underutilised in its current commercial CZ6 leisure and accommodation zone. The previous use of the site as a bowling club ceased several years ago. As stated in section 3.2.3.4 the opportunity for redevelopment of the site under the current CZ6 zone is limited.	Agreed. The site is underutilised.
2.5 The subject site does not involve the redevelopment of an existing residential area. The site is zoned for commercial purposes. While the site is outside the existing residential area of Griffith it does share an interface across Austin St with low density residential development. There is a suite of provisions contained in the residential development codes to minimise impacts upon garden city values and character of existing residential areas. In addition, DV307 proposes rezoning to the RZ4 medium density residential zone which will increase the diversity of housing types including multi units.	The site is not close to either commercial centres or major transport routes. It will not increase the housing diversity. Better to re-zone as RZ1 or RZ2.
2.6 As mentioned in section 3.2.3.7, the site is located in proximity to key employment centres such as Barton and Parkes. Captain Cook Crescent is also provided with a ½ hourly bus service to Manuka, Kingston, Barton, Parks, Russell, Campbell and the city centre.	All places with 7.5 km of the City centre are close to main employment centres. These comments would apply to RZ1 & RZ2 zoning. A half hour bus service is not good enough.
2.7 As mentioned in section 3.2.3.7, this site is located in proximity to the employment centres of Barton and the city centre with access to the existing cycle and pedestrian network including a shared pedestrian/cycle pathway in the verge of Flinders Way to Manuka. This will serve as an encouragement for residents working locally to use alternative transport modes to reduce motor vehicle use.	Agreed. These comments also apply if the site is zoned, RZ1 or RZ2.
2.10 DV307 will not result in the loss of any open space, sports or recreation facilities. The previous use of the site involved an outdoor recreation activity as defined under the Territory Plan. However, this use has not operated for several years. Additionally, the commercial CZ6 leisure and accommodation zoning of the site does not	Not correct the width of the green space on the southern side of the creek running from Red Hill to Manuka will be decreased, because of the proximity of the Design Concept to the creek

protect its long term future as a site for outdoor recreation uses. As mentioned in section 3.2.3.5, South Canberra has amongst the highest provision of urban open space of any District in Canberra.	
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3.2.7 Impacts of the proposal

3.2.7.1 *Future demand for services, community facilities and open space*

If the subject Block was re-zoned RZ1 or RZ2 and the area most likely to be flooded was not built on then no open space would be lost.

3.2.7.2 *Character, garden city values and residential amenity*

The height and mass of the buildings in the proposed development would be out of scale with the surrounding dwellings and would be inconstant with the Griffith Neighbourhood Plan.

This states:

‘Whatever the change in the low-density (residential) character, established street trees and mature garden setting will remain.’

‘Maintain and enhance the existing street pattern by ensuring buildings relate to the street rather than detract from it.’ – (as a general strategy).

Promote high-quality residential development that is sympathetic to existing garden suburb neighbourhood character in terms of scale, form and landscape setting.

3.2.7.3 *Traffic*

ESD’s response does not properly address the traffic issue. The facts are that in 2009 the current peak hour morning traffic volumes on Austin Street, where the main impact of the proposed development will be felt, were **above** the indicative two-way roadway capacity of 300 vph for a minor collector road as per ACTPLA’s Residential Subdivision Development Code. Similarly, for Flinders Way, the peak hour traffic volumes were found to exceed ACTPLA’s Residential Subdivision Development Code.

Since the surveys were undertaken, traffic volumes throughout Canberra have increased, so the conclusion that the the proposed development ‘will not have any significant impact on the surrounding road network’, when some of this network already exceeded the design code in 2009 is flawed.

The traffic counts made in December 2009 cannot be considered as peak counts because all year 12 students at the Grammar Schools would not have been attending school on those days. So the numbers obtained are underestimates of peak flows and are not valid.

The arguments about rat running are spurious. Where are motorists supposed to be rat running? Is it along Flinders Way – a Major Collector Road and one of the overloaded streets?

The recent Speed cushions that have been installed certainly encourage rat running, but they were installed after the 2009 survey.

Another flawed response.

3.2.7.4 *Parking*

Parking would be less of a problem with fewer dwellings on the site.

3.2.7.5 Flooding

With sufficient money it is possible to design structures to withstand the maximum credible flood. The problem is to calculate what this might be.

The flooding analyses presented are very superficial. Nowhere is the input Intensity Frequency Duration rainfall function specified or the uncertainty in the 100 year ARI.

So I recommend that a more detailed analysis should be done that specifies the rainfall input function and also provides the uncertainty in the 100 year ARI

3.2.7.6 Urban infrastructure generally

Generally satisfactory. A new main will have to be installed to supply the gas; a new substation will have to be built to provide electric power. The sewer and water systems are adequate.

There has been no report on the state of the infrastructure near the site. Several of the sewers have had to be replaced recently in Griffith. So some of the infrastructure may require upgrading.

3.2.7.7 Heritage

RZ1 or RZ2 re-zoning would protect the heritage site better.

3.2.7.8 Trees and landscape

There could be a big problem if RZ4 zoning went ahead because of the huge impact on the site. Builders compacting the soil around established trees can kill them. Again an RZ1 or RZ2 re-zoning would be preferable.

3.2.7.9 Loss of recreation opportunities and open space

The response from ESD is very disappointing. If the site was to be zoned RZ1 or RZ2 and nothing was built on the area prone to flooding there would be a unique opportunity to include in the Territory Plan the green corridor between Manuka and Mugga Way. The current response is convoluted in such a way that one one square cm of open space will be allowed in Griffith. What a narrow approach

3.2.7.10 Other potential impacts

No comment.

A handwritten signature in black ink, appearing to read 'David Denham', written in a cursive style.

David Denham
26 October 2011