



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL
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Submission Cover Sheet

Draft Variation to the Territory Plan No 363 – Curtin group centre and adjacent residential areas

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Submission to the

Legislative Assembly for the ACT
Standing Committee on Planning and Urban Renewal

Inquiry into Draft Variation to the Territory Plan 363 – Curtin
group centre and adjacent residential areas

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Submission to the Inquiry into Draft Variation to the Territory Plan 363 – Curtin group centre and adjacent residential areas

I have lived in Hughes and Curtin for 40 years ago and have used the Curtin Group Centre over that entire time. So, I am very familiar with the Group Centre and how it is used by the community – people from multiple nearby suburbs as well as Curtin.

Three major issues with the recommended Draft Variation to the Territory Plan 363 – Curtin group centre and adjacent residential areas – are covered in this submission.

1. The statement of Desired Character for the Curtin Group Centre
2. Control of overshadowing of the central courtyard in the Group Centre
3. Building set-backs on Strangways Street

All three issues are specific instances of issues with the ACT's overall planning process.

1. Failures in translating the results of the community consultation process into the Master Plan and Territory Plan even when the results are consistent with development.
2. Failure to assess solar access at times of the year and periods of the day when the social impact would be greatest.
3. Failure to translate excellent planning for the public domain at the Master Plan level into the codes of the Territory Plan.

Note that I am a member of the Curtin residents Association and I support their more detailed submission.

1. The statement of Desired Character

I welcome the inclusion of a statement of desired character; however, the statement of desired character on page 1 of the recommended version of the Curtin Precinct Code does not reflect the role of the Curtin Group Centre, particularly the sunlit central courtyard, as an important social meeting place for the community and its role in providing community identity.

This role was clearly evident throughout the planning process for the Curtin Group Centre.

The location of the centre with its landscape setting and connections to open spaces and green corridors was highly valued for its 'village feel' and sense of community.

The central courtyard is a much-loved place providing a sheltered, green and sunny space for a variety of social activities away from traffic, particularly for young children.

Community Engagement Report for the Curtin Group Centre Master Plan page 28

The sunlit central courtyard is an important social meeting space for the community

Curtin Group Centre Master Plan page 52

The view was formed that the community courtyard functions as a primary gathering place in the group centre, serves to bring people together, and provides community identity to the Curtin community.

ACTPLA Notice of decision DA 201630437 15 February 2017 page 3

The statement of desired character in the recommended version of the Curtin Precinct Code does not incorporate key elements of very high value to the community.

Desired character

- *A busy community hub that offers a broad range of services and facilities to diverse user groups in the area*
- *Provide sustainable and high-quality housing options to attract residents to the area*
- *Be an attractive place to do business for local retailers and other businesses*
- *Provide opportunities for evening activities, as well as informal recreation, community and leisure uses*
- *Pedestrians and cyclists will be able to access the centre safely and efficiently and be connected to nearby facilities such as schools, aged care accommodation and the future City to Woden light rail on Yarra Glen.*

The response to consultation for Draft Variation 363 is:

The proposed statement of desired character is consistent with the character statement provided in the Curtin Group Centre Master Plan 2018 (the Master Plan), refer to page 49. The Master Plan underwent extensive community engagement from 2016 to 2018.

The issue is that the results of the *extensive community engagement from 2015 to 2018* (the date in the response to consultation is wrong) have been ignored. They should not be. Three key aspects of the Centre and its role – “urban village”, “sunlit central courtyard” and “an active and inclusive social meeting place for the community” – should be included in the statement of desired character. They are all consistent with development.

In summary, the statement of desired character in the recommended version of the Curtin Precinct Code should be amended by adding this statement.

- It is a successful urban village with a sunlit central courtyard both of which contribute to making it an active and inclusive social meeting place for the community

2. Solar access for the central courtyard

As has been mentioned in the previous section, solar access to the central courtyard, ensuring it is light-filled, is critical to its role as a community space and to the attraction of Curtin as a place for shopping, cafes, meeting and gathering. Rules R8 and R10 and Criteria C9 and C11 of the recommended Precinct Code are relevant to controlling solar access for the central courtyard of the Group Centre.

Inclusion of a 5 metre high ‘solar fence’ for preserving solar access for the central courtyard of the Group Centre in R10 is very welcome and strongly supported. It provides an operational rule that can be readily tested by current software tools.

A maximum building height of one storey, with a total of height not more than 5 metres, for buildings to the east, north and north-west of the central courtyard in R8 is also very welcome and strongly supported. A building height of not more than 5 metres is essential for preserving both solar access for the central courtyard and the low-scale, urban village character of the Group Centre that is highly valued by the community.

The intent of the controls for solar access for the central courtyard is to enable and promote social activities and community use of this vital public space. However, the recommended version of the Curtin Precinct Code does not enable this goal to be achieved because assessing solar access (overshadowing) of the central courtyard only at “winter solstice between 9:00am and 2:30pm” does not reflect actual use of the courtyard by the community and so does not adequately assess the social impact of overshadowing.

Consequently, assessment of overshadowing should be changed to reflect the actual pattern of use of this vital public space.

Date for assessing overshadowing

Community use of the central courtyard – its role as a safe, protected meeting and gathering place – is highest in autumn and spring when it is neither as cold as mid-winter nor as hot as in high summer when the sunlight is intense. As the sun moves from south to north and vice-versa with changing seasons places in the courtyard that are not overshadowed through a particular period of the day at the winter solstice will be overshadowed at other times of day in these seasons of high community activity.

Consequently, the spring equinox is a better date than mid-winter for assessing the effect of overshadowing.

Time of day

Limiting the assessment of overshadowing to the morning (after 9am) and early afternoon (up until 2:30pm) ignores the critical role the courtyard plays as a safe and attractive place for children and teen-agers to meet after school and socialise, often while parents and carers are shopping. This contributes to making the period after 3pm one of the busiest times of the day for use of the courtyard. Consequently, a period after 3pm is a critical time for ensuring there is good solar access in the central courtyard and for assessing the social impact of overshadowing.

Shadow analysis for buildings consistent with the recommended version of the Curtin Precinct Code – one storey to the east, north and north-west of the central courtyard and five storeys to the south-west – was shown to the community during public consultations for the Master Plan. This analysis showed that the period between 3pm and 4pm at the equinox is critical for increased overshadowing, with very little of the courtyard in shadow at 3pm and a large part being overshadowed at 4pm.

Consequently setting the times for assessing overshadowing as between 9:00am and 3:30pm will allow redevelopment to occur and enable overshadowing to be assessed when it has an adverse social effect.

The text for R10 in the recommended version of the Curtin Precinct Code should be changed with “winter solstice between 9:00am and 2:30pm.” replaced by “spring equinox (22 September) between 9:00am and 3:30pm.”

The text for C11 in the recommended version of the Curtin Precinct Code should be changed with “winter solstice between 9:00am and 2:30pm.” replaced by “spring equinox (22 September) between 9:00am and 3:30pm.”

The Standing Committee should note that assessment of solar access in the Territory Plan is typically only for a limited period of the day at winter solstice. This is often not satisfactory because this extremely limited assessment does not take account of the most important times of year or times of day for solar access in a particular location.

Use of winter solstice is almost invariably justified by saying that it is the “worst case”. This is often not true: as the sun moves across the sky on an arc further towards the south as the season changes from winter to summer, places that are not overshadowed through a particular period of the day at the winter solstice will be overshadowed at other times of in other seasons and worst case overshadowing from the point of view of peoples’ use of a place may well occur at time other than winter solstice. Computer modelling of overshadowing at

any time of day and year can now be done very readily and there is no excuse for not assessing solar access when overshadowing would have the most adverse social impact.

3. Building setbacks on Strangways Street

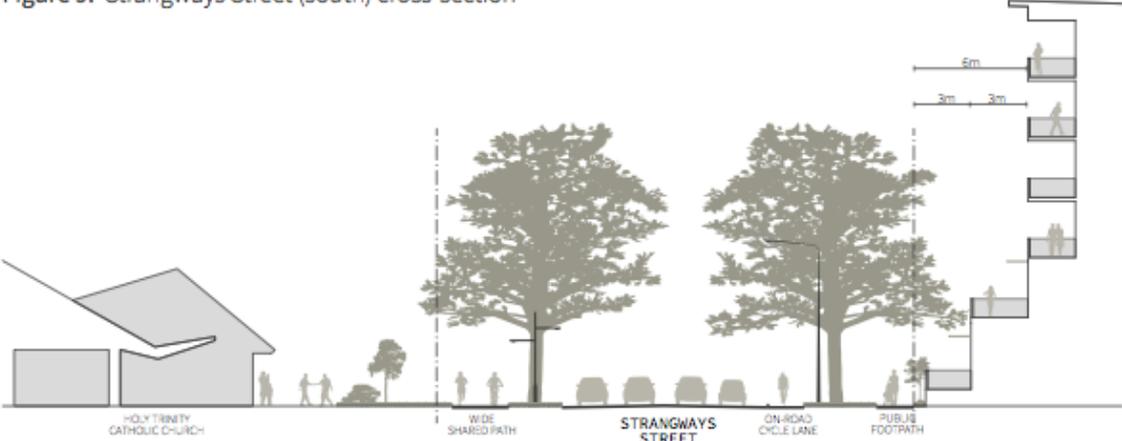
New street trees and improved pedestrian amenity on Strangways Street are part of the upgrades to the public domain recommended in the Curtin Group Centre Master Plan – see Map 25, page 78.

The response in the Consultation Report for Draft Variation 363 to public submissions about building setbacks on Strangways Street was:

Strangways Street has a verge of approximately 6 metres in width. This space is considered sufficient for tree planting and a footpath. A zero metre setback is only permitted for commercial uses that are consistent with commercial street character.

The cross-section of Strangways Street in Figure 9 on page 66 of the Curtin Group Centre Master Plan shows that a 3 metre setback for buildings is essential to enable planting of large canopy shade trees (those with a canopy diameter of 8 to 12 metres or more) with the existing road verge of approximately 6 metres.

Figure 9: Strangways Street (south) cross-section



Strangways Street cross-section (page 66, Curtin Group Centre Master Plan). This cross-section is in the area where the setback for commercial buildings should be 3 metres rather than the 0 metres in the recommended draft variation.

A setback that allows planting of large canopy shade trees would provide a consistent streetscape along the length of Strangways Street; help ameliorate the heat island effect in the Group Centre, which will be of increasing concern with climate change, and be consistent with Canberra’s Living Infrastructure Plan: Cooling the City, which is a component of the ACT’s climate change strategy. A setback of 3 metres is not inconsistent with commercial uses.

Consequently, all buildings in the area ‘C1’ in Figure 3 of the recommended version of the Curtin Precinct Code should have a 3 metre setback, irrespective of whether the use is residential or commercial.

R14(a) in the recommended version of the Curtin Precinct Code should be changed by deleting section (ii).

Figure 3 in the recommended version of the Curtin Precinct Code should be changed by removing the dotted line that indicates “0m setback permitted for commercial uses from block boundary at ground level”.

The Standing Committee should note that the treatment of building setbacks on Strangways Street in the recommended version of the Curtin Precinct Code illustrates where excellent planning for the public domain at the Master Plan level has not been translated into the codes of the Territory Plan. More weight should be given to the development of the public domain when the Territory Plan is being formulated.