

Griffith/Narrabundah Community Association Inc.

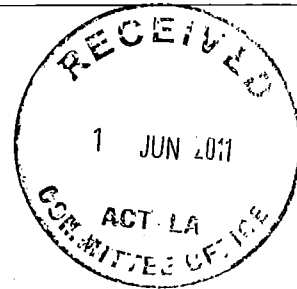
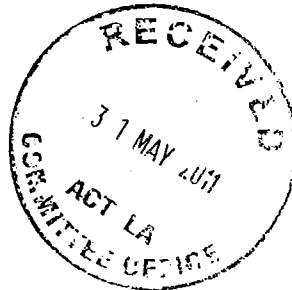
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5 April 2011

Ms Mary Porter AM
Member for Ginninderra
ACT Legislative Assembly
GPO Box 1020
Canberra
ACT 2601



Dear Ms Porter

Brumbies' proposal to rezone Block 15 Section 42 Griffith from CZ6 to RZ4: Draft Variation 307 to the Territory Plan

I wrote to you on two occasions last year regarding an important planning matter that may come before the Legislative Assembly; namely, the Brumbies' proposal that zoning changes be made to Griffith Section 42 to allow a major redevelopment project to go forward.

As you would be aware, ACTPLA decided not to proceed with the part of the proposal relating to the Griffith Oval but has put forward a Draft Variation (No 307) to the Territory Plan that would change the zoning of Block 15 (the site of the Brumbies headquarters and a former bowling club) from Leisure and Accommodation CZ6 to Medium Density Residential RZ4. The Brumbies propose to construct a three storey apartment complex with 150 units on the bowling club site.

Our Association is totally opposed to this proposal and has lodged a submission with ACTPLA setting out the many reasons why DV 307 should be rejected. I am enclosing a copy of our submission so that you are fully informed of our position.

Now that the consultation period for DV 307 has closed and that submissions have been made public, it is clear that the strong concerns held about this proposal are by no means limited to our Association but are widespread in the community. Those objecting include the Inner South Canberra Community Council and the National Trust.

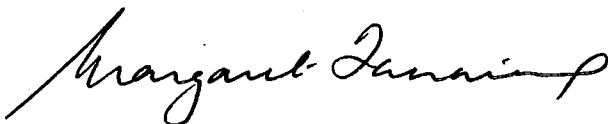
You will be interested to learn that 116 submissions have been lodged on the matter. Of these, the overwhelming majority - 112 - were opposed to the Draft Variation and only three were in support. The remaining submission supported the rezoning proposal but was opposed to the Brumbies profiting from the redevelopment.

In general there is a strong view that none of the arguments put forward by ACTPLA for the rezoning stand up to scrutiny. Further, there are other important reasons why the proposed rezoning is unacceptable. In brief:

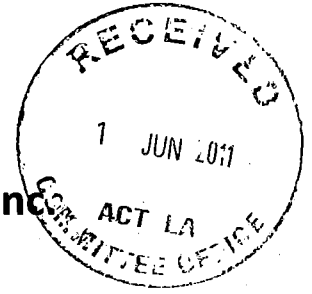
- The proposed rezoning breaches government undertakings that zoning for multi-unit developments will be restricted to areas which are either within 200-300 metres of local or group centres, or adjacent to major arterial roads and major transport routes
- It would enable "spot rezoning" which if allowed to proceed would establish an extremely undesirable precedent for other areas in Canberra currently zoned RZ1, especially in the Inner South and Inner North
- It would seriously detract from the garden city character of the neighbourhood
- The proposed development, adjacent to the Griffith Oval heritage site, has the potential, as the National Trust has pointed out, to adversely affect features intrinsic to the Oval's heritage significance including the potential loss of some of the perimeter trees and the impact of a three storey building on the currently uncompromised visual landscape
- It would destroy the integrity of the highly significant area that Lindsay Pryor called "Griffith Park"
- The site is inappropriate for residential development because of the risk of flooding
- Many trees would be removed, a number of them on public Urban Open Space
- There would be significant adverse impacts on traffic flows and congestion in nearby streets
- The proposal involves inappropriate use of Concessional Lease land
- Land designated for sport, recreation leisure and other community purposes should be retained for the community's use and not rezoned for medium density residential infill; the proponents have failed to adequately explore alternative options for these sorts of community use.

In view of the importance of these issues, we would welcome the opportunity to discuss the matter with you. I can be contacted on 6295 0997.

Yours sincerely



Margaret Fanning
President



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14 March 2011

Manager, Development Policy Section

ACT Planning and Land Authority

GPO Box 1908

Canberra ACT 2601

Objections to DV 307: proposal to rezone

Block 15 Section 42, Griffith from CZ6 to RZ4

Dear Sir,

Please find enclosed the submission of the Griffith /Narrabundah Community Association rejecting the proposed re-zoning of Block 15 Section 42, Griffith from CZ6 to RZ4.

Yours sincerely

Jonathan Mandl

Vice President

Griffith/ Narrabundah Community Association Submission

Objections to DV 307: proposal to rezone Block 15 Section 42, Griffith from CZ6 to RZ4

Executive Summary

The proposal to rezone Block 15 as RZ4 breaches Government undertakings that zoning for multi unit developments would be restricted to areas which are either within 200-300 metres of local or group centres, or adjacent to major arterial roads and major transport routes: The Garden City Variation was based on this principle, which aims to ensure that urban intensification through multi unit development is restricted appropriately.

Block 15 is not within 200-300 metres of local or group centres, or adjacent to major arterial roads and major transport routes On the contrary, it is surrounded by RZ1 residential areas, including the Heritage registered Blandfordia 5, as well as Urban Open Space, part of which is also heritage-listed. In addition, it is at least 700 metres from the Manuka shopping centre, which is not classified as a group centre. This proposal enables "spot rezoning" and if allowed to proceed, it would establish an extremely undesirable precedent for all areas currently zoned RZ1.

RZ4 development would seriously detract from the garden city character of the neighbourhood: The area is in one of the older residential areas of Canberra and is noted for its garden city character. Recently the ACT Government set up information displays in and around Manuka which showcase the area as a prime example of the Garden City ideal. This status would be undermined by the type of development that is possible in a RZ4 zone. The proposed large-scale, three-story (plus attic and basement) development with up to 150 units is completely out of character with the Garden City.

The proposed development would destroy the integrity of the highly significant area that Lindsay Pryor called "Griffith Park": The renowned landscape architect, Lindsay Pryor, considered that there were four particularly notable achievements in Canberra, and that "Griffith Park" was one of the four. He defined "Griffith Park" as the entire wedge between Flinders Way, Austin Street and Captain Cook Crescent. In 2010, there was some recognition of this significance with the Heritage listing of Block 17, which abuts Block 15.

The site is inappropriate for residential development because of the risk of injury or death due to flooding: The potential for serious flooding in the area is significant. The area is part of a major linked storm water management and floodwater retention system that runs from Red Hill to Lake Burley Griffin. Block 15 is adjacent to the Flinders floodway, and a large part of the site is actually in a floodplain. The northern boundary of Block 15 is only a short distance from the area where a young girl was recently sucked into an underground pipe and was lucky not to have been drowned. If the type of development that is being proposed were to proceed, it is likely that the potential for flooding would be increased. The large area of new hard surface would result in significant additional run-off, which would add to the volume of water. That increased run-off would be aggravated by the displacement factor caused by the building mass of the new apartment complex and the associated land-filling. It is foolhardy, and a compromise of public safety, to even consider it for any sort of residential development, especially since the Brumbies Planning Report admits that a 1 in 100 year flood would inundate a large part of the site.

Inappropriate use of Concessional Lease land: The site was originally subject to a concessional lease for the purpose of running a bowling club. Such leases were issued in recognition of the community's need for areas for sport and recreation and for various other community activities. If the Brumbies no longer have a need for this land for its original purpose, it should be returned to the Territory and made available to others for community use according to the terms of its lease. It is inappropriate for land subject to concessional leases to be sold off by the lessee to private interests in order to generate substantial profit and a future income stream.

Land designated for use by the community for sport, recreation, leisure, or other such community purposes should be retained for the community's use and not rezoned for medium density residential infill: The retention of land for community use is particularly important in the Inner South because of ongoing residential densification. Future significant increases in the population of the Inner South particularly in the Kingston, Griffith and Narrabundah area means that there will be a growing need for land for community purposes. Once community recreation land has been rezoned for residential purposes, it is lost forever. However, there is increasing recognition that increased urban density demands more green, public open space, not less.

The proponents have failed to adequately explore alternative options for the future use of Block 15: The proposal asserts that the uses permitted under the current zoning are unlikely to be developed in the near future. However, there is a large variety of sport and recreation activities, both indoor and outdoor, for which it would appear to be very well-suited. These have not been considered in any

meaningful way. If the block is to be rezoned, priority should be given to using it for community purposes.

The “increasing housing choice” and “options for downsizing” arguments are inaccurate: The proposal implies that there is not a diverse range of choice of housing types in the Griffith area, and that there are currently not many options for people wishing to “downsize”. In fact, the proportion of town houses, flats and apartments in Griffith and Kingston is well over 50 per cent of all dwellings, with many new flat and apartment developments already foreshadowed. Most of the new development consists of blocks of apartments, which are not often the choice for “downsizers”. Rather more townhouses and dual occupancy dwellings are needed.

The population argument made by the Government for changing the zoning to RZ4 is false: The proposal asserts that the rezoning is needed to offset the “population decline in south Canberra”. This is incorrect and is contradicted in the proposal itself:

“The population of South Canberra peaked in the mid 1960s at over 29,000. By 1986 as a result of population ageing it had fallen to under 21,000. As a result of redevelopment activity particularly in Griffith and Kingston the population of the district gradually began to increase reaching 22,700 in 1996. Primarily as a result of the development of Kingston Foreshore and redevelopments in other suburbs, particularly Barton, the population increased to 23,500 in 2006 and at June 2009 was estimated by the Australian Bureau of Statistics to have reached 26,000.”

The population in South Canberra is projected to continue to increase steadily in the coming years (see *ACT Populations Projection for Suburbs and Districts 2007 to 2019*, ACT Chief Minister's Department, June 2009).

46 trees would be removed, a number of them on public Urban Open Space: The Brumbies Planning Report states that 46 of the 167 assessed trees on the Block would be destroyed. These, include trees which meet the criteria to be classified as regulated. Some of the trees that would be removed are part of Block 16, which is zoned Urban Open Space.

The proposed development would have a significant adverse impact on traffic flows and lead to congestion in nearby streets: The proposed 150 unit development would generate significant additional traffic flows and add to traffic congestion in the area, particularly at peak traffic times. The Brumbies Planning Report says that in 2009, the traffic flows in both Flinders Way and Austin Street were already above the levels specified in the Residential Subdivision Development Code. Since then, traffic volumes have increased, so the proponent's assertion that

the proposed development “will not have any significant impact on the surrounding road network” lacks credibility.

The proposal is inconsistent with an objective of the *Territory Plan*: one of the objectives of RZ4 zoning is to “ensure development respects and contributes to the neighbourhood and landscape character of residential areas whilst carefully managing change in suitable locations.” This proposal does not respect and contribute to the neighbourhood or the landscape character of residential areas.

The proposal is inconsistent with the *Griffith Neighbourhood Plan*: One of the strategies is to “maintain and enhance physical facilities for community-based activities” [emphasis added]. The Brumbies proposed residential development would clearly reduce physical facilities for community-based activities.

Inconsistency with good planning principles: There is little evidence in the documentation available that the Government has undertaken an evaluation that would justify support of the Brumbies’ proposal. This proposal has not been driven by the community’s needs, but has been initiated by ACT and Southern NSW Rugby Union (Brumbies Rugby), who seek a potential financial return from redevelopment of the site.

Griffith Narrabundah Community Association Submission

Objections to DV 307: proposal to rezone Block 15 Section 42, Griffith from CZ6 to RZ4

Genesis of Draft Variation 307

Draft Variation 307 is founded on the premise of solving a financial situation for Brumbies Rugby.

At a meeting of the Assembly Standing Committee on Planning, Public Works and Municipal Services on 24 November 2009, the Minister for Planning, Andrew Barr, said:

"The history of the Brumbies has very much been a year-to-year proposition in terms of their financial viability.... My view is that there is a limit to the amount of direct, off-budget ACT Government sponsorship that can be made available to national league teams... There is a range of ways that I believe the people of Canberra get a direct benefit from the Government's support of the Brumbies.... Then, of course, there are all of the intangible benefits that come from having successful sporting teams in international competitions".

"I have indicated, as planning minister principally, a willingness to examine the proposals that they have put forward...The formal process would involve a Territory Plan Variation...The rationale for it would be to provide the financial underpinnings for the Brumbies operations into the future and to enhance their training facilities".

The Chief Minister indicated his support for the Brumbies proposal on talk-back radio in 2009 (ABC666 11 December 2009) and again in the Canberra Times in 2010 (22 January 2010).

When the first Draft Variation proposal was rejected on heritage grounds, the Brumbies were asked whether the Club wished to consider making an application for approval of a Territory Plan Variation covering Block 15 alone. The objective was to have the land rezoned from commercial CZ6 leisure and accommodation to RZ4 medium density residential, in order to facilitate the sale of the land to a developer. The proceeds could then be used to fund the re-establishment of the Club's headquarters and training facilities elsewhere. The proposal for Draft Variation 307 is the outcome.

The stated intention of Draft Variation 307 is to change the zoning of Block 15 from Commercial CZ6 Leisure & Accommodation to Residential RZ4 Medium Density Residential, which would enable medium density housing development of up to three storeys, plus attic and basement levels.

The intention is that Brumbies Rugby vacate the subject land, along with its training operations on Griffith Oval, and move to alternative premises elsewhere in Canberra. The Club would then be able to use the profits from the rezoning and sale of Block 15 to enhance its financial situation.

Whereas, the focus of a draft variation is a zoning change that should address issues such as roads and public transport, infrastructure provision, availability of public open space, and centres hierarchy. It should also encompass social and economic impacts, environmental impacts, population forecasts and urban development programs. ACTPLA, in section 2.4 of the Draft Variation Consultation Notice, provides only limited justification for a Variation.

The Draft Variation document simply states that: *"the reasons for the proposed zoning are presented in detail in the planning report and are summarised as follows"*. It would seem, then, that the reasons specified in the Brumbies Rugby Planning Report have been adopted by ACTPLA, without the analytical rigour which may be expected from a statutory authority. The public, therefore, has no way of knowing whether all or parts of the Brumbies Planning Report constitute a formal and statutory view by ACTPLA.

ACTPLA does, however, state that the proposal is consistent with the Territory Plan's Statement of Strategic Directions, as well as with the key principles of the Canberra Spatial Plan—assertions which are tenuous, and which will be examined in more detail below under **Planning Context**.

Reasons for the proposed Draft Variation

In Section 2.4 of the Draft Variation document, ACTPLA outlines 7 **key** reasons for rezoning. These are discussed below:

Reason 1 **The site is well proportioned and of sufficient size to accommodate medium density residential redevelopment**

Reason 2 **The site is separated from surrounding low density residential areas by Austin Street to the south and open space area to the north**

The effect of DV307 is to transform Block 15 into a 'spot zoning' by excising it from Section 42, which is administratively designated by TAMS as 'district recreation grounds'.

Spot zoning is antithetical to sound town-planning practice, because it detaches an area of land from its spatial context and evaluates it, in this instance, in terms of a re-zoning feasibility study without any regard for its adjoining land and infrastructure connections. In practice, this ensures that adverse physical, economic and social impacts on the rest of Section 42 and adjoining residential and nearby commercial areas will not be properly taken into account. Because Section 42 is a district-scale public recreation area, there are implications for the whole of South Canberra, which is its user catchment.

Section 42 is bound on each of its four sides by local streets, a planning practice that was first specified for Canberra by the Federal Capital Advisory Committee in the early 1920's, under its chairman Sir John Sulman, a famous advocate of 'garden city' planning principles. The insertion of a multi-unit housing development on Block 15 would break down this 'island' effect to the certain destruction of the societal, ecological and landscape character of Section 42 as a whole.

Block 15 is in one of the older residential areas of Canberra, which is noted for its 'garden city' character. It is adjacent to Blandfordia 5, which was developed on Garden City Planning principles introduced from England in 1925 by Walter Burley Griffin. Its heritage value would be adversely affected by the imposition of a multi-unit development of such mass and height, which would be completely out of scale with the existing dwellings.

The Blandfordia 5 precinct has a number of heritage listed features and amenities and The National Trust describes the area in the following terms:

This form of planning was aimed at creating a pleasant social character of urban living. Curvilinear street layouts often following the natural contours, planned siting of reserves, creation of space, tree plantings, and hedge plantings, visual recognition of the natural landscape, and a consistency in the form and style of housing were all principles in this type of planning. The houses were mainly separated and single storeyed within spacious yards. Their architectural styles borrowed from overseas including Spanish, Dutch, Californian and elements of the English Arts and Crafts Movement.

The Brumbies development proposal would seriously compromise this aesthetic. In addition, the ACT Government has recently set up information displays in and around Manuka which showcase this area as a prime example of the Garden City ideal. This aesthetic would clearly be undermined by the type of development that is possible in a RZ4 zone. The proposed large scale, three story (plus attic and

basement) development, with up to 150 units, is completely out of character with the Garden City.

Section 42 forms part of a continuous open space and natural drainage system that rises in the foothills of the Red Hill ridge. It descends by way of the Boys Grammar School playing fields to a series of smaller parks and sports grounds, through Flinders Park, the Griffith Ovals, Captain Cook Park, Manuka Oval and Telopea Park and then on into the Lake's east basin.

This open space network is the epitome of one of Griffin's fundamental principles. Indeed it is more than just open space. It is a vital flood management strategy which has been cleverly designed to combine the practical needs of flood retention with an aesthetic of open space and recreational opportunities.

Reason 3: The current zoning of the site primarily reflects a former use that has not operated on the site in three years. The uses permitted in the commercial CZ6 leisure and accommodation zone are unlikely to be developed on the site in the future.

Reason 4 Many of the uses permitted in the commercial CZ6 leisure and accommodation zone are permitted in other commercial zones and are more appropriately undertaken in commercial centres rather than in an established residential neighbourhood.

It would seem that ACTPLA regards restricted public open space which is administered under a concessional lease as though it is not really public land, and is potentially available for rezoning and subsequent housing or commercial development. That such leaseholders are entitled to seek privatisation, rezoning and urban development on land 'as of right' is incorrect and unworkable. The exercise of such supposed rights is being made possible by ACTPLA's and the Government's adoption of 'spot zoning' as a device to legitimise adverse impacts on adjoining property owners. This would otherwise be prevented by statutory regulations under the planning Act.

In considering zoning changes, ACTPLA, as the responsible authority under the Planning and Development Act 2007, is required *inter alia* to consider whether the current zoning is the most appropriate use of the land. Since ACTPLA has relied on the Brumbies Planning Report as the basis for DV307, this has clearly not been done. No supporting evidence has been provided to demonstrate a rigorous assessment of the issues.

The Brumbies Planning Report does not address future recreation needs. The Report simply runs through the various permissible uses under the current CZ6 Commercial (Leisure and Accommodation) zoning, and categorically dismisses them as unlikely to be commercially feasible.

According to further documents obtained by the Griffith Narrabundah Community Association as a result of a Freedom of Information application, these issues were raised by ACTPLA in relation to the Brumbies first application. On 6 April 2010, ACTPLA wrote to the Brumbies CEO seeking clarification of deficiencies in its submitted Planning Report. ACT Sport and Recreation within TAMS, as the custodian of Section 42, requested information on the likely impacts for other recreational uses in light of the proposed changes to Block 15 and 17, as well as the likely impacts on the Captain Cook Park children's playground facilities.

The Brumbies Planning Report acknowledges that the demand for recreation facilities in South Canberra is 'high'. In its comments to ACTPLA concerning deficiencies in the Report, TAMS (Sports and Recreation as custodian) has asked repeatedly for an investigation into the likely future demand for active outdoor recreation facilities in South Canberra. The Brumbies have not responded. (Document obtained under Freedom of Information: September 2010).

The Scoping Study required a comprehensive analysis of possible impacts on recreational users across all classes of recreation zones in the surrounding suburbs. However, it would seem that no consultation with key stakeholders—for instance, sporting groups and other recreational users—was undertaken.

According to TAMS, a proper analysis of impacts might include a survey of current user characteristics, detailing whether they are formal, informal, active or passive. It might also include projections of population increase/decrease in nearby suburbs. It would take into account the likely future recreation needs of each group, as well as the likely impact of introducing dogs off-leash areas. It would also assess the availability of other areas of open space providing a similar recreation experience in South Canberra.

If the Brumbies vacate the existing headquarters and training facilities on Section 42 for alternative facilities in Canberra or interstate, and Block 15 reverts to the Territory in accordance with the terms of the lease, then the site can be redeveloped for other community and recreational needs.

Reason 5 The site is well located close to commercial and employment centres at Manuka, Kingston and Civic and close to public transport along Captain Cook Crescent

This does not justify the rezoning proposal. The same reasons could be given to a redevelopment of the site for community recreation and leisure, within the current zoning.

Reason 6 The proposal will increase housing choice in the Griffith/Forrest area without directly affecting existing single dwelling housing.

A justification for this is briefly given on page 7 of the DV307 proposal:

The RZ4 medium density residential zone permits a broad range of housing types. This presents an opportunity for redevelopment of the site to meet housing needs of existing residents in South Canberra which would provide an opportunity for existing residents to down-size into appropriate accommodation without having to relocate from the area.

In fact, the development proposal shown in the Brumbies Planning Report comprises a three-storey development amounting to upwards of 150 units with an average floor area of 90sqm. This indicates there would be a large proportion of one and two bedroom units.

Housing projects currently planned for Griffith, Forrest and Kingston include:

- Stuart Flats redevelopment, diagonally opposite Section 42, most likely as a joint public/private venture by ACT Housing. Under current Territory Plan regulations, there would be a capacity of 250-300 units, or 400-500 residents
- St Christopher's Church special needs housing and office accommodation—about 120 units
- Former Telopea Park Motor Inn site—58 units (only three 3BR)
- Fraser Court site, Kingston, under construction, RZ5—240 units.
- Kingston Foreshore project, ongoing
- Eastlakes project, with some prospects for mandatory terrace and town housing.

In other words, well over 1,000 residential units will be built in Griffith and adjoining suburbs in the next 5-10 years or so. Unless ACTPLA specifies the proportion of one, two and three bedroom sizes, as well as town house and terrace housing alternatives, then

developer-driven one and two bedroom units will continue to prevail. This reflects investor, rather than social, preferences.

Rather, there is a more pressing need for town houses and medium density cluster development to accommodate the aging demographic. Few of these are being supplied by the housing and development industry.

In its assessment of the Brumbies Planning Report, obtained under Freedom of Information., ACTPLA staff expressed some scepticism that the case for RZ4 development

...is made in part to enable the ageing population to downsize, however, there is nothing to indicate the development will increase the proportion of adaptable dwelling units.

And again:

Reading between the lines (could comprise 150 units) it is likely that any apartment development, particularly given the dimensions of Block 15, will yield only smaller size dwellings (1-2 Bedrooms) couched for the investment market rather than for the owner-occupier family market

Reason 7 The proposal will further assist in offsetting population decline in South Canberra.

This is a furphy. The population is not declining, as indicated in the DV307 proposal document on p.7. Under the heading, 'Population Change', the numbers and graph show that since 1986 there has been a steady increase, from a low of around 21,000 to 26,000 by June 2009 (as estimated by the Australian Bureau of Statistics). Significantly, Kingston and Griffith are actually the two most active population growth areas in Canberra.

Population projections for the period 2007-2019, published by the Chief Minister's Department in June 2009, indicate a marked increase in the rate of growth during the next ten years, as East Lake urban renewal comes on stream and Kingston Foreshore maintains a steady output of new housing. By 2022, South Canberra's population is estimated to reach 40,000. It is likely that these projections do not take into account the redevelopment of Stuart Flats, as well as smaller scale intensification projects in Kingston, Griffith and Forrest, and are therefore conservative.

The obvious implication of these numbers is that there is likely to be a marked growth in demand for recreation facilities in South Canberra generally, and for Section 42 in particular. These facilities are essential to accommodate district-scale outdoor team sports, for which conveniently situated sites are already at a premium.

Planning context

The proposal is inconsistent with the Territory Plan and the Spatial Plan

The Draft Variation document claims consistency with the Territory Plan and the Spatial Plan. This is selective and misleading.

For example, Principle 2.10 in the Territory Plan's Statement of Strategic Directions states that:

adequate provision of open space throughout the Territory will remain a high priority. Open space will be planned and carefully maintained as an integrated, hierarchical system that provides for a diversity of sport and recreation activities, is cost effective to maintain and assists in the effective management of storm water.

Block 15 and Section 42 as a whole already meet this objective precisely. The proposed development would destroy the existing system by removing and altering the open space and undermining the flood management system.

The stated objective of the Garden City Variation (DV302) is to confine urban intensification to specific areas near town and local centres, thereby protecting the 'garden city' built form of suburban areas, such as Griffith, from intensification pressures.

The Draft Variation is inconsistent with one of the important objectives of RZ4 zoning, which is to:

ensure development respects and contributes to the neighbourhood and landscape character of residential areas whilst carefully managing change in suitable locations.

The proposed development does not respect and contribute to the neighbourhood or the landscape character of this residential area.

DV307 also conflicts with the provisions of the Canberra Spatial Plan. DV307 refers to a key principle as being:

Higher density residential development will be located on major centrally located urban renewal sites.

Block 15 is not "a major centrally located urban renewal site". Infill is not warranted. Significantly, the term 'Infill' is defined in the Spatial Plan as:

The construction of new buildings on previously undeveloped sites but not on public open space.

The proposal ignores the risk of a development on flood-prone land

DV307 totally ignores the issue of the floodway and flood plain, which is integral to Section 42.

The site is inappropriate for residential development, because of the risk of injury or death due to flooding. The potential for serious flooding is significant, as the area is part of a major linked storm water management and floodwater retention system running from Red Hill to Lake Burley Griffin.

Block 15 is adjacent to the Flinders floodway, and a large part of the site is in a floodplain. The northern boundary of Block 15 is only a short distance from the area where a young girl was recently sucked into an underground pipe and was lucky to survive.

If the proposed development were allowed to proceed, it is likely that the potential for flooding would increase significantly. The large area of new hard surface would result in significant additional run-off, increasing the overall volume of water. The building mass of the proposed apartment complex, along with the associated land-filling, would aggravate the increased run-off. It would be foolhardy and a compromise of public safety to even consider this area for any sort of residential development.

The Brumbies Planning Report admits that a 1 in 100 year flood would inundate a large part of the site. Recent events in Australia show that those 1 in 100 year floods do occur and with devastating consequences.

The proposed development would have a significant adverse impact on traffic flows

The proposed 150 unit development would generate significant additional traffic flows and add to traffic congestion in the area, particularly at peak traffic times. The

Brumbies Planning Report says that in 2009, the traffic flows in both Flinders Way and Austin Street were already above the levels specified in the Residential Subdivision Development Code. Since then, traffic volumes have increased, so the proponent's assertion that the proposed development "will not have any significant impact on the surrounding road network" lacks credibility.

The proposal is inconsistent with the *Griffith Neighbourhood Plan*

One of the general strategies in the Griffith Neighbourhood Plan is to "maintain and enhance physical facilities for community-based activities" [emphasis added]. The Brumbies proposed residential development would clearly reduce physical facilities for community-based activities.

DV307 has not been driven by the community's needs, but has instead been initiated by Brumbies Rugby, who seek a financial return from redevelopment of the site. There is little evidence in the documentation available that the ACTPLA has undertaken an evaluation that would justify support of the Brumbies' proposal.

DV307 proposes inappropriate use of Concessional Lease land

The site was originally subject to a concessional lease for the purpose of running a bowling club. Such leases were issued in recognition of the community's need for areas for sport and recreation and other community activities. If the Brumbies no longer have a need for this land, it should be returned to the Territory and made available to the community, in line with the original intention of the lease.

It is inappropriate for land subject to concessional leases to be sold off by the lessee to private interests for the purpose of generating substantial profit and a future income stream. If the Government believes that Brumbies Rugby warrants financial assistance, the appropriate course is to extend it in a transparent way through the budget.

The proposal to rezone Block 15 as RZ4 breaches Government undertakings

The proposal is a breach of the undertaking that zoning 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. Block 15 does not fall into either of these categories. On the contrary, it is surrounded by RZ1 residential areas, Heritage areas and Urban Open Space, and is at least 700 metres from the Manuka local centre. If this "spot rezoning" were allowed to go ahead, it would not

only be unjustified; it would establish an undesirable precedent for all areas currently zoned RZ1.

Consultation with Government agencies

Both the Conservator of Flora and Fauna and the Heritage Council expressed concerns regarding the preservation of trees on the site, including the trees bordering the Oval on the shared boundary with the Heritage area.

ACTPLA assessments indicate reservations

Documents obtained under Freedom of information indicate that ACTPLA professional staff have routinely expressed reservations about the accuracy and reliability of the Brumbies Planning Report.

Summary of FOI documents

- Further information is required, but has not been forthcoming on how development on Section 42 sites would impact on adjacent RZ1 areas.
- How does RZ4 development relate to the character and streetscape of the surrounding residential area?
- Block 15 comprises greens and a bowling club. Though owned by the Proponent, it is still subject to the terms of the Leisure and Accommodation zoning. Presumably applied because of the bowling club operation (and tending to diminish the fact of the outdoor recreation component of the site).
- Reading between the lines (of the Planning Report) it is likely that any apartment development, particularly given the dimensions of Block 15, will yield only smaller sized dwellings couched for the investment market rather than for the owner-occupier family market.
- The Planning Report has consistently failed to examine the potential to redevelop the club site for alternative uses, such as residential care/supportive housing.
- The Griffith Neighbourhood Plan states that housing intensity should occur in strategic locations that do not include the subject land.
- The Planning Report concedes that the need for 'outdoor recreation' is high.
- A series of images and statements pepper the Planning Report indicating that the public infrastructure of the park is in decay...that could render its surrender to private redevelopment desirable. The fundamental solution is to improve the infrastructure, not extinguish its public function and features.
- The Block 15 proposals will result in a large amount of land that is owned and used by the community being transferred to private use. It is not clear in the Report what the direct benefit to the public will be, given it is not a direct sale of the site.

- A review of the Griffith Neighbourhood Plan would be unlikely to greatly alter the provisions for open space that are a finite resource in established suburbs arising from renewal and increased densities in some locations.

Conclusion

There is no justification for the proposed zoning change. No substantial arguments have been presented by ACTPLA. There are no tangible benefits for the Griffith and Inner South community in the development, rather great losses.

The issues raised in this Submission are not confined to the Inner South. They are Canberra-wide. If DV307 were to be approved, it would legitimise two precedents:

- any sites that are designated in the Territory Plan as 'parks, recreation or leisure' zones would be susceptible to the same fate as Block 15, Griffith.
- any sites that are in proximity to an RZ2 Suburban Core Zone, established as a result of the Garden City Variation, would be vulnerable to rezoning on urban intensification grounds—despite such rezoning being a contravention of both Territory Plan and Canberra Spatial Plan strategic directions.

