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To the Secretary of the Committee, after her e mail to the writer of 17 March 2009
Submission under advised parliamentary privilege to the ACT Legislative Assembly Planning Committee.

By Jack Kershaw FRAIA

26 March 2009.
Subject: Draft Variation to the Territory Plan 288 (Former Burnie Court site, Lyons, ACT).

It is unnecessary and undesirable to vary the Territory Plan for the former Burnie Court site.

The existing Territory Plan limits development there to three storeys (permitting some, or all medium density development). A Possible Outcomes Drawing with Indicative Built Form was prepared for the site by LFA (Lester Firth Associates) in 2001 (see page 22 of the November 2007 dhcs/act-Hindmarsh-CBRE "Planning Study"). Not all building proposed in the LFA plan were three storeyed.

To the east of Melrose Drive is the intensely developed Woden Town Centre, with a mixture of commercial uses in mostly high-rise formats, with the potential for more residential use in similar height buildings.

To the west are the sylvan low-rise residential suburbs ranging from a three-storey limit along Melrose Drive to normal predominantly single-storey houses in the body of the suburbs.

Variation 288 seeks to create a belt of 4-6-10 storey buildings along the edge of Melrose Drive, changing it to a quasi-Parisian style avenue, slicing, canyon like, through higher rise buildings.

However, Melrose Drive was not designed as such an avenue.

It is a major through/distributor road, very effectively defining in a time honoured and familiar way, the western border of the Woden Town Centre, that is also the eastern edge of the adjoining suburbs of Lyons and Chifley. This allows the town centre and the suburbs to maintain their separate

identities - an important characteristic of the whole Woden Valley urban expression, that needs to be preserved as part of Canberra's unique multi town arrangement, in which each of the towns possesses its own individual style reflecting the period in which it was designed and built.

The creep of higher rise development into suburban areas is pernicious and very undesirable, for a range of amenity, equity, energy, infrastructure, and environmental reasons.

Municipal governments covering central business districts containing high-rise buildings (other than in resort cities), across Australia, have realised that high rise residential uses are best located right in those CBD's themselves, either as new structures or converted office blocks, and not in adjacent suburban areas.

Woden's massive Sky Plaza high rise residential development is an example of that, albeit, many say, an incongruously detached and ugly (at least from the south) one. Ironically Hindmarsh's proposed Woden Green, in Phillip, just to the east of Woden Town Centre South, completely misses the point on two counts in that regard, related to DV 288, by combining new high-rise commercial development with low-rise residential, to the inevitable disadvantage of both; and by destroying the integrity of the extant town centre eastern boundary.

DV 288 is substantially based on the above mentioned "Planning Report", consisting of some 72 pages, plus some apparently important pages unavailable on the web site, prepared by CB Richard Ellis, whose core business is as a real estate agent, with the input of "expert consultants" not named in the report. CBRE also does not provide its own professional qualifications, if any, in the report. Builder/developer cum retirement village manager and (self-proclaimed) expert, Hindmarsh, and the ACT Department of Housing also append their names to the report.

As the Committee would know, the original Burnie Court complex was demolished around 2000, apparently in response to Housing and Social Services' difficulty or reluctance in resolving social issues there, and the predominance of one-bedroom flats. Like the buildings of the former Royal Canberra Hospital, this was a shocking waste of good building stock and embodied energy, capable of sensible, attractive and sustainable refurbishment. Housing has repeated the travesty by recently demolishing the fine but unfairly maligned Fraser Court complex in Kingston, and is apparently threatening The Causeway houses.

Officers at Housing apparently have a brief from the ACT Treasury or the Land Development Agency to drive up and realise the subject land values, through (often illusionary) images of "prestige" housing. Irresponsibly, those officers apparently turn to the property "industry" for advice, not the wide professional resources of ACTPLA, and find themselves close to a dangerous underbelly. Haven't we learned anything from the NSW ICAC cases of the 1980's?

If the Housing Commissioner, the "owner" of the Burnie Court site, isn't going to have a major involvement in the redevelopment, and that is clearly the case

with just 12 or so Housing units in the scheme, then the subject land should have been, and should now be handed over to ACTPLA for appropriate, responsible, open redevelopment.

The process in which a private-sector entity (Hindmarsh) became a partner of Housing and then the "preferred tenderer" for the development needs to be fully and publicly explained, along with any associated commercial payments or arrangements, if any, to or with anybody.

In any case, the raw land not currently being developed must be returned to government for direct release to future owner-occupiers for the reasons explained below.

The proponents' Design Report seems to be driven by a subjective dislike of the 2001 LFA indicative plan for the site, despite the clear success of similar developments at Swinger Hill, to the immediate south of Woden Town Centre, Urambi Village in Kambah, and Wybalena Grove in Cook. In the latter two examples, potential owner-occupiers were apparently empowered early on to have input into the development design, with successful and beneficial long term outcomes. Hopefully, these days, more attention would be given to energy matters, such as passive solar design, on site water management, and solar energy collection.

In the first dot point on Page 2, the Design Report confuses density with site coverage in criticising the 2001 LFA Plan or similar. In the latter (medium density) arrangement, the open spaces can be far better and more safely integrated into the lifestyle of the occupants with less overshadowing and overlooking than is the case of the larger, less distinct open spaces left over after siting the proposed higher rise structures (a case of SLOAP - space left over after planning).

The proponents' claim that their plan, that found its way into DV 288, offers a wider choice of housing. And yet it is well known that the medium density (3 storeys maximum) format better includes opportunities for the design and development of a very wide range of dwelling types, offering a sense of community, and privacy, as well as convenience, outlook and solar access.

The DV 288 arrangement would invariably precipitate more anti-social behaviour because of the difficult-to supervise, unfriendly, cryptic, "un-owned" public open and indoor spaces. No detailed independent study of these effects is contained in the proponents' Planning Report - an outrageous situation given the involvement of act-dhcs, and the problems allowed to erupt at the original Burnie Court.

Notably, medium density is less costly to build. In contrast, the extra cost and complexity of construction embedded in the proponents' construction driven scheme, yields the opportunity for more construction profit - to be passed on to the hapless occupiers, along with the development profit and higher on costs.

On a wider but related issue, more active war babies (like my wife and I), baby

boomers, and other likely participants might be interested in moving into multi-dwelling complexes like the new Burnie Court, if they had more direct involvement in the scale, design, and delivery of their new habitats.

Instead, depressingly, we continue to see transient retail developers (worse still, builder-developers) and property consultant/agents, dominating the delivery of housing. They and their representative "industry" groups remain notoriously obdurate about vital issues like climate change, energy, water management, accommodation standards, and housing affordability.

In many cases, they appear to be simply control freaks, often to the point of psychopathy, in bed with dodgy banks, property trusts, or absentee investor-landlords, forever pushing municipal authorities for lower amenity standards, always in trouble with neighbours, confused or misguided about mixing high-rise and low-rise residential development, dictatorial and pretentious on style and functional/accommodation inclusions, greedy beyond belief, deluded about the (illusory) risks and "social" responsibilities they take on, forever paternalistic, and apparently involved in doubtful dealings with some government officials, valuers, and political parties.

Worse still, property consultant/agents and builder-developers, driven by high land prices and by the associated retail profit imperative, invariably end up treating their own stock in trade, the buildings in their schemes, with deep contempt, neglect, and disdain, devoting little time, energy and money to uplifting design, best-practice energy efficiency (especially solar) and merely embellishing them with superficial and/or wasteful selling-point "features" lifted from the latest trendy magazine. There seems to be no attempt to offer optimum levels of amenity and space, nor to consult effectively with potential occupiers.

Sadly, we see the results in the prosaic, unprogressive, high-priced results currently taking shape on the Burnie Court west site, and elsewhere across this town.

There is a better way for residential development - viz. openly making land available directly only to prior expression of interest sourced individual bona-fide owner-occupiers, or professionally pre-formed, small-scale bodies corporate consisting of owner-occupiers, who can communicate and deal directly with neighbours, planners (as a resource, not an "authority"), estate designers, architects, other consultants, and hands-on constructors.

The extant Plan (medium density) for the Burnie Court site offers that opportunity, because of the manageable small-scale and incremental nature of the various low-medium density built sections, which could be detached, semi-detached or in "rows".

On the other hand, the Concept Plan in DV 288 does not offer that opportunity, because of the exclusive nature of developer control, and the blatant intensive

construction bias and inflexibility inherent in its concept design.

Especially with global warming happening, the LFA 2001 indicative medium density plan would need extensive modification to incorporate low energy estate and building design, universal unimpeded solar access for energy and amenity, and on-site water management, for each dwelling and private open space, as demonstrated by Derek Wrigley OAM in his tireless work on the topics.

Opportunities for individual expression in design would exist. A mix of single, two and three storey structures, and habitat types would be required, and excessively large dwellings would be strongly discouraged. On site parking requirements would reflect the site's location in relation to the facilities and services of the Woden Town Centre.

Above all, owner-occupiers would effectively and efficiently be involved from the outset.

The Assembly needs to reject DV 288. In today's world, it's toxic and fatally flawed.

Thank you for the opportunity to comment.

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