

SUBJECT: Draft Variation No 307 - Change of zoning

Dear Standing Committee on Planning, Public Works and Territory and Municipal Services

Thank you very much for conducting an inquiry on this important issue, and for inviting public submissions. I beseech the Committee to conduct public hearings on this issue because the concerns of a significant portion of the community were not heeded by ACTPLA. Very nearly all of the many submissions to ACTPLA were opposed to DV 307, but the strong community opposition and the manifest problems with the proposal were not properly considered by ACTPLA.

I am strongly opposed to DV 307 for the following reasons:

The proposal is inconsistent with the *Territory Plan* because it is inconsistent with one of its objectives: DV 307 is inconsistent with one of the objectives of RZ4 zoning which is “Ensure development respects and contributes to the neighbourhood and landscape character of residential areas whilst carefully managing change in suitable locations.” It does not respect and contribute to the neighbourhood or the landscape character of residential areas and it cannot possibly be considered to carefully manage change in suitable location. It is not a suitable location. It is surrounded by land that is zoned RZ1 single residential and Urban Open Space. The location is an integral part 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. The proposed residential development would further degrade that significant area.

The proposal is inconsistent with the *Territory Plan* because it is inconsistent with the *Griffith Neighbourhood Plan*: One of the general strategies in that plan is “Maintain and enhance physical facilities for community-based activities” [emphasis added]. The Brumbies proposed residential development would reduce and detract from physical facilities for community-based activities.

Inconsistency with good planning principles: The proposed rezoning has not been driven by the community’s needs but has been initiated by a commercial sports team that is seeking to maximise its potential financial return from redevelopment of the site. The Brumbies would be unjustly enriched by profiteering from a lease that was originally granted on a peppercorn fee basis.

The proposed rezoning is nothing more than “spot zoning”, which is looked upon with great suspicion by planning experts. Spot zoning lacks transparency, and it has the potential for corruption and preferential dealings. Legitimate zoning regimes use evidenced-based analysis to establish proper zones for various pieces of land. Spot zoning represents a complete break-down of the legitimacy of a zoning regime. The

public rightly expects that land users will use their land for the purposes allowed under the assigned zone. The public does not expect, and will not tolerate, special deals for some land users that allow them to deviate from the allowable uses that were established for their land.

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 at little or no cost in recognition of the community's need for areas for sport, recreation and other 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 purposes similar to the original intended purpose or some other appropriate community purpose. 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 the Brumbies warrant financial assistance, the appropriate course is to extend it in a transparent way through the budget.

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.

The proponents have failed to adequately explore alternative options for the future use of Block 15: The Government 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 other community purposes.

The population argument made by the Government for changing the zoning to RZ4 is false: The Government asserts that the rezoning is needed to offset the "population decline in south Canberra". This paints a false picture of what is happening. While the Government may be correct in saying that the population declined from 29,000 in the mid 1990s to under 21,000 in 1986, they fail to say that the population has been increasing steadily since. I believe that the population in South Canberra will reach 42,000 by the year 2023 (based on ACT Government population projections and ACT Government information about future developments, especially in Yarralumla and Eastlake in Kingston).

The "increasing housing choice" and "options for downsizing" arguments made by the Government are inaccurate: The Government 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". On the contrary the proportion of town houses, flats and apartments in Griffith and Kingston is well over

50 per cent of all dwellings. There are many new flat and apartment developments already in the pipeline or foreshadowed.

The proposal to rezone Block 15 as RZ4 breaches Government undertakings 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: The Garden City Variation (DV 200) was based on the principle that urban intensification through multi unit development would 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 and Urban Open Space, and is at least 700 metres from a group centre (Manuka). If this “spot rezoning” were allowed to go ahead it would not only be unjustified 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 concerned is in one of the older residential areas of Canberra and its existing garden city character should be maintained. That would be impossible with 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 would be completely out of character with the surrounding environment.

The proposed development would further degrade 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.

The development would also further damage the continuity of the open space corridor running from Red Hill to Lake Burley Griffin: The site is part of a prominent corridor of open spaces that runs from Red Hill to Lake Burley Griffin. The proposed residential development will further seriously damage the continuity of the open space corridor and would be considered by most to be yet another planning debacle.

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 has been recognised for years. Block 15 is adjacent to the Flinders floodway, and a large part of the site is actually in a floodplain. The Brumbies Planning Report admits that a 1 in 100 year flood would inundate a large part of the site. The area is part of a major linked stormwater management and floodwater retention system that runs from Red Hill to Lake Burley Griffin. It is foolhardy to even consider it for any sort of residential development.

The northern boundary of Block 15 runs along a floodway that often overflows and 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 will be increased very significantly. The large area of new hard surface will

result in significant additional run-off which will add to the volume of water. Then that increased run-off will be aggravated by the displacement factor caused by the building mass of the new apartment complex and the land-filling that is proposed. Finally, there will have been a rise in the ground water level following the end of the drought.

Do Government planners and ACT politicians endorse a plan that could well lead to take serious injury and/or death, and will they be willing later to defend their decision if such tragedy occurs as a result of the proposed zoning?

46 trees would be removed and some are on public Urban Open Space: The Brumbies Planning Report states that 106 of the 167 assessed trees on the Block meet the criteria for being classified as regulated trees, that 46 trees will be removed and many of them are regulated trees. Some of the trees that would be removed are not even on Block 15. Rather, they are part of Block 16 which is zoned Urban Open Space. Removal of such a large number of trees is irresponsible.

The proposed development will 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 in 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.

There has not been an adequate showing that the existing infrastructure can handle an additional 150 units, especially sewerage and stormwater: Due to the advanced age of the infrastructure in the area, it is very likely that extensive improvements will have to be made. It is very likely that the ACT Government and hence the rate payers will get stuck with the bill. It is unreasonable for the proponents (in this case the Brumbies) to be unjustly enriched by the rezoning, and at the same time stick rate payers with the bill to make the necessary improvements to infrastructure.

Sincerely

Jerry Fitzgibbons