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The Committee Secretary
Standing Committee on Planning, Public Works
and Territory and Municipal Services
ACT Legislative Assembly

Comments on Draft Variation No 302 to the Territory Plan: Community Facility Zones

The Griffith/Narrabundah Community Association (GNCA) has a strong interest in matters relating to Community Facility Zones (CFZs). From the time the association was formed in 2000, one of our principal objectives has been the preservation of our community facility zones for use by the community and trying to ensure that they are developed and used in the most appropriate way. It was largely due to the Association's efforts and campaigning, that the areas on Section 78 Griffith, now zoned Community Facility Zone and Urban Open Space were retained for community use instead of being rezoned for residential use as was earlier proposed.

We made a submission to ACTPLA on DV 302 when it was put forward in 2010 and expressed a number of strong concerns. I am attaching a copy of that submission for your information. Most of those concerns have not, in our view, been adequately addressed in the revised Draft Variation and we are therefore making this submission to your committee.

We consider the final Draft Variation to be seriously deficient in a number of respects, notably in relation to categorization of sites that need to be retained for educational and other Community Use purposes; height and setback requirements; solar access; and the deletion of the requirement to consider consistency with Neighborhood Plans. We also consider that there needs to be more emphasis given to assessing suitability of sites for particular types of use, which is a requirement in the Planning Act. Full consideration of suitability would help ensure that maximum benefit is gained by the community from CFZs.

Our detailed comments are set out below. As well as issues raised earlier with ACTPLA, we are including some comments and suggestions that arise both in relation to the revisions to the Draft Variation and because of developments and shortcomings relating to CFZs that we have identified over the past year.

Community Facility Zone objectives (page 7, and Appendix A page 1 refer)

As noted in our earlier submission to ACTPLA, we recognise the desirability of revising some of the Community Facility Zone objectives with the purpose of clarifying and including social inclusion, social sustainability and community formation principles and agree that the

proposed revision is appropriate. We are pleased that ACTPLA has accepted our suggested amendment to objective (f). Accordingly we support all the objectives that are proposed.

However, we suggest that the Committee consider the desirability of an additional objective, namely:

“To ensure that community facility land is used only for purposes and developments that are suitable for the site”.

While there is a range of permissible uses, not all are necessarily suitable for a particular site. Inclusion of the suggested additional objective would be consistent with Section 120 (b) of the Planning Act which requires the decision-maker for development approvals to consider suitability and would help highlight the importance of ensuring that all CFZ land is used in an appropriate way, so helping to maximize the benefit to the community. It would be a useful complement to proposed objective (d) relating to the efficient use of land through facilitating co-location and multi-use of facilities.

Proposed Changes to the Territory Plan Map – Sites for Community Use – Suburb Precinct Codes (pages 5-6, page 9, pages 10-11 and Appendix C refer)

As stated in our submission to ACTPLA, we are opposed to the changes being proposed.

We are not opposed to Community Facility Zones being used where appropriate for supportive housing. We recognise that there is a need for more supportive housing and that the demand for such housing will continue to grow. We are, however, opposed to the removal of the current requirement to assess whether a particular site under consideration is required for other community uses, at least until the details of the assessment that ACTPLA says has been undertaken have been made public and the public has had the opportunity to comment.

ACTPLA’s Report on Consultation claims that ACTPLA has undertaken a “comprehensive analysis of all unleased community facility zoned land and whether it is required for community uses rather than being available for supportive housing.” It goes on to say that “The analysis considered community needs and land availability, including the history of the demand for community facility sites in the locality and whether the site is large enough for supportive housing” and that “All sites that had an E Education overlay are also included in the list as the overlay specifically prohibited the use of supportive housing.” ACTPLA asserts that “Including this list of sites in the Territory Plan removes the need to undertake individual assessments and provides more certainty and transparency as to the potential use of the sites.”

ACTPLA’s analysis needs to be made available for public scrutiny before any sound judgement can be reached on the appropriate future use of particular sites and how sites should be categorized in the proposed precinct codes. These matters are too important to be left to decision by ACTPLA alone.

We consider it essential that the community be involved in the categorization of community facility sites and, further, that any future amendment to precinct codes also require community consultation.

As noted above, ACTPLA has taken the position that sites that had an E Education overlay (i.e. public school sites) will be shown in the precinct codes as sites that prohibit the use of supportive housing. We do not disagree with this but we question why other sites that are currently being used for educational and other Community Use purposes should not be similarly treated - for example, the sites of St Edmunds College, St Clares College, Canberra Grammar; St Benedicts School in Narrabundah and the Blaxland Centre in Griffith.

In our view the demand for educational facilities and other facilities that are identified as Community Use will increase in this part of Canberra with the growing population. There have already been instances where proponents of schools and preschools have not been able to proceed with plans because the lack of availability of suitable sites. There appears to be no logic in classifying public school sites as sites to be reserved for Community Use other than supportive housing and not according the same treatment to private school sites.

Changed height limitations (R9 and C9 refer)

We are strongly opposed to the changes in the height limits in the form currently proposed because they do not give sufficient protection to low density residential areas.

It is important that there should be provisions limiting the maximum height of buildings on community facility land near blocks in a low density residential zone so that the residential amenity of nearby houses continues to be protected. The current proposal is that the current provision limiting the height to two storeys where buildings are within 30metres of a residential block in an RZ1, RZ2 or RZ3 are should be retained. We agree with this but consider that the limitation is too narrowly defined. In general, we consider that building height limits should respect those set by adjoining residential areas to ensure that they are in scale with the surrounding environment; that is the Rule should be that all buildings in CFZs surrounded by RZ1 or RZ2 areas should be limited to two storeys. We can see no sound reason why this should not be the case.

Where the CFZ is located between a high density residential area and an ordinary residential area, or between other zonings allowing building heights of more than two storeys and an ordinary residential area, we consider that the overall limit should be no more than three storeys, at least where it is located within 100 metres of a residential area that is not zoned high density.

Also we consider that proposed criteria C9 is inadequate. The proposed wording "consistency with the desired character" is not clear. Desired by whom? The wording in the current Territory Plan is greatly superior: i.e. "The height of buildings on community facility land minimises their impact on items such as solar access, privacy and residential amenity on adjacent residential sites."

Setbacks (C10)

Similar comments apply. The meaning of "consistency with the desired character" is unclear and we are opposed to privacy being qualified and limited to "principal private open space". Again, we prefer the wording in the current Territory Plan. The proposed changes appear to give less protection to protecting the amenity of nearby residents.

Solar Access

We agree with the concerns that have been expressed by others that the proposed solar requirements are weaker than the current requirements and could prove to be detrimental to residential amenity on CFZs. We consider this to be of particular concern in relation to residential care accommodation and supportive housing.

The recent approval by ACTPLA of a Development Application for a large nursing home facility on Section 78, Griffith, in which many of the units have a western, south-western, southern or south-eastern aspect, and hence little or no sun in winter months between the hours of 9.00am and 3.00pm underlines the importance of having robust requirements for solar access.

Pedestrian Movement

Our previously expressed concerns about the deletion of provisions relating to Pedestrian Movement do not appear to have been addressed.

Neighbourhood Plans

We are greatly concerned by, and opposed to, the intention to introduce a sunset date for application of the current code provision relating to neighbourhood plans. With the active encouragement of the Government, very considerable effort was put by the Griffith community into the development of the Griffith Neighbourhood Plan. It was designed for the long term and it remains relevant. However, if the Government believes neighbourhood plans need revision or updating, the appropriate action would be to allow time for that to happen, rather than dropping reference to them altogether.

The Consultation Report shows that others, including the Woden Valley Community Council, attach considerable importance to Neighbourhood Plans and share our concerns.

Our Association would be very willing to participate in the review and updating of the Griffith Neighbourhood Plan. We believe that other residents associations would also be ready to be involved in similar exercises in relation to the Neighbourhood Plans covering their areas.

Further, we consider that the experience of recent times suggests insufficient consideration is being given to the way in which community facility land is used, the suitability of sites for particular purposes, the interaction of community facilities with the neighbouring community and their impact on them, and the ways in which community benefit can be maximised by the appropriate co-location of activities. There would be value in taking a more holistic approach to these issues and the revision of Neighbourhood Plans could be a vehicle for doing this.

Usefulness of Precinct Codes

For the reasons outlined above in our comments on the proposed changes to the Territory Plan Map, we do not support the current proposals in relation to Precinct Codes and the proposals relating to the Precinct Codes for Griffith and Narrabundah in particular.

We are, however, not opposed to the idea of Precinct Codes as such, provided they are developed in consultation with the community. Indeed, they could provide a useful way of ensuring that planning considerations relevant to a particular locality, including those that are agreed in the context of a Neighbourhood Plan, are clarified and taken properly into account. Such an approach would enable, for example, the assessment not only of possible uses of CFZs but also the specification of the height and setback requirements that are appropriate in the context of the surrounding environment.

The results of this work could then be reflected in the proposed Precinct Codes.

Summary

We have strong concerns and are opposed to a number of the changes involved in the Draft Variation. These proposed changes significantly reduce or remove existing safeguards that have been designed to protect residential amenity from adverse impacts of developments on Community Facility Zone land. We urge the Standing Committee to recommend that the Draft Variation not be approved in its current form and to give consideration to ways in which any Variation to the Territory Plan could preserve and build on existing protections to residential amenity while enhancing the benefits of CFZ land to the community.

Representatives of the Association would be willing to expand on points made in this submission, should the Committee consider that helpful.

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By email

Comments on Draft Variation No 302 to the Territory Plan

The Griffith/Narrabundah Community Association has the following comments on Draft Variation No 302 to the Territory Plan

Community Facility Zone objectives

We note that the Community Facility Zone objectives have been revised with the purpose of clarifying and including social inclusion, social sustainability and community formation principles. We recognise the importance of this sort of revision and have no comment on revised objectives (a) to (e).

However, we question the wording of objective (f). In the current Territory Plan, the relevant objective refers to the need to safeguard residential areas from unacceptable adverse impacts of CFZ developments and specifically includes traffic, parking noise, and loss of privacy. We would want to see reference to this type of unacceptable development retained. Accordingly, we recommend that objective (f) be reworded as follows

“(f) To safeguard the amenity of surrounding residential areas against unacceptable adverse impacts including from traffic, parking, noise, or loss of privacy.”

Community Facility Zone Development Code – Schedule of Sites for Community Use (Page 9 C1 refers)

We are opposed to the changes being proposed under this heading which effectively provides that numerous areas of Community Facility Zone land are no longer required for Community Use.

We are particularly concerned about, and opposed to, the omission from Schedule 1 of a number of community facility zone sites in the Inner South that are currently used for

educational and other Community Use purposes. We note that the Schedule does not include, for example, the sites of St Edmunds College, St Clares College and Canberra Grammar; the St Christopher's Cathedral and St Paul's Church precincts; St Benedicts School in Narrabundah, the Blaxland Centre in Griffith and the Baptist Church site in Currie St, Kingston.

In our view the demand for educational facilities and other facilities that are identified as Community Use will increase in this part of Canberra with the growing population. There have already been instances where proponents of schools and preschools have not been able to proceed with plans because the lack of availability of suitable sites. There appears to be no logic in classifying public school sites as Community Use and not according the same treatment to private school sites.

We are similarly concerned that the Draft Variation appears to give ACTPLA power to amend the Schedule as they consider necessary but without any requirement to consult with the community. We do not believe this is warranted.

Changed height limitations (R9 and C9 refer)

We are opposed to the changes in the height limits in the form currently proposed. We support the introduction of an overall limit but consider that it should be no more than three storeys rather than four, at least where it is located within 100 metres of a residential area that is not zoned high density. Further, we consider that the current provision limiting the maximum height of buildings on community facility land within 30m of blocks in a residential zone to two storeys should be retained so that the residential amenity of nearby houses continues to be protected. The current wording of R9 does not give sufficient protection where the CFZ is located between a high density residential area and an ordinary residential area

Also we consider that proposed criteria C9 is inadequate. The proposed wording "consistency with the desired character" is not clear. Desired by whom? The wording in the current Territory Plan is greatly superior: i.e. "The height of buildings on community facility land minimises their impact on items such as solar access, privacy and residential amenity on adjacent residential sites."

Setbacks (C10)

Similar comments apply. The meaning of "consistency with the desired character" is unclear and we are opposed to privacy being qualified and limited to "principal private open space" Again, we prefer the wording in the current Territory Plan. The proposed changes appear to give less protection to protecting the amenity of nearby residents.

Parking and Site Access (Element 4)

We are very concerned that the Development Code does not call up a requirement to comply with the requirements of the Parking and Vehicular Access General Code and the

Bicycle Parking General Code. And similarly why have the provisions in the current Territory Plan relating to Pedestrian Movement been deleted?

Amenity (C 8)

We are greatly concerned by, and opposed to, the intention to introduce a sunset date for application of the current code provision relating to neighbourhood plans. With the active encouragement of the Government, very considerable effort was put by the Griffith community into the development of the Griffith Neighbourhood Plan. It was designed for the long term and its relevance has in no way been diminished. However, if the Government really believes neighbourhood plans need revision or updating, the appropriate action would be to allow time for that to happen, rather than dropping reference to them altogether.

Summary

We have strong concerns and are opposed to a number of the changes involved in the Draft Variation. These proposed changes significantly reduce or remove existing safeguards that have been designed to protect residential amenity from adverse impacts of developments on Community Facility Zone land. We urge ACTPLA to give the matter further consideration.

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