

The Secretary
Standing Committee on Planning, Public Works and Territory and Municipal Services
Legislative Assembly for the ACT
London Circuit
ACT 2600
committees@parliament.act.gov.au

Dear Sir / Madam,

Draft Variation to the Territory Plan No 288 - Lyons Estate Redevelopment and Related Changes to Residential Zones and Multi-Unit Housing Development Code

Thank you for the opportunity to comment on the above inquiry into Draft Variation 288 to the Territory Plan, having made a submission to original proposal. I believe that there is insufficient justification for the proposed Lyons Estate redevelopment and that the response by the ACT Planning and Land Authority (ACTPLA) to submissions made to the Draft Variation are inadequate and as such the draft variation should be rejected.

Report on Consultation – Draft Variation No. 288

Following are comments on some of the ACTPLA responses to 'Issues and Comments' that are given in the consultation report.

2.2.1 Overshadowing

In response to concerns raised about overshadowing, ACTPLA states that "there is no overshadowing of adjoining residential areas, especially along the western side of Burnie Street." This does not address concerns relating to overshadowing of the residential units currently under construction within the Lyons Estate retirement village (Bellerive) that are to the south/west of the proposed multi-storey towers.

ACTPLA's response states that "there are some minor impacts in terms of overshadowing... but it is believed that the 3 hour minimum sunlight penetration as required by relevant provisions in the Territory Plan can be met". I would suggest that such a minimum of sunlight access per day is not acceptable even for a prison and certainly not an appropriate standard to be applied to a supposedly high quality retirement village.

2.2.2 Transition between RZ2 and RZ5

The current RZ 4 zoning on the Lyons Estate allows for medium density development and provides a suitable transition between the adjacent low density RZ2 suburban core area of Lyons and the high density appropriately allowed in the CZ2 zoning of the Woden Town Centre. High density development is not appropriate in this suburban context and a 50 metre buffer does not provide an "adequate transition".

2.2.4 Sustainability

2.2.11 Insufficient spaces for social interaction

While retaining as much of the existing vegetation as possible is listed a key objective, development on the site to date where the majority of existing vegetation has been removed indicates that there will not be "a mature landscape integrated with the development".

2.2.15 Surrounding building height

While there may be at present height limits in other areas medium density areas along Melrose Drive, approval of DV 288 will set a precedent for increasing the scale of redevelopment of other RZ4 sites through a rezoning process. A rezoning of the Lyons Estate, despite a supposedly "rigorous Territory Plan Variation process", will makes things so much easier for potential developers in other parts of Canberra. This is another indication of a lack of transparent (to the public), long term strategic planning by ACTPLA.

2.2.17 Objection to height

I certainly agree that a ten storey building has a "stronger visual impact" but fail to see how it will introduce "a level of interest". The only interest generated by recent examples of high rise construction in the Woden Town Centre is in how ugly and inappropriate they are! There is no explanation of why a tall building is required on the Lyons Estate to "relate to future redevelopment of nearby town centre sites" or how the surrounding suburban areas will 'relate' to a ten storey tower.

ACTPLA presents a justification of "allowing an increase in building height" in order to provide "the opportunity to significantly reduce the building site coverage". This does not stand up to scrutiny as a significant proportion of the site redevelopment work currently underway involves the construction of single storey dwellings, where a three storey development would have been permitted.

2.2.19 Inconsistent with Lyons character

ACTPLA's response to concerns about a ten storey building is out of character with the surrounding suburb, is to refer to "examples of solitary high-rise residential development at Kingston." I would suggest that this is a timely reminder that previous mistakes made in other suburbs should not be repeated in Lyons!

The Explanatory Statement for DV 288 states that "although it is not proposed to change the building height restrictions that apply to existing RZ5 zones, it is proposed to include a new building height policy in the Territory Plan that would apply both to the subject site in Lyons and to future RZ5 zones, if and when they are to be identified.". There does not appear to be any explanation or justification of why a new policy that is not being applied to other similar sites in Canberra, should be applied to Lyons.

With insufficient justification for the Lyons Estate redevelopment as proposed and inadequate responses by ACTPLA to concerns raised in submissions made to the Draft Variation, I submit that Draft Variation No. 288 should be rejected.

Yours faithfully

Chris Erett

30 March 2009