



Legislative Assembly for the
Australian Capital Territory

Standing Committee on Environment
and Planning

Submission Cover Sheet

Inquiry into DPA-07 - Former Braddon Bowls Club

Submission number: 013

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Ainslie Primary Parent Submission (Mother of a disabled child).

Objection to Proposed Major Plan Amendment Block 16 Section 25 Braddon (Former Braddon Bowls Club) Rezoning from CZ6 – Leisure and Accommodation to RZ4 – Medium Density Residential

To: ACT Planning and Land Authority Environment, Planning and Sustainable Development Directorate (EPSDD)

Re: Major Territory Plan Amendment – Block 16 Section 25 Braddon Proponent: Syzygy Developments Supporting Report: Purdon Planning (January 2025)

Date: 18 January 2026

Introduction

I am making an individual submission in **objection** to the proposed Major Territory Plan Amendment seeking to rezone part of Block 16 Section 25 Braddon (former Braddon Bowls Club) from CZ6 – Leisure and Accommodation to RZ4 – Medium Density Residential.

I represent the community of students with disability at Ainslie Primary school that are directly affected by this proposal due to proximity, safety, construction movement, concerns with created mechanisms that may cause threat to child life, temptation of construction site for absconding students, temptation of completed site for absconding students, the potential threat of predators who may deliberately seek out the accommodation due to easy access to a primary school site, shared street infrastructure, traffic movements, parking demand, and cumulative impacts on residential amenity and safety. This submission is made on safety, planning, and traffic grounds and reflects consistent and shared concerns across the community of families who attend Ainslie Primary School, and specifically students with disability and those at Ainslie Primary who have parents with disability.

Child Safety Impacts

The local street network already experiences significant traffic and parking pressure, particularly during:

- Lack of proper disability parking for a disabled child on this side of the street that best services AFTRS. (Children open all car doors and may run out of vehicles due to lack of impulse control.
- This side is also used for the drop of from a student who has two parents who are paralysed and quadriplegic.
- This side of the school is also approached by a parent who is paralysed.

- There is no fencing, causing issues with young children.
- The new development positioning directly across from the Yerra Space – the youngest students in the school who also are still developing impulse control.
- Childcare drop-off and pick-up periods
- School peak hours; and
- Evenings and weekends when on-street parking demand is highest.
- Insufficient lighting on the street, already causing significant safety issues for absconding children, particularly those who attend AFTRS with a pick up after sunset during April – August, which will be further affected by movement of construction vehicles and lack of vision of students which could potentially result in child death.

Key concerns include:

- Management of construction site for the temptation offered to absconding children with fixations and lack of impulse control due to disability or developmental age.
- New site dangers for absconding children such as temptation of automatic doors, electricity including switches and larger control boxes, plumbing such as on site taps that may be utilised to create floods, general door fixations, curtains, lifts, garage doors and traffic movement for those children who have fixations and lack of impulse control due to disability or developmental age.
- Substantial increase in daily vehicle movements
- Additional visitors, and potential people who may take advantage of the location due to proximity of vulnerable children.
- Lack of action plan provided by the site owners for students who may abscond and enter completed dwellings because of impulse control issues and fixations due to disability or developmental age.
- Lack of action plan provided by the site owners regarding the presence of nonverbal children with significant disability who may abscond to their premises.
- Lack of action plan provided by owners to prevent child death from crush related injuries, or electrocution, or vehicle impact.
- service, waste collection and delivery traffic which offers further potential hazards for students with impulse control issues and fixations due to disability or developmental age.
- increased noise and congestion, particularly noise levels that affect student learning of those with sensory overwhelm.

- intensified competition for already limited on-street parking; and
- reduced safety for pedestrians, cyclists and children.
- Difficulty in navigating drop offs for students who need to be dropped off in the gravel car park on Farrer Street (Autistic routine, also cannot be dropped off on side of street due to unpredictable movements from lack of frontal lobe impulse control) which could result in child death.

No detailed or cumulative traffic and parking assessment has been provided at the rezoning stage, despite these impacts being direct and foreseeable consequences of the zoning change itself. Deferring this assessment to a later development application stage is inappropriate given the scale and nature of the proposed intensification.

The proposal does not acknowledge students who may abscond from Ainslie Primary School who have lack of impulse control, nor does it suggest management of potential child visitors to the new, created site.

Child Safety and Sensitive Land Uses

The subject site directly adjoins a childcare centre, where safe traffic conditions are critical.

Increased residential and visitor density would:

- intensify vehicle movements during peak childcare hours
- increase the risk of vehicle-pedestrian conflict; and
- further constrain already limited parking availability for staff and families.

The proposal does not adequately address these risks, which are intrinsic to the rezoning and must be considered at the plan amendment stage.

School Amenity Impacts

The proposed rezoning would result in:

- increased noise from vehicles, residents, visitors and servicing
- loss of privacy through overlooking onto school grounds, including viewing of vulnerable child movement and patterns
- overshadowing inconsistent with surrounding low-rise development;
- a permanent change to the quiet residential nature of the street

The government has insisted continuously that Ainslie School should not have a surrounding fence to prevent potential child abandonment, and to limit trespassers onto the Ainslie School property, citing heritage as its key reason. The proposed development shows significant disregard for the heritage of the street that the ACT Government has insisted on keeping for Ainslie School. There is a lack of school fencing, and students with additional needs are often moving about campus, and have fixations for traffic lights and construction vehicles.

These impacts represent a clear and lasting reduction in school amenity and are recognised as legitimate planning considerations. The lack of care for heritage opposite a school that has been not allowed to erect fences for child safety due to maintaining heritage shows a favouring of the developer. This is in complete disregard for the demand to maintain heritage at Ainslie School that has stalled the building of safety infrastructure and much needed expansion of classroom building construction for Ainslie Primary School, showing a grave contradiction between the treatment of the developer and Ainslie Primary School.

Impacts on Adjacent Community Facilities

6.1 Local Aged Care Facility (*Planning Act 2023 (ACT)* — ss 6, 7, 8, 9)

The proposed development would have a direct and disproportionate impact on the nearby aged care facility and its residents, who represent a particularly vulnerable cohort within the community.

Residents rely on a calm, predictable and low-traffic environment for their safety, wellbeing and quality of life. Increased traffic, construction activity, noise and reduced on-street parking would materially disrupt this environment. Many residents have limited mobility or rely on assisted transport, requiring safe and uncongested access for carers, medical practitioners, emergency services and visitors.

The Planning Act 2023 emphasises protection of health, safety and wellbeing (s 6), inclusive and equitable communities (s 7), recognition of vulnerable people (s 8), and liveable, human-centred environments (s 9). The proposed intensification does not demonstrate consistency with these principles in respect of the adjacent aged care facility.

6.2 Local Church and Community Access (*Planning Act 2023 (ACT)* — ss 6, 7, 9, 10)

The local church is an important community facility providing religious services, pastoral care and social connection. Its continued function depends on reasonable access, short-term parking availability and a safe pedestrian environment, particularly for elderly and mobility-impaired parishioners.

The proposed development would exacerbate parking and congestion pressures, particularly during weekends, evenings and community events, materially reducing the ability of community members to attend services safely and conveniently.

This outcome is inconsistent with the Act's emphasis on supporting social infrastructure and community cohesion (s 7), accessible environments (s 9), and consideration of cumulative impacts on surrounding land uses (s 10).

6.3 Tennis Club, Open Space and Community Wellbeing (*Planning Act 2023 (ACT)* — ss 6, 7, 8, 9, 10)

The nearby tennis club is a valued recreational and social asset supporting daily physical activity, mental health and community connection.

Increased building bulk and height would cast shadowing over the tennis courts, reducing sunlight access for significant portions of the day. Reduced solar access would negatively affect usability, safety and amenity, particularly during cooler months when sunlight is essential for outdoor recreation. The Planning Act promotes healthy, active communities (s 6), access to open space and recreational facilities (s 7), and environments that support wellbeing (s 9), while requiring assessment of cumulative impacts (s 10). Outcomes that compromise existing recreational infrastructure are inconsistent with these objectives.

Environmental and Cumulative Impacts

(*Planning Act 2023 (ACT)* — ss 6, 9, 10)

The proposed Major Plan Amendment does not adequately assess the full range of environmental and cumulative impacts that would reasonably arise from rezoning the subject land to permit medium-density residential development.

There is no addressing of use of increased construction vehicles at traffic lights that are a fixation of students at Ainslie Primary.

There is a demand for Ainslie Primary to maintain heritage that has stalled or eradicated the plans to create a fence for student safety and the much needed additional build of new classrooms, which contradicts the treatment towards the developer of this site.

Cumulative Development Impacts

The proposal must be assessed in the context of **the proposed development on the southern portion of Block 16 Section 25**, together with ongoing intensification within Braddon. When considered cumulatively, the rezoning would enable a level of built form, construction activity, and environmental impact significantly greater than what has historically existed in the surrounding residential streets.

Cumulative impacts include:

- prolonged and overlapping construction activity across the site
- compounding traffic, parking, noise and air-quality impacts
- increased pressure on local stormwater infrastructure and drainage capacity
- incremental loss of tree canopy and permeable surfaces; and
- progressive erosion of residential amenity that cannot be mitigated through individual development applications.

Section 10 of the Planning Act 2023 requires cumulative and incremental impacts to be considered at the strategic planning stage. These impacts have not been adequately assessed in the proposal.

Construction-Phase Environmental Impacts

(Dust, Air Quality and Respirable Crystalline Silica)

Medium-density residential development would involve extensive demolition, excavation, concrete works, vehicle movements and material handling over an extended construction period. These activities are known to generate **significant quantities of construction dust**, including fine particulate matter.

Of particular concern is the potential release of **respirable crystalline silica (RCS)**, which is recognised by **WorkSafe ACT** as a serious health hazard. Silica dust can be generated during:

- cutting, grinding or drilling of concrete, masonry and brick
- demolition of hardstand areas and structural elements
- excavation and soil disturbance involving silica-containing materials.

WorkSafe ACT guidance confirms that exposure to respirable crystalline silica poses heightened risks to human health, including irreversible lung disease, particularly for vulnerable populations. In this location, such populations include:

- children attending the adjacent childcare centre
- residents of the nearby aged care facility
- neighbouring households, including elderly residents; and
- pedestrians and users of nearby community facilities.

Construction dust more broadly can:

- degrade local air quality
- exacerbate asthma and other respiratory conditions
- accumulate on neighbouring properties, vehicles, outdoor play areas and vegetation; and
- require sustained management to prevent off-site impacts.

These risks are **reasonably foreseeable** given the scale of development enabled by the rezoning. The proposal does not demonstrate how construction-phase environmental and health impacts would be addressed at a strategic level, nor does it acknowledge the proximity of sensitive receptors.

Urban Heat Island and Climate-Related Impacts

Rezoning to RZ4 would facilitate a substantial increase in **hard surfaces**, including building footprints, driveways, internal roads and paved areas. Increased hardstand coverage contributes directly to:

- elevated surface and ambient temperatures
- reduced natural cooling through evapotranspiration
- increased heat retention during warmer months; and
- reduced thermal comfort for residents and pedestrians.

These impacts are particularly relevant in light of the **ACT Climate Change Strategy** and associated urban heat mitigation objectives, which emphasise the importance of:

- protecting and enhancing tree canopy
 - maintaining permeable surfaces
 - minimising urban heat island effects; and
 - designing urban environments that remain liveable under increasing heat conditions.
- The proposal does not adequately demonstrate how increased development intensity would align with these climate resilience objectives.

Tree Canopy, Drainage and Microclimate Effects

The proposal does not sufficiently assess:

- loss or degradation of existing tree canopy
- increased stormwater runoff due to higher site coverage
- pressure on local drainage systems during heavy rainfall events; and
- changes to local microclimate conditions, including wind and solar access.

Increased impervious surfaces reduce natural infiltration and increase runoff volumes, elevating the risk of localised flooding and downstream impacts. These matters are directly relevant at the rezoning stage, as they arise from the development capacity enabled by the amendment rather than from later design decisions.

Statutory Grounds of Objection

Planning Act 2023 (ACT)

8.1 Objects of the Act — Section 6

The proposed rezoning does not adequately demonstrate consistency with the objects of the Act, including orderly and sustainable development, protection of health and safety, appropriateness to context, and planning certainty.

8.2 Orderly and Proper Planning — Sections 7 and 8

The proposal represents piecemeal planning, rezoning a single site without a precinct-wide structure plan, integrated traffic strategy, or infrastructure framework, contrary to orderly and proper planning principles.

8.3 Community Amenity, Safety and Wellbeing — Section 9

The rezoning would result in increased congestion, noise, loss of privacy and safety risks, degrading residential amenity and undermining reasonable community expectations. Child safety would be placed at significant risk, potentially resulting in child death or injury, and this project could allow visitors to view the vulnerable members of Ainslie Primary school and learn their patterns.

8.4 Cumulative and Incremental Impacts — Section 10

Cumulative impacts arising from existing approvals, constrained road capacity, sensitive land uses and parking limitations have not been adequately assessed at the rezoning stage.

8.5 Territory Plan Amendments — Sections 56–59

Deferring critical matters such as traffic, parking, safety and amenity impacts to later development applications is procedurally inappropriate where those impacts arise directly from the zoning change itself.

8.6 Housing Supply and Balance — Section 6(f)

While the Act supports housing supply, it requires a balanced approach that directs growth to appropriate locations without imposing disproportionate impacts on established communities.

8.7 Precedent, Equity and Planning Certainty — Sections 6(d) and 11

Approval would set an undesirable precedent for further up-zoning of surrounding low-density streets, undermining equity, certainty and confidence in the planning system.

Inappropriateness of Deferral to Later Stages

Environmental impacts of this nature are **intrinsic to the zoning change itself**, not merely matters of construction management or architectural detail. Deferring their assessment to later development application stages is inappropriate where:

- the rezoning enables materially different development outcomes; and
- impacts are foreseeable at the plan amendment stage.

Consistent with the Planning Act 2023 (ACT), rezoning decisions must consider **worst-case development outcomes**, rather than rely on aspirational future design responses or conditions imposed at later stages.

Conclusion

Having regard to the **Planning Act 2023 (ACT)**, we submit that the proposed Major Plan Amendment:

- fails to meet the objects of the Act (s 6)
- does not promote orderly and proper planning (ss 7–8)
- inadequately protects community amenity and safety (s 9)
- fails to assess cumulative impacts (s 10)
- relies on inappropriate deferral of critical matters (ss 56–59)
- undermines planning certainty and equity (ss 6(d), 11)

Requested Outcome

Having regard to the objects and principles of the **Planning Act 2023 (ACT)**, we collectively submit that the proposed Major Plan Amendment to rezone part of Block 16 Section 25 Braddon from CZ6 – Leisure and Accommodation to RZ4 – Medium Density Residential and indoor recreation facility **should not proceed**.

The proposal, as currently framed, would enable development outcomes that are incompatible with the established residential character of the area, would give rise to unacceptable impacts on safety, amenity, environmental conditions and community wellbeing, and does not adequately address cumulative impacts at the strategic planning stage.

Without conceding support for rezoning, and only in the event that the Territory determines further consideration is warranted, we submit that any future proposal would require:

- withdrawal of the current amendment and the preparation of a **fundamentally revised planning approach**,
- early and meaningful **community consultation** prior to any new amendment being progressed, and
- comprehensive, independent and publicly available assessments of traffic, parking, safety, environmental, climate and cumulative impacts **before** any change to zoning or development controls is contemplated.

Any future consideration must begin from the existing low-intensity residential context and demonstrate, through evidence rather than assumption, that development outcomes can be accommodated without unacceptable impacts on the neighbourhood or vulnerable community members.

We thank the ACT Planning and Land Authority for its time and consideration and trust that this submission will assist in the fair, transparent and rigorous assessment of the proposed amendment.