



PO Box 280 Woden ACT 2606; e-mail wvcc@bigpond.net.au;
ph. 62810096

The Secretary
Standing Committee on Planning, Public Works and Territory and
Municipal Services
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2601

Dear Madam

**Committee Inquiry into Draft Variation to the Territory Plan No
288 – Woden Valley Community Council (WVCC) Submission**

WVCC objected to the Draft Variation when released for public consultation last year. We objected to the proposed amendments to the Plan to change residential density on the former Burnie Court site on the corners of Melrose, Launceston Street and Burnie Street in Lyons.

We are disappointed to see that our objections have been ignored by ACTPLA in its preparation of the final variation. We welcome the opportunity to present our concerns to the Committee.

Summary

WVCC opposes the DVTP in relation to those parts of the Variation affecting the Burnie Court site (Blocks 3 and 4 Section 69 and Block 8 Section 47 Lyons). It opposes or has concerns in respect to the variation for the following reasons:

- Consultation – change in density from medium to high which was not previously discussed and non referral of planning study (refer comments under the heading General)
- Ad hoc nature of the proposal, without any total precinct plan for the Melrose drive precinct
- Height and scale out of proportion to the adjacent residential areas and streetscape
- Adverse impact on the amenity of the neighbourhood and traffic congestion, traffic and pedestrian access to Town Centre
- Inadequate solar access to the site as evidenced in the concept plan and approved DA
- Overlooking, overshadowing – inappropriate to have the tallest buildings on the north eastern corner of the site
- Non assessment of impact on wind patterns
- Assessment against the reasons for the DTPV
- Approved DA for most of the site, with buildings under construction, is under the current medium density (3 storey) Zone for the site so the increase in density from Medium to High (6 storeys) will not achieve any physical effect until these buildings are demolished

A. General Comment

WVCC has been involved in consultation over the redevelopment of the Burnie Court site for nearly 5 years. Based on those consultations, WVCC believed, that, with the exception of the proposed tower block, all the proposed development could be contained within the current land use (now zone) in the Territory Plan – medium density residential. In fact the minutes of the consultation meeting of 30 November 2006 with WVCC state:

"It is possible to develop the older persons accommodation part of the site before a Territory Plan variation is approved. ie the existing 3 permissible storeys was deemed sufficient for all of the non "residential" (tower) part of the site.

Furthermore, WVCC has continued through the consultation to express its concerns over the proposed 9 storey tower block on the

corner of Launceston and Melrose Drive. It advised this objection formally when commenting earlier this year on the DA for the aged persons accommodation. We note that the DVTP has increased the height allowed for the Tower to 10 storeys.

To find out at this late stage, and only through the release of the Draft Variation, that the proposal has changed from medium density maximum 3 storey (with a 9 storey tower) to high density 6 storeys to be allowed to be developed over the entire site (with set back of 50 m) and a 10 storey tower, flies in the face of all the years of earlier consultation with WVCC. It is a similar example to the disregard given by ACTPLA to the Woden Town Centre Master Plan after at least 3 years intense consultation with the community. I would be happy to elaborate on this issue on an appropriate occasion.

The previous concept plans have shown that the outcomes for the site (with the exception of the tower) could be easily achieved within the medium density 3 storey residential zoning in the existing Territory Plan. In fact a concept plan drawn up by a community member (Mr Wrigley who presented evidence to your inquiry) shows far better solar access outcomes while maintaining the required number of dwelling units on site. Throughout the consultation the proponents have constantly claimed that there would be no increase in the total residential capacity of the new development over the previous Burnie Court ACT Housing development. This position negated the need and opportunity to achieve greater urban density from development of the site. An increase in height permitted will in this case not increase the number of residential dwelling units.

It should be noted, that when WVCC discussed the change in the DVTP with the proponent's representative, the representative was unaware of the change in density to 6 storey residential across the whole site (with exceptions for set back on Burnie St and the tower)

At the consultation meeting, held last year with the proponent, there was some discussion over the original intent of buildings along Melrose with respect to basements. However, the Territory Plan was clear in respect to what constitutes a basement and there is no way that it can be confused with a storey whether that is related to parking or not. WVCC had the clear understanding, supported by the

approved DA for the site, that the buildings would be a maximum of 3 storeys plus basement. This view is supported by the DA and extracts of minutes of earlier consultation meetings as follows:

Zone 1 (Retirement) "128 basement and surface car parks for residents". Zone 2 (Residential) "162 basement and surface car parks for residents"

At the meeting held with WVCC on 6 August 2008, an ACTPLA representative indicated that the increase in residential density zone was proposed by the ACTPLA. As there has been no consultation on this matter, it is difficult to respond to the thinking behind this proposal. We have responded to the list of reasons in the DVTP. The reasons are however, statements of belief by ACTPLA without any demonstrated underpinning of independent analysis.

WVCC cannot understand why the allowed density is proposed to increase from medium density 3 storeys to high density 6 storeys given that the approved DA for most of the site is accommodated within the current medium density Zone and construction is now well underway. Obviously the proponent does not intend to redo the approved DA and now construct 6 storeys across the site.

Does ACTPLA intend to propose other sites along that side of Melrose Drive, not included in this Variation, to be 6 storeys? Is this the thin edge of the wedge? If not then why change the density? It is noted that the adjacent Freycinet buildings to the south are 4 storeys. Was this allowed under the then Territory Plan when the DA was approved? Did the DA comply with the Territory Plan at the time? Is this an attempt to match the height of those buildings? It should be noted that some of the Freycinet buildings are at lower ground level to some of the site proposed to allow 6 storeys and this lessens the visual impact. These are the sorts of questions which should be addressed prior to any consideration of a new concept to increase the overall height of the buildings allowed on the site. As there is now no undeveloped land where the proposed high density residential land use on Melrose Drive could be implemented, the reason for the change to high density is even more perplexing.

With respect to the change to allow a 10 storey tower block, the site can accommodate the required dwelling units without resorting to a tower block. We have been told that the development of the site is intended to achieve the same number of units as previously accommodated by the old Burnie Court. We are not opposed to an increase in density but we are opposed to a significant increase in heights especially on the north eastern corner of the site (the tower).

WVCC, when commenting on the proposed Variation last August, contend that a more sustainable outcome could have been attained from not having a tower block and reorientating the development to predominantly north south, rather than east west perspective. WVCC offered to provide concept plans (Mr Wrigley's) to demonstrate this if required. No request was made.

Residential tower blocks are often not more sustainable in terms of carbon footprint than lower dwellings and can often have greater carbon emissions. If the number of units for the site is the same then there can be little argument that increased density will be achieved through the tower block. Even with a greater number of bedrooms per unit, these can still be achieved on the site with lower height. Factors such as heating and cooling, energy required to access higher storeys and ability for residents to have recycled water and store rainwater can often be better achieved in low rise buildings. The DVTP and concept plan demonstrate that neither the proponent nor ACTPLA is really serious about sustainable building and housing. As it is a joint venture with ACT Housing, it would appear from the concept plan that ACT Housing on this site only has profit objectives not sustainable housing objectives. This is very disappointing, as the ACT Government has undertaken strong initiatives in sustainability including the introduction of a solar energy rebate scheme. The height and orientation allowed on the site will inhibit the residents on this site from benefiting from that rebate as there will be in places too little solar access. WVCC asked the Government to further demonstrate its commitment to sustainable housing by not supporting the DVTP and instead require a more sustainable building design outcome with better solar orientation for the site. This request was ignored. We now ask the Committee to take up this challenge.

It is noted that a Planning Study for the Burnie Court site was completed in November 2007. The report was not made available or referred to WVCC and we were unaware of it until we found a reference in the DVTP. While it was located at the time of the release of the DVTP on the ACTPLA web site it was not accessible at the time and we had to call ACTPLA to find it. The study had been moved and was not available under the reference in the DVTP. Given the significance of the Variation to the people of Woden, this is an unacceptable level of consultation on such an important document.

ACTPLA has developed a penchant for marking corners of streets with tower blocks, even where the existing streetscape does not reflect that height. While some may consider marker buildings are desirable from some strange design perspective, this is generally not supported by the WVCC. There has been strong community objection to tower blocks out of scale with surrounding buildings and out of character with the surrounding suburban structure eg development at Deakin and Woden (Sky Plaza). The tower would not compliment the 12 storey building to the north of the pool, as they are not closely located. It should be noted that generally the building height in the Precinct to the north of the pool is limited by the Territory Plan to 6 storeys with the occasional 12 storeys building in appropriate marker locations.

WVCC supports greater densification as specified in the Spatial Plan but it does not support ad hoc high rise development without considering scale and proportion, streetscape and local neighbourhood character and without an area precinct plan. It particularly opposes higher buildings which have an adverse visual amenity effect, blocks solar access to much of the site, do not increase dwelling capacity overall and are based on opportunism and site specific rather than good planning concepts. We believe there should be a total precinct plan before considering such changes to the Territory Plan.

WVCC, in considering this Variation, cannot see where it will provide better housing outcomes. The proposal by limiting solar access will reduce housing amenity. It will severely impact on the suburban amenity of Lyons. It may be argued that it will provide better urban design outcomes, however, we disagree with this view. We believe

that to achieve good urban design there needs to be precinct planning with concept analysis not an ad hoc response to a development opportunity on a particular site. This is not the reason to significantly change urban structure on one site.

B. Specific comment

1. Consultation

As outline above under “General” heading above, the lack of consultation about the change in density, from medium to high density, is a major concern particularly as the DA for most of the site has already been approved and is in accordance with the previous 4 years’ consultation based on retaining low density. Why would the density change at this late stage? Lyons has not even had the benefit of a Neighbourhood Plan consultation on this proposal, which is in stark contrast to the opportunities afforded residents in Deakin and inner north suburbs for developments with much less visual impact. The change in density is not supported. Also, as advised above, we are most concerned that we were not advised that the Planning Report was available in 2007. The Report was difficult to access on the Website as it was moved in the last days of the consultation on the DVTP.

2. Ad hoc nature of the proposal

Normally when such a major change in urban structure is proposed, an area study would be undertaken to determine the planning outcome for the whole precinct along Melrose Drive opposite the Town Centre. This proposal acknowledges that there is no height level restriction in the Town Centre opposite the Burnie Court site, however, there is no certainty as to what height will be developed in the Town Centre across from the site. Private ownership of leases means that development heights in the future cannot be determined. There is a real risk of the tower being an isolated one akin to “Sky Plaza”. An ideal urban design is massing in the town centre feathered down to a more suburban scale at the edges. Woden Town Centre appears to be achieving the opposite a flat pancake in the middle surrounded by a wall of tower buildings resembling a fort.

There was no consideration of such a density change in Lyons when work was undertaken in the Woden Town Centre Master Plan. This concept is not included in the plan. Before such a radical planning change is made, there should be a planning study for the precinct to the west of Melrose Drive running along the length of the Town Centre and the Phillip trades area (ie reflect the scope of the Woden Town centre Master Plan).

This site specific variation appears, in relation to the Burnie Court site, to be developer driven and then further facilitated by ACTPLA's opportunistic response, without having a planning concept discussed and agreed with the community. The variation is driven by site specific opportunities, which do not reflect good precinct planning principles. The site cannot be planned for with such a big change in urban structure in isolation from the whole Melrose precinct. There is a significant impact on residential amenity, infrastructure, traffic and access on Melrose Drive.

3. Height and scale in proportion to adjacent residential areas

WVCC does not support the increase in height to 6 storeys, or the proposed 10 storey tower. Melrose Drive was designed to reflect the border of the Town Centre. Expansion of the Town Centre was expected to be undertaken to the east in the vacant land. This expansion is occurring, without the height proposals on the Burnie Court site. The land between the Town Centre and Yarra Glen was designed to accommodate this type of development. Land adjacent to single storey residential development was not. Melrose Drive marked the edge of the Town Centre as Hindmarsh Drive marks its south. High rise buildings to the west of Melrose are not supported by WVCC.

Greater urban density can still occur with 3 to 4 storey buildings. Tower buildings should be accommodated within the Town Centre not within the suburb. Buildings on the edge of the suburb, adjacent to the Town centre, but on the suburban side of the edge road, should not be tower blocks but provide a step down transition to the predominantly single storey suburb.

The proposed Variation to the Territory Plan does not comply with the Criteria in the Code (p 17 of the Draft Variation). The height is not compatible with existing or future desired character of adjacent development. In fact most of the development on the site and certainly adjacent to it is single storey with some 2 or 3 storey. It does not meet Criterion 3 – there are detrimental impacts on the character of adjacent residential zones in particular in not establishing “an appropriate streetscape character”. Also in respect of overshadowing the site of a DA already approved and lack of clarity over how greater heights affect adjoining buildings re overshadowing. Higher buildings do impact solar access to the site and also to residences.

The end effect of 6 storeys and a 10 storey marker building would be to create a canyon effect while driving along Melrose Drive. WVCC also believes in terms of Variations to the Territory Plan in the density along Melrose Drive that this is the “thin edge of the wedge”

Good accepted design principles require that there is generally a “massing” in the centre of towns with edge development of a lower level. This ad hoc variation runs counter to that principle with the height at the perimeter.

WVCC would support up to 4 storeys along Melrose on the site but no higher. We would also support up to 6 storeys for the tower block. The scale on the west of Melrose is totally inappropriate for a mainly single storey suburb unless it is intended to have development similar to along Northbourne Avenue or in Kingston. Northbourne Avenue as a major transit route is far more suited to such development. It is wider with softening effect of trees and a broad median strip. None of these advantages relate to Melrose Drive.

The proposed incursion into Lyons and along Melrose is of such visual significance that we would like to see a total development concept and computer graphics to model and evaluate possible outcomes as happened in the planning for Molonglo.

The land on the site is higher than the Town Centre and would create a greater impact of the higher buildings towering above the existing levels of the Town Centre

Such an effect would impact on a sense of scale. This impact would be heightened when proceeding into Lyons along Launceston St from Melrose with one side high rise and the other low scale. Is there an unstated intention to increase the height and density further along Launceston? The drawings in the Planning Study does not show the real scale of what is proposed from a street level perspective and therefore do not truly represent the visual impact.

The proposed focal point suggested on page 6 of the DVTP will not be achieved from a tower on the site. The site is not at the entrance to the Town Centre but rather on a side street by passing it in a residential suburb across the road to a side entrance to the Centre. A single focal point is not required on that site and would be visually offensive. There is no evaluation of such focal points provided to show any benefit, in fact there is significant community and other comment opposing such focal points unless incorporated in a broader design grouping. Focal points are generally in the centre of town centres and provided in Woden Town centre by buildings such as the Lovett Tower. There are very few buildings in Woden of the height proposed for the residential suburb of Lyons.

It is noted that the Zoning will change for the Freycinet building to allow 6 storeys for consistency across the site. There will not be consistency with the tower allowed on one corner of the site. There is no such commitment about rebuilding to a higher height in relation to the DA approved for the development to the north of the Freycinet building.

4 Traffic and Pedestrian Impacts

At the community consultation held last year, the proponent could not answer adequately questions on access and egress from the site, the options for traffic claming or lights on Melrose and pedestrian access to the town centre. He said these were matters for TAMS. WVCC felt there were many unknowns and we seek an overall (as opposed to compartmentalised eg TAMS) assessment of the needs for these services. We believe many of these issues would be addressed in a precinct plan and cannot be considered in the light of a site specific development proposal. This is a question of future infrastructure

requirements and Melrose Drive is heavily signalled in that area already. Peak hour traffic runs along Burnie and Launceston streets avoiding the Melrose Hindmarsh intersection as well as along Melrose. Any further interruption to traffic in that area will impact on peak hour through flows.

Given that the marketing is for older persons' accommodation, traffic and pedestrian access is a major concern as is the traffic caused in peak hour by the residents of the tower. WVCC believes that this has not been adequately examined in the DTPV.

5. Inadequate Solar Access

The concept plan on which the Variation is based is very inadequate in terms of solar access to the site and buildings. WVCC made this comment when commenting on the DA. Buildings running north south with adjoining walls mean that many units are denied solar access. To have the highest tower building on the north east corner of the site is totally inadequate in terms of solar access on the site. The only argument posed by ACTPLA is to mark the corner and to reflect possible height of buildings across in the Town Centre. This does not justify shading the site from the best solar aspect. We have other concept plans which show a tower could be constructed to the south east and not impact on the solar access of the Freycinet buildings. WVCC believes the argument could well be once there is one 10 storey tower others can easily follow. Six storey buildings on the eastern side will limit solar access to the rest of the site.

It was also poor overall planning to allow a DA to be approved for a part of the site then release a DTPV soon after to change height limits and to allow a 10 storey tower adjacent to that site. This is an ad hoc approach to planning without an overall approved precinct plan. The DVTP flies in the face of the approved DA and the addition of another 2 storeys impacts on what is already approved. Do people who have already placed agreements for the villas under the approved DA know that the height of buildings can change if the DVTP is changed? WVCC is aware of one purchaser who was not aware and indeed if one of the proponents was also unaware until the DVTP came out

then one can assume that no purchasers were aware. Unless of course some of the proponents knew and others did not know.

Shadow diagrams have been produced at the consultation meetings last week. The question did they reflect the earlier proposal or what would occur under the DTPV was not clearly answered. WVCC would want to see shadow diagrams for different options to ensure maximum solar access to the site. This solar access is not just for the buildings but also the grounds. We believe no Variation should proceed but if it does then independent solar analysis should be undertaken. We would like an EIS in terms of the impacts DTPV on the site and the precinct.

6 Overlooking and Overshadowing

The tower block will stand out alone in the surrounding suburb of Lyons. It will overlook single storey residences and significantly reduce privacy and amenity enjoyed by residents for many years. As outline in item 4, it will overshadow a significant portion of the site some buildings and much of the open space making it unattractive at certain times of the year. A much better outcome for preserving residential amenity while achieving density can be obtained from lower building heights. Similarly the 6 storeys will overlook residences further east and overshadow the site.

7. Impact on wind patterns

Woden Town Centre is renowned for its strong winds exacerbated by the high tower buildings. No attention appears to have been paid on the impact on the amenity of the site and adjoining areas of the tower on wind and wind sheer off the building. This will detract from the outdoor amenity of the site and the enjoyment of the open space, which the development claims is enabled by the tower and increased height.

8. Assessment against the reasons for the DVTP

- Diversity of housing can be achieved in low rise buildings as well. It is presumed that there will be greater number of

inhabitants yet the same dwelling numbers than achieved when the site was public housing. Our concept plan shows this can be achieved in low rise buildings too. High rise should be reserved for within the confines of the town centre. If the DVTP is intended to lead to a spill over of the town centre into Lyons then this requires a major planning assessment for the whole precinct not just the Burnie Court site.

- The proposal does not have “appropriate bulk and scale while taking into account the surrounding land uses”. The site is in suburban land and not adjacent to the town centre but separated by a major road which defines the town centre edge. There is no other development of the height, bulk or scale either across the road or in the adjacent suburban land. It will inappropriately stand out on its own on the other side of the road to the town centre not even at its entrance.
- While it is recognised that there will be some development of increased heights to the north of Launceston Street in the town centre, the buildings will generally be limited to 6 storeys as per the Territory Plan. This statement in the DVTP should be amended to correctly reflect the wording in the Territory Plan. That precinct is not opposite the Burnie Court site but further north beyond the pool. What is of concern is what other changes are contemplated on the western side of Melrose? If none then the tower will stick out on its own especially when seen by people proceeding north along Melrose Drive. The tower will not be seen as part of the town centre with no other high rise buildings adjacent to it.
- There is no point in increasing open space if it is overshadowed for much of the year by the tower and 6 storeys to the north and east or if the site is subject to extra wind sheering off the tower. The bulking of buildings is seen as an attempt to avoid the destruction of the numerous trees on the site. WVCC would appreciate consideration given to the significance of the trees before the need to bulk buildings is adopted. This point in particular shows that the DVTP is developer driven not land use or precinct planning driven. There has been no guarantee about what the additional open space will be used for, or indeed, given the considerable open space further up to road in Lyons, whether it is in fact needed. It is a curious point that there is a view that this land is needed for recreation space when the land

north of the pool which has recreation facilities used by ALL the community has been diminished through deconcessionalising community leases and changing land use to make it financially preferable to construct office blocks rather than retain entertainment and leisure facilities.

- While traffic may be accommodated what about entrance and egress from the site and pedestrian access to the town centre. With significant increase in number of residents how will this be accommodated? WVCC considers traffic impact is not a reason to vary the Territory Plan but a factor in the analysis of the variation.

WVCC welcomes the opportunity to discuss this submission with the Committee in a hearing scheduled for 7 April 2009.

Yours sincerely

Gina Pinkas
Planning Officer