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11 June 2013

Mr Mick Gentleman MLA  
Chair, Standing Committee on Planning, Environment and TAMS  
Office of the ACT Legislative Assembly



Dear Mick,

**Re DV308**

Arising from the final hearing of this enquiry, we write to comment further on two matters:

1. the interface between proposed taller buildings to the west of Kogarah Lane and the existing apartments of Argyle Square, and
2. the density of the proposed redevelopment.

In summary:

*1. We submit that either the frontage of the new buildings to the west of Kogarah Lane should be lower, or the distance across Kogarah Lane should be increased (so that the impact of the new buildings on existing homes in Argyle Square is substantially reduced). A pro-rata decrease in height of the new buildings and increase in distance across Kogarah Lane could also achieve the same objective.*

*We give two examples of the magnitude of change that we believe is needed:*

*1A. If the distance across Kogarah Lane, from the boundary (i.e. building line) of the redevelopment site to the boundary (i.e. building line) of Argyle Square, is 20 metres (as is currently proposed), then the height of the frontage of new buildings on Kogarah Lane, opposite Argyle Square, should be reduced to 3 storeys (as it is on the ground at present).*

*1B. If the height of the frontage of new buildings on Kogarah Lane, opposite Argyle Square, is to be 6 stories (as is currently proposed), then the distance across Kogarah Lane, from the boundary (i.e. building line) of the redevelopment site to the boundary (i.e. building line) of Argyle Square, should be increased to 50 metres.*

*2. We commend to your Committee the examination of a range of examples of contemporary best practice residential developments, from within Australia and from overseas, that combine medium and high density urban living with lower height profiles.*

## **1. Interface with existing buildings that are adjacent to the redevelopment site**

Questioned about the height of the frontage of the new buildings on Kogarah Lane, Minister Corbell said:

**Mr Corbell:** These are subjective judgements, and there is no right or wrong answer on the issue of how high it should be. .... Clearly, the feedback during the consultation process indicated that there was concern about the interface between the Argyle apartments complex and the redevelopment site. So, quite rightly, in response to the public consultation process, the variation was revised and the revision brought it down, as Mr Corrigan said, from eight to six and, at the same time, additional requirements were put in place in relation to setbacks.

The setback is a very generous setback, as Mr Corrigan has indicated—20 metres from boundary line to boundary line between the redevelopment site and the Argyle apartments site. That, again, is in response to the issues raised about the interface between taller buildings to the west of Argyle apartments and the apartments themselves. There is no precise formula on this matter; it is a question of design and consideration of the various broader strategic planning outcomes that need to be achieved on the site, and the revision was in response to public consultation feedback that was received.

We live at the north-east corner of Argyle Square. When we bought our home there, eleven years ago, our outlook to the north was to a building of similar size and style to Gorman House. This building was demolished and replaced by “The Gatsby”, a residential building three stories (11 metres) high and 60 metres from our front door. This caused us no problem.

The situation of those living at the western end of Argyle Square, on Kogarah Lane, is quite different. If DV308 is approved without amendment, they are likely to be confronted by new buildings six stories (20 metres) high and only 20 metres distant.

In his evidence, Mr Corrigan supplemented the evidence given by Minister Corbell, saying:

**Mr Corrigan:** .... We believe the interface between the existing residences of Reid and Braddon, and the Argyle apartments, with the greater laneway, is good at six metres. It also mirrors what is happening in Braddon at the site to the west. Obviously that is six storeys there—not six metres, six storeys.

Mr Corrigan appears to be comparing the situation of residents of Argyle Square currently living on the east side of Kogarah Lane, Reid, with that of future residents of new, 5/6 storey apartments on the east side of “Cooyong Lane”, Braddon. (“Cooyong Lane” is so named in the Concept Master Plan, page iv, Planning Report Vol. 1, September 2011. “Cooyong Lane” continues the line of Kogarah Lane across Ainslie Avenue to the north.)

But is such a comparison fair? On the one hand are owners, residents and tenants, of a long-established development (Argyle Square) whose situation will be radically changed by the new development. On the other hand are potential purchasers, residents and tenants, of units in a new development who have an unencumbered choice (i.e. a free choice) as to whether to live there or somewhere else. Existing resident owners of units in Argyle Square, faced with an unreasonable diminution of the amenity associated with their homes, may choose to sell and move elsewhere – but not without incurring substantial costs. In addition, their property would suffer considerable loss in value as a consequence of unreasonable over-development. Were this to occur, we would regard it as a betrayal on the part of the ACT Government.

It would be fairer to compare such owners, residents and tenants, of Argyle Square currently living on the east side of Kogarah Lane, in Reid, with those owners, residents and tenants, currently living in the single-storey houses on the east side of Currong Street North, in Braddon. Here we are comparing like with like. Those currently living on the east side of Kogarah Lane and those currently living on the east side of Currong Street North share a material interest in the existing situation, as owners, residents and tenants, of properties that are immediately adjacent to the eastern boundary of the redevelopment site.

Figures 1 and 2 (page 6), drawn to a scale of 1cm to 2.5 m, compare the visual impact of the new buildings seen from the door or window of a ground floor unit in Argyle Square with that of the new buildings seen from a door or window of the ground floor of a house in Currong Street North.

The façade of the new buildings seen from the ground floor unit in Argyle Square occupies nearly half of the vertical field; one has to look up at an angle of 42 degrees to see the top of the building. But to see the top of the new buildings from the ground floor of the house in Currong Street North, one looks up at an angle of only 14 degrees.

The visual impact of the new buildings as seen from ground floor Argyle Square units on Kogarah Lane is approx. 3 times greater (42 degrees divided by 14) than the visual impact of the new buildings as seen from the ground floor of houses on Currong Street North.

Only by substantially reducing the height of new buildings on the west of Kogarah Lane, and/or increasing the distance between the building lines on the east and the west of that Lane can the visual impact of the new buildings be reduced to a reasonable level. The proposed setback of 20 metres is far from “generous”.

## **2. The density of the redevelopment**

In the above observations we have tried to tease out just one part, but a significant part, of our objection to DV308 in its present form. We have focussed

on the effects on current residents of homes that are immediately adjacent to the redevelopment site because they are at the sharp end of the adverse impacts.

It may be argued that within the limits set by DV308 a wide range of designs are possible. Possible? Yes. But likely to be pursued? No.

From the evidence presented to your committee it is clear that DV308 has resulted from an iterative process involving, on the one hand, the proponent (and the proponent's planning and architectural advisers) and, on the other hand, the government's planning authority. DV308 has been crafted to permit the realisation of the concept plans prepared by the proponent and the proponent's advisers.

These concept plans are, rightly, in the public realm in the form of the proposed master plan for this site. If DV308 is approved without substantial amendment, it is most likely that these existing plans (or plans very like them) will subsequently be presented for approval. Since DV308 has been crafted around these plans, it seems unlikely that they would be rejected or significantly modified.

But are these plans, and the variation of the city plan that is based upon them (DV308), the best way to redevelop this site?

Those likely to be most directly and adversely affected by them will answer "No", or "not without substantial amendment". And for every resident near the redevelopment site who is likely to be acutely and adversely affected by this proposed redevelopment, there are many members of the general public who are likely to be adversely affected to some degree. Few of these have chosen to become engaged with the work of this committee. A cumulative effect of sub-optimal planning is a decline in standards and in expectations.

Are there better alternatives than DV308 for this site? There certainly are, and questions asked by members of your Committee have shown the way forward. A key question is what densities would be permitted on this site under RZ4, RZ5 and their mixed-use counterparts? Such development would preserve the safeguards currently provided by these general zonings. This important question was taken on notice.

It was also stated to your Committee that the actual densities achieved would depend on the particulars of the design selected. We hope that the ACT planning office will present to your Committee a range of actual designs of best practice residential developments, from within Australia and from overseas, that combine medium and high density urban living with lower height profiles. This is what Canberra, and these two redevelopment sites, in Reid and Braddon, need.

You may recall that in the oral evidence we presented to your Committee on May 2<sup>nd</sup>, one of us referred to Argyle Square as a local example of good practice, and indicated how it might be modified to achieve some increase in density:

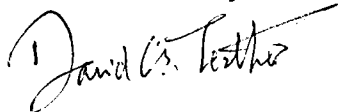
**Dr Teather:** Argyle Square currently accommodates approximately 300 people in apartments and townhouses, mostly three and four-storey buildings. If the whole of the site now slated for redevelopment in Braddon and Reid were to be redeveloped to a density similar to Argyle Square, the redevelopment site would accommodate 700 people. If the heights were increased from the three and four-storey buildings in Argyle Square to four and six storeys, the site would accommodate 1,000 people. We think this would be a much better outcome.

Argyle Square was built in 1979-86. There are examples from around the world of more contemporary best practice that, if examined in some detail, would result in different draft variations, or perhaps with no need to amend the current zoning of the redevelopment site at all.

*We commend to your Committee the examination of a range of examples of contemporary best practice residential developments, from within Australia and from overseas, that combine medium and high density urban living with lower height profiles.*

We hope that the above observations are useful to you, and we wish you all the best for the conclusion of your Committee's deliberations.

Yours sincerely,



David Teather & Elizabeth Teather

cc Veronica Strkalj  
Secretary, Standing Committee on Planning, Environment and TAMS,  
Office of the ACT Legislative Assembly

Fig 1. Line of site of top of proposed new buildings as seen by an existing resident of a ground floor apartment in Argyle Square on Kogarah Lane (east side).

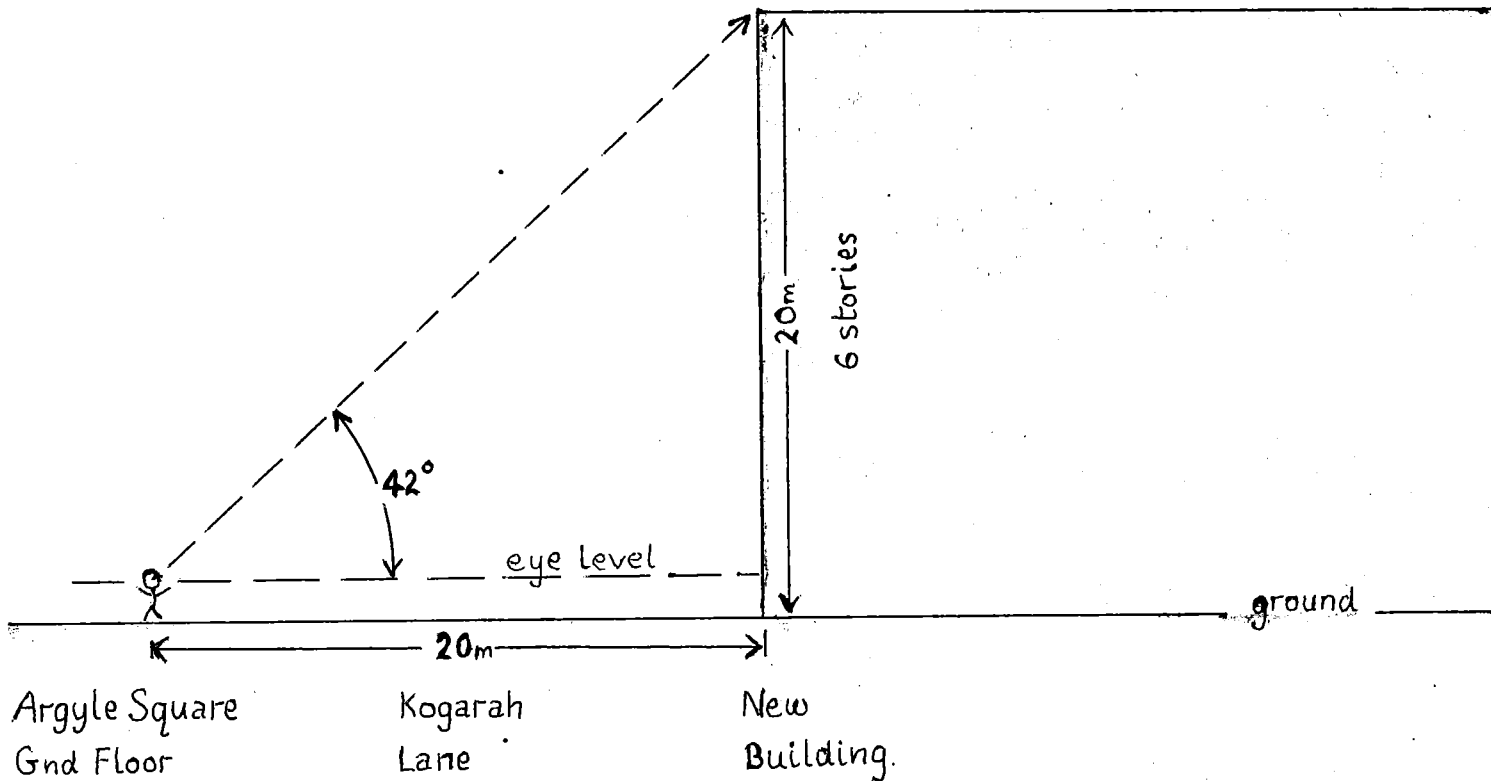
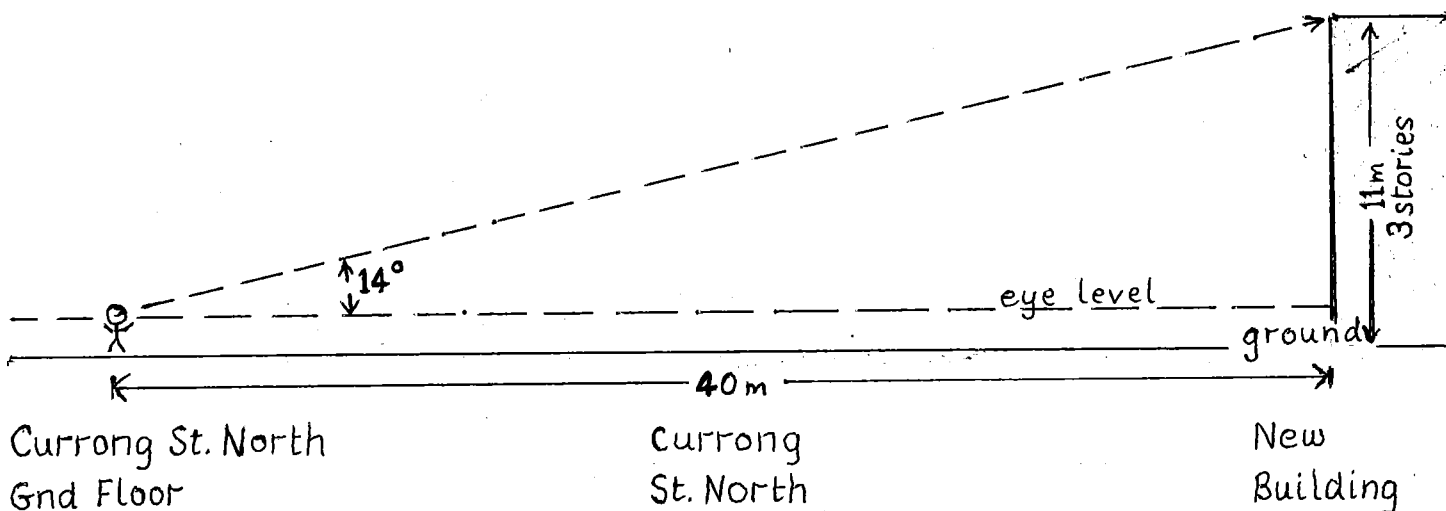


Fig 2. Line of site of top of proposed new buildings as seen by an existing resident of a single storey house on Currong Street North (east side).



Conclusion:

The visual impact of the new buildings as seen from ground floor Argyle Square units on Kogarah Lane is approx. 3 times greater than the visual impact of the new buildings as seen from the ground floor of houses on Currong Street North.