PO Box 396
Dickson ACT 2602
info@northcanberra.org.au
www.northcanberra.org.au

Protecting, promoting and enhancing the economic, cultural, social and environmental well-being of the residents of North Canberra

The North Canberra Community Council receives funding and support from the ACT Government

North Canberra Community Council Submission to the

Planning and Development (Draft Variation no.368) Consultation Notice 2019

The North Canberra Community Council (NCCC) believes that the Draft Variation no.368 (DV368) should not proceed to the Committee stage until there has been a more extensive consultation process. The NCCC believes that there are a number of outstanding issues relating to DV368 relating to heritage, planning and sustainability (more detail below) which need to be subject to further consultation and discussion. The NCCC would welcome the opportunity to work with the Environment, Planning and Sustainable Development Directorate (EPSDD) to facilitate this consultation and ensure that a wider range of stakeholders have had the opportunity to provide input to the DV during this challenging period.

Need for further consultation

Draft variation 368 (DV368), released on 12 December 2019, proposes a number of significant changes to the Territory Plan. Public notification between 12 December 2019 and 28 February 2020, during the period of catastrophic fires, record high summer temperatures, a state of emergency, disastrous air quality, a devastating hailstorm and the COVID 19 crisis, has massively reduced engagement. Fewer than a dozen independent submissions had been received by the deadline.

The changes proposed in the draft DV have a range of implications for North Canberra, including replacing two existing precinct codes with a new Northbourne Avenue Corridor Precinct Code (NACPC). Many community associations, social services and resident groups, together with close to 25,000 private households and over 20,000 ANU students and faculty are directly impacted by the proposed changes but are unaware of them. No presentations have been given to NCCC or to other community stakeholders.

This makes it very hard for the ACT government and the Planning Minister to state with any confidence that DV368 has received the scrutiny and been subjected to the level of debate and healthy discourse that good planning depends on.

Both the National Trust and NCCC rely on volunteers. The COVID-19 crisis has heavily affected the resources available to examine complex lengthy documents. This DV is 70 pages long, containing 10 appendices, but in order to make sense of the changes the reader must also refer to 5 separate suburban precinct codes, the Multi-Unit Housing Development Code, the Inner North Precinct Code and the Northbourne Avenue Precinct Code, the RZ4 medium density residential zone objectives,

and the Commercial Zones Development Code. The burden on community members is grossly unreasonable at this time.

We are aware that it is currently difficult or impossible to undertake normal forms of consultation. This is not a reason, however, to progress these significant changes without appropriate consultation. The NCCC is willing to work with the EPSDD to use its networks, including its ten Residents Associations, to facilitate a consultation process. We could circulate a recorded presentation (equivalent to the type of presentation normally given to NCCC public meetings) and facilitate an online Q&A forum which will give the EPSDD an opportunity to respond to the questions and concerns of residents about the propose changes. The EPSDD could also consider preparing a short discussion paper as a basis for this consultation.

Concerns about DV368

1. Climate change impacts

In May 2019, the ACT joined many other cities, states and territories around the world in declaring a state of climate emergency, acknowledging the need for urgent action across all levels of Government. There is, however, no acknowledgement of this in DV368 and, indeed, one could read the DV without any awareness that it is proposing major changes to the urban plan in the midst of an emergency. In an environment characterised by extremes ranging from drought to severe storms and flooding, the DV should have an explicit consideration of climate impacts. As it is, however, it is vague about issues such as deep soil for tree planting and appears not to have incorporated modelling of transport impacts (or, if this modelling was undertaken, it is opaque in the DV).

The DV should, at the least, include an environmental impact analysis which would incorporate a traffic impact analysis.

2. Social and economic impacts

From a social planning perspective, DV368 warrants a thorough social and economic impact assessment. One of the big benefits of RZ4 close to public transport is the supply of compact housing in easy walking distance of a light rail node. Allowing commercial into a residential zone increases land value, making RZ4 into another flavour of a mixed use commercial zone. It changes traffic and noise, building standards, fire risks and insurance. It reduces the total stock of dwellings by allowing non-residential in the mix, which changes their cost per square metre, and increases the land value by offering the potential for a supermarket or offices on land that previously could only be used for residential. Boosting land value boosts rate revenue and almost certainly also increases dwelling prices both within the RZ4 zone and in neighbouring RZ3, RZ2 and RZ1 zones, so the net impact is to reduce the affordability of housing within reasonable walking distance of a public transport node and therefore encourage smaller units with less private open space and fewer parking spaces in new developments.

From a planning point of view, there are pros and cons. Competition with established local shopping centres could undermine their viability, since many of the local centres do not command high rents, are in direct competition with group and town centres and depend on local residents to journey to them. On the other hand, small convenience shops or medical offices in a development may be helpful to people who don't own a car. On balance, we would maintain that the benefits of consolidating services into local shopping centres that act as social hubs and meeting places, and offer relatively affordable commercial tenancy space on the first floor, are significant and there

should be tight controls on any proliferation. It makes sense to identify nodes that surround the light rail stations and focus services there, which the NACPC fails to do.

3. Heritage impacts

The threat to heritage and its contribution to place making, and long term sense of community cohesion and belonging and distinctive identity, are significant issues that DV368 fails to address in meaningful ways and are not picked up elsewhere. DV368 does not give sufficient weight to the principle of design within a heritage context and ensuring that heritage values and significance are not compromised. The area covered does contain heritage sites as is mentioned by the ACT Heritage Council on page 17 (except they fail to identify the Dickson and Lyneham Flats). Good urban design recognises heritage places and accepts that there should be consideration of heights and context when new buildings are placed beside or near heritage places. DV368 overlooks this and needs to be reviewed to provide a better urban design outcome.

The National Capital Design Review Panel is endeavouring to apply the principles of good urban design but if heights are permitted within planning instruments then it is virtually impossible to prevent maximisation of development and a poor outcome. DV368 needs to be amended to explicitly respect heritage places and ensure a good design outcome in an urban context. The places affected are those listed in the ACT Heritage Council advice on page 17 but also the vistas from Majura Avenue to Black Mountain, Havelock House, Dickson/Lyneham Flats, Holy Trinity Lutheran Church in Turner and SDA Church Turner.

There is a cursory mention of respecting the Griffin Plan as a key element in 2.15 but the design of the Macarthur node ignores his vision for Majura Avenue. We are extremely concerned about the loss of the vista to Black Mountain that is an intrinsic and fundamental part of the Griffin Plan, because the building heights that the NACPC requires (it stipulates that buildings on those 4 corners must be at least 80% of the specified height, a very unusual planning control) threatens to sever the landscape connection that makes the Majura Avenue approach route legible

Public open space is essential if the intensity of building as intended is realised. There is insufficient at present and the setbacks and lanes will not provide the open space and recreation space required. Assuming Haig Park can manage the total demand is not reasonable or suitable. More open space is essential if wellness and healthy living is to be considered let alone achieved.

4. Planning concerns

This is a complicated piece of legislation made up of a series of 10 Appendices that contain changes to 5 suburban precinct codes (Dickson, Lyneham, O'Connor, Turner and Braddon), together with a new Northbourne Avenue Corridor Precinct Code (NACPC) that redefines the corridor to include both the immediate corridor plus roughly double that on either side including some islands with no clear connection to the rest. No area data or breakdowns have been provided. Haig Park and some roads are excluded but most small roads and schools within the suburbs will be subject to the NACPC or directly adjoin land that is. There is no summary of which bits already exist and which are entirely new, and the reader is simply told that the codes have been "modernised" or "clarified".

The new NACPC replaces 2 previous codes (Inner North and Northbourne Avenue), and while it's related to the earlier National Capital Plan amendment 91 it departs substantially from what was contained in that and references the National Capital Plan's special requirements only in the Introduction and not thereafter. From a statutory standpoint, the Introduction has negligible effect, which is legally neither satisfactory nor defensible. It places an unnecessary burden on ACAT to hear

arguments and determine to what extent ACTPLA is bound to have regard to the special requirements of the National Capital Plan.

The Explanatory Statement omits to mention that the dominant theme of both the National Capital Plan's new special requirements plus the final City and Gateway Framework document (that was jointly endorsed) was to significantly improve urban design outcomes and design quality by specifying tighter standards and rules for landscaping and built form. Neither the aims nor objectives are mentioned anywhere in the proposed NACPC, so from a practical point of view the rules and criteria have been divorced from the rationale.

The Explanatory Statement fails to mention a substantial revision to the RZ4 zone that occupies a large proportion of the land that DV368 applies to, or a substantial shift in the way that parking provision will be calculated, from a minimum rate to a maximum rate. Up until now, RZ4 has been a residential medium density zone. Commercial and retail floor space have been prohibited. DV368 switches off that prohibition in RZ4, which has important ramifications.

In summary, the NCCC believes that the outstanding issues in regard to DV368 require extending the consultation period and working with the NCCC and other stakeholders to raise awareness of these issues and engage in an effective consultation about them.

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Chair
North Canberra Community Council
17 April 2020