



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO

Mr David Denham
President
Griffith Narrabundah Community Association
E-mail: denham1@iinet.net.au

Dear Mr Denham

Thank you for your e-mail of 27 July 2013 expressing concern about the approval process for the redevelopment of the Brumbies site in Griffith. I am responding on behalf of the ACT Government.

I can assure you that the Development Application (DA) for the multi-unit housing development on Block 15 Section 42 Griffith has gone through a proper planning process in relation to the Territory Plan requirements, public consultation and engagement with other Government entities to resolve issues identified during the assessment process.

Section 159(2) of the *Planning and Development Act 2007* (Act) provides that the Minister may call-in and consider a DA where it complies with one of the criteria specified under the Act. In deciding a DA the Minister is required to consider advice from the planning and land authority, within the Environment and Sustainable Development Directorate (ESDD). The Minister is also bound to ensure the development complies with the provisions of the Territory Plan.

I decided to consider this DA because the proposal will have a substantial effect on the achievement of the object of the Territory Plan and the objectives for the RZ4 – Medium Density Residential zone, in particular, objective (b). I determined that the development has been designed to respect the neighbourhood and landscape character of the area. In particular, the two-storey components addressing Austin Street and retention of a significant number of mature trees on-site to ensure the development is compatible with the existing established streetscape character including the single dwelling developments located on the opposite side of the street.

The proposal will provide a substantial public benefit, particularly to the broader south Canberra community, with the provision of adaptable housing to meet the changing needs of the community. The proposal, therefore, satisfies the requirements of Section 159 of the Act. While I acknowledge the decision will assist the Brumbies to relocate their facilities to the University of Canberra, this does not suggest the planning

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requirements or the planning consultation undertaken as part of this DA have been compromised in any way.

The development is of a scale clearly prescribed by the specific controls imposed on the site following the consideration of Draft Variation 307 by the Legislative Assembly's Standing Committee on Planning, Public Works and Territory and Municipal Services. I note that the number of dwellings proposed in the DA (131) has been reduced from 150 dwellings indicated in the planning report that informed DV307.

The Multi Unit Housing Development Code (MUHDC) includes an extensive set of provisions for developments in the RZ4 zone including controls relating to setbacks, building height, plot ratio, private open space and protection of regulated trees. Subject to the conditions imposed in the Notice of Decision for the DA, the proposal meets these requirements. The proposed scale of the development is a response to the medium density zoning of the block, relevant controls in the MUHDC and opportunities and constraints of the site including the context of the site. It is noted that the Territory Plan does not include a definition for 'medium density'.

The provision for 25 residential visitor parking spaces (of which 9 are on-site and 16 are on Austin Street) is about 75% of the rate which is nominally required under the Parking and Vehicular Access General Code (PVAGC). However, the PVAGC allows discretion in terms of provision rates where it can be shown that a lesser provision would suffice. I am advised by ESDD that from travel survey data it is known that visitor parking demand is generally split, with about 50% occurring during mid-morning to mid-afternoon periods and much of the balance occurs in the late afternoon and evening periods. On that basis, the total of 25 visitor parking spaces is considered to be sufficient. I am further advised that the PVAGC recognises where there is spare capacity in publicly provided parking areas within a certain distance, whether on-street or off-street, these may be taken into account. The parking spaces on Austin Street fulfil this criterion.

In relation to solar access, the relevant criterion C222 of the MUHDC requires buildings to be sited and designed to optimise solar access to north facing windows of living areas and to private open space. The subject site has a street frontage to Austin Street to the south and other frontages to urban open spaces namely, the Oval to the east, floodway to the north and open space adjacent to La Perouse Street to the west. It is essential that the design responds to this context by providing ample surveillance of adjacent open spaces and enhancing the streetscape. This has resulted in active frontages incorporating living areas and private open spaces addressing the street or adjacent open spaces facing south, west and east. The design of smaller buildings also maximises corner apartments which allows better cross flow ventilation and access to natural light. The design maximises solar access within the constraints of the site and is, therefore, considered to meet the criterion.

In relation to parking arrangements for construction workers, I note that Minister Shane Rattenbury MLA has responded to you separately. The developer needs to take this issue into account when preparing the Temporary Traffic Management Plan (TTMP) for the development. Such parking will need to be restricted to areas which minimise traffic congestion, inconvenience to residents, landscape damage and safety issues, as much as possible. It is the responsibility of the developer to consult with relevant stakeholders in

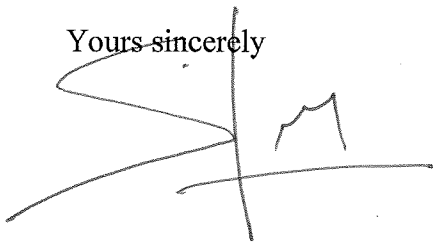
relation to these issues. I also note that Minister Rattenbury has asked Roads ACT to request that the developer include the Griffith Narrabundah Community Association in this process before submitting TTMP for approval.

In response to the recommendation by the Standing Committee for Planning, Public Works and Territory and Municipal Services for a flood study, the Government acknowledged that flood investigations had been prepared as part of DV307. Once the detailed design for the proposed redevelopment of the site was known, then the need for any augmentation of the flood investigations could be identified at the DA stage.

During the assessment of the DA, ESDD sought additional information from the applicant's consultant to confirm that the Standing Committee's recommendation in relation to flood studies had been met. The consultant advised that the flood studies undertaken to date provided ample evidence that the development will not adversely impact the surrounding areas and downstream stormwater system and therefore, further flooding investigations were not warranted. ESDD confirmed the consultant's advice, and it was considered that sufficient studies have been undertaken to model the flooding impacts on surrounding areas and those towards Canberra Avenue. In advising me, ESDD accepted the advice that the impact of the development on surrounding areas and towards Canberra Avenue would be negligible and therefore, no augmentation of the previous flood studies was considered necessary.

Thank you for raising your concerns with me. I trust that I have clarified the situation for you.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Simon Corbell', written over a horizontal line.

Simon Corbell MLA
Minister for the Environment and Sustainable Development

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