

Griffith/Narrabundah Community Association Inc.

PO Box 4127 Manuka ACT 2603

Website: www.gnca.org.au

email: info@gnca.org.au

Mr Simon Corbell MLA

27 September 2013

Minister for the Environment and Sustainable Development

Legislative Assembly for the ACT

GPO Box 1020

CANBERRA ACT 2601

corbell@act.gov.au

Dear Minister

Some comments on the multi-unit housing development on Block 15 Section 42, Griffith

Firstly, we would like to thank you for your letter of 9 September 2013, relating to the development at Block 15 Section 42 Griffith. We appreciate your considered response to our communication of 27 July 2013 and would like to comment on three of the issues you raised, that relate to this development and also to the future planning regime in Canberra.

These are issues are your *call in powers*, the definition of *medium density residential* and the *flood risk in Griffith*. We would welcome discussions with either you or your officers on any of these issues, because it is not possible to cover all aspects properly in a concise letter.

Call in Powers

You state that '*The proposal will provide a substantial public benefit, particularly to the broader south Canberra community, with provision of adaptable housing to meet the changing needs of the community.*' Unfortunately, this is just a subjective statement, without any quantitative evidence to support your conclusions.

It would have been valuable to know how the anticipated public benefit calculated. And if the anticipated public benefit was not measured in financial terms but in some anticipated wider choice of housing, what change in the ratio of apartments to detached housing was thought significant enough to require Ministerial intervention. In any case the meaning of the phrase '*adaptable housing to meet the changing needs of the community.*' is not clear.

Adaptable housing conjures up images of mobile homes, which can be adapted to several environments, this is surely not what was meant. In South Canberra at the moment, there are literally hundreds of apartments being constructed or on the market for sale; so building more apartments does not provide more choice, just more of the same. Furthermore the price of new apartments in South Canberra puts most of them out of reach for retirees who want to downside to something bigger than a filling cabinet. So the public benefit is not evident.

Consequently, **we recommend that you investigate the development of a set of conditions that can be incorporated into the Territory Plan that clearly define the criteria to be met before call in powers are used (R1).**

Medium density residential specifications

As you say the Territory Plan does not include a definition for ‘*medium density*’. However, in the Glossary of the Canberra Spatial Plan

(http://apps.actpla.act.gov.au/spatialplan/6_glossary/index.htm), Medium Density Housing is defined as “*Generally between 25 to 60 dwellings per hectare and not usually more than three or four storeys in height. Examples are townhouses and terrace housing.*” And High Density Housing on the other hand is defined as “*Over 60 dwellings per hectare and generally five storeys or more high, for example apartment buildings.*” On these definitions, the proposed development, at 78 dwellings per hectare, and comprising apartments rather than town houses, should be classified as a high density not a medium density development, as RZ4 zoning requires.

Consequently on these definitions the development does not fall within the type of development allowed within the RZ4 zone.

So there is a situation where there is one definition in the Spatial Plan but not one in the Territory Plan. This situation should be remedied. There should be consistency throughout the planning documentation. What is the point of defining medium density in one part but not in another?

The consequences of building high density accommodation on a medium density zoned site leads to:

Not enough visitor car parking spaces are provided on site. The development will comprise 131 dwellings. ESDD’s *Parking and Vehicular Access General Code* (PVAGC) requires the provision of 33 Visitor car Parking Spaces (one visitor car park per each 4 dwellings).

However, the development proposes to only provide 9 parking spaces on-site, the remainder are supposedly available off-site, *i.e.* on streets or on what is now zoned as urban open space. There should be a strong policy of reducing on-street parking not encouraging it (see Appendix for more details).

Not enough space on site for construction workers’ parking

The area allocated in the DA for construction workers’ parking is ~607 m². Compared to other large developments such as the Altair project in Stuart Street it appears that the identified parking space is inadequate.

Solar Access is compromised, even though, as you say, the design has maximised solar access within the constraints of the site.

We recommend that the definitions for medium and high density residential zones be incorporated into the Territory Plan (R2).

Inadequate flood information

It is too late now to undertake another flood study, but we are surprised that ESDD was satisfied with the advice provided by the applicant’s consultant.

The proponents commissioned Cardno Young to prepare a “Flood Study Report” which was completed in 2011 and was available as part of the DA application papers. This report noted

that the storm water system in the area was reviewed in 1978 by the then Department of Housing and Construction. This review was itself reviewed in 1999 by Bill Guy and Partners. The 2011 Cardno Young report claimed to draw upon work done for the 1999 review, but neither the data nor the methodology used were made available.

There are a number of shortcomings with the Cardno Young Flood Study Report. For example the input function used to generate the model was not specified. Modelling floods necessitates specifying a rainfall Intensity Frequency Duration function, (this specifies how much rain was precipitated) together with the area over which it fell and for how long, as an input to the modelling. All that is known from the information provided is that a 1 hour storm was used. This is not sufficient. They should have specified the extent of the rainfall and the amount that was precipitated over the one hour period.

In addition, the 100 year ARI (average recurrence interval) flood is only an estimate and for a proper analysis the uncertainties of this estimate should be stated.

The report also ran some models with half the culverts blocked. This is unsatisfactory, they should have modelled the results from both culverts being blocked. This happened in January 2013 in the lower retention basin after only ~38 mm of rain. The water rose to within one metre below the top of the embankment (see below).



Image taken on 27 January 2013. The brown surface comprises debris backed up from the blocked culverts. The grass above the debris shows how high the water extended.

While the Cardno Young Report concluded that the ground level for the project would be above the expected 100 year flood level, no consideration was given to the likely impact on the car park basement. At what rate could water be expected to enter during the 100 year flood, and what steps would be necessary to avoid damage to vehicles parked there?

No consideration appears to have been given to the consequences, for the design of both the basement and the overlying buildings. Finally there were no estimates in the Report of the effect of adding a 1.7 hectare impervious layer (as a consequence of the development) to the hydrological and the drainage patterns of the area.

If the Government is confident that all necessary flood studies have been undertaken, it should ensure that all the data and the methodology is put into the public domain, so that interested parties can confirm the proponent's conclusions or develop their own estimates of the likelihood of a flood. This would also allow other parties to make reasonable estimates of the likelihood of scenarios that may not have been considered by the proponent or its consultants.

Finally, there appears to be no consideration of climate change projections. As stated in the *Water for the Future – striking the balance* Report, we can expect in the ACT, *'Increasing rainfall intensities leading to more intense stream flow and Increasing summer rainfall and associated run-off and erosion.'*

We recommend that the government releases, into the public domain, all the data and the methodology used in the modelling, which was used to estimate the flood hazard used by the Government (R3).

DD

Signature

Appendix

Detailed analysis on visitor car parking

The development does not provide enough visitor car parking spaces. The development will comprise 33 one bedroom, 75 two bedroom and 23 three bedroom units or 131 dwellings. ESDD's *Parking and Vehicular Access General Code* (PVAGC) requires the provision of 33 Visitor car Parking Spaces (one visitor car park per each 4 dwellings). However, the development proposes to only provide 9 parking spaces on-site, and counts a further 16 public parking spaces in Austin Street as counting towards the required target, leading to the assertion that the development will be providing 25 visitor parking spaces, which the Decision concedes is only 'about' 75% of the 33 spaces required under the PVAGC. The Decision goes on to note that the PVAGC requirement is not mandatory, and that "A parking

provision less than the calculated parking requirement may be considered, if it can be demonstrated that the objectives for the provision of parking in that area can still be met.”

ESDD invokes this provision to assert that the proposed visitor car parking is acceptable. Why it feels the need to do this is obscure. The inclusion of neighbouring “on street” parking is either permitted under ESDD’s own rules, or it is not. If the existing on street parking in Austin St is excluded from the calculations the development only provides 27% of the required parking on site. A waiver for a shortfall of this magnitude might have been difficult to justify, which is presumably why the “on street” parking in Austin St was included. The only remaining puzzle is why an additional 8 “on street” parking spaces in Austin St or other neighbouring streets (Wells Gardens is conveniently close) were not added into the calculations so that the development would appear to meet the requirement for 33 visitor parking spaces without invoking the get out clause.

The “provision” of only 25 of the required 33 visitor parking spaces is justified by the argument 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.”*

Thus the Minister has taken two decisions to weaken the requirements of the PVAGC in relation to the provision of visitor parking spaces:

1. To include existing “on street” parking in the total; and
2. To allow considerably less than the required number of places with only a very weak “demonstration” *“that the objectives for the provision of parking in that area can still be met”*)

Neither of these decisions appears to be restricted in their applicability to this development, and both can be expected to have significant implications beyond this particular development.

While the Notice of Decision passes over the decision to permit the inclusion of existing “on Street” parking in calculating the amount of visitor parking provided, the Minister has said in correspondence that *“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.”* How capacity is to be determined as “spare” and how close this must be to the development, are not explained. The argument that visitor parking requirements can be lowered because the demand is bimodal does not appear to be restricted to this development (no details are given about the location or timing of the “traffic survey”) and consequently could be argued as applying all over Canberra.

There appears to have been no attempt to assess actual likely demand at either of the postulated visiting periods to ensure that this waiver of the usual PVAGC requirements would not result in a shortage of spaces. Neither does there appear to have been any research to determine whether the original PVAGC parking requirements had already taken account of this bimodal parking demand. The required visitor parking space numbers in the PVAGC are derived from a publication produced by the NSW RTA in 2002, and some have argued

that the numbers it contains are conservative both because there are more cars per capita than there were 12 years ago and because in Canberra public transport is less available than in Sydney. Note that the PVAGC requirement is merely dimensioned in numbers of parking spaces required, not spaces per hour or per day, leading us to conclude that the NSW RTA had determined that this was the number of places required at maximum demand, no matter what time of day at which this peak demand occurred. ESDD's argument appears to presume that the visitor parking space requirement is a total for the whole day, and can be reduced if it can be demonstrated that the demand has two or more peaks. The thinking behind this belief is not clear.

If the PVAGC permits these approaches then we may expect other developers to seek to make use of them. ESDD would appear to have little grounds to refuse such applications. Consequently the effect of this particular element of the Brumbies decision has been to vitiate the visitor parking space requirements of the PVAGC. Significant changes to elements of the Territory Plan's General Codes are normally the prerogative of the Assembly, but the Minister and ESDD (whether inadvertently or not) appear to have achieved this outcome without the need for parliamentary scrutiny.