

20 December 2023

Environment, Planning and Sustainable Development Directorate Submission via email:
ACepdcustomerservices@act.gov.au

Re: Development Application no. 202342157

PROPOSAL FOR PRECINCT 3 RESIDENTIAL AND COMMERCIAL (CARPARK) DEVELOPMENT – Canberra
Brickworks Precinct

Dear Sir/Madam,

The Yarralumla Residents Association (YRA) has been actively engaged with proposals for the development of the Canberra Brickworks Precinct (CBP) since its founding in 1988. Representatives of the YRA have been actively engaged with the current proposal as members of the Brickworks Community Panel, initially formed by the Land Development Agency in 2015.

We take this opportunity to comment on a number of highlighted issues that we believe require closer scrutiny by the ACT Government to ensure the development results in a high quality and sustainable estate for Canberra while delivering the promised mitigation of negative impacts on existing residents and infrastructure.

UNDERTAKINGS BY THE ACT GOVERNMENT

Our comments are premised on the following undertakings by ACT Government Directorates.

1. The Suburban Land Agency (SLA) has entered into a non-public deed with the developer (Doma), which enshrines certain conditions to be met on the leased land.
2. We understand that various conditions placed on Doma, through the deed or other mechanism administered by the ACT Government, include:
 - a) No more than 380 dwellings to be permitted across the entire precinct, which should also prohibit future subdivision of individual housing blocks or other large dwellings including 2, 3 and 4 bedroom apartments.
 - b) Dogs on leashes to be permitted in the two public parks at all times.
 - c) No commercial activities to be permitted within the two public parks.
 - d) Nighttime use of the tennis courts to be prohibited (due to proximity to existing residents)
 - e) Future committees of management for the community title/body corporates will not be able to change their own by-laws in a way that would have a negative impact on designated public open space or neighbouring residents.
 - f) No direct access from Dudley Street to Denman Street or Bentham Street will be permitted except by authorised vehicles such as emergency services using the edge road connection to Denman Street.
3. All relevant ACT Government Directorates have reviewed and will review the plan diligently to ensure compliance with the relevant codes, plans, rules and criteria.
4. All relevant ACT Government Directorates have considered and will consider the future impact on existing residents and infrastructure to ensure the EDP contains measures that mitigate negative impacts to the greatest extent possible. This includes aspects such as the treatment of contamination, future population growth in surrounding areas, access to sustainable housing, and prevention of the heat island effect.

HIGHLIGHTED ISSUES

While we believe the SLA and ACT Government Departments have had ample opportunity to diligently review drafts of the EDP and associated individual DAs, the following highlights some matters that appear to have been overlooked or require closer scrutiny by the ACT Government before being approved.

1. Scope of Application

- The reference documents included for the DA refer to three blocks when defining the CBP: Blocks 1, 7 and 20 Section 102, Yarralumla.
- DA 202342157 is a development application that cites two block only: Section 102, Blocks 1 and 7, Yarralumla
- Gross Floor Area of development is cited as being 7,798m².
- The Gross Floor Area may be insufficient to accommodate the required number of public car parking spaces for the CBP, the bulk of which are to be provided within Precinct 3 (See below). According to the Traffic and Parking Report, the public car park will not only provide public car parking spaces for visitors to the Heritage Core and the two public parks, but also for visitors to Precincts 1, 3, 4, 5, 8 and 9.

References:

Application Number: 202342157

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/APP-202342157-01.pdf>

Traffic and Parking Report

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/TRAFFICREPORT-202342157-01.pdf>

2. Traffic and Parking Assessment

- For brevity, we do not repeat the comments we made concerning traffic and parking issues in our submission pertaining to the Estate Development Plan (DA 202341982), which also highlight the internal inconsistencies as well as inconsistencies between the application for the EDP and data in the individual DAs associated with the CBP. The comments we made in our submission for DA 202341982 apply to this DA and we request that those comments be considered part of our submission for this DA.
- As outlined in our submission for DA 202341982, even with Doma's justification of temporal profile to reduce the required number of public car parking spaces from the 435 that is cited as the required number in Table 3.5 of the Traffic and Parking Report to 336 (77.2%), we do not believe the base number has been calculated accurately and do not believe the 22.8% reduction due to the temporal profile will result in the provision of an adequate number of car parking spaces.
- We are concerned that the bulk of public parking spaces for the entire CBP, excluding the individual houses and town houses on the edge road are to be located in Precinct 3. If Precinct 3 is not built with the adequate number of public parking spaces required for the entire CBP, no alternative sites within the CBP have been identified to construct additional car parking spaces.
- An accurate calculation of the required number of public car parking spaces for the entire CBP is required before this DA can be approved, as there is conceivably a scenario that could require an additional level of car parking in Precinct 3 to accommodate the required number of public car parking spaces. This could have major impact for the entire design of Precinct 3.
- The Traffic and Parking Report states that the proposed development was designed using the standard residential parking rates from the PVAGC (Section 3.1.5), which are accepted as the general parking rates for residential dwellings in the ACT.

- All visitor parking for Precincts 1, 3, 4, 5, 8 and 9 are proposed to be incorporated into the public car parking space in Precinct 3.
Based on the PVAGC, this visitor parking requirement to accommodate visitors to dwellings in other precincts would be as follows:

Precinct	Number of dwellings (Based on Traffic and Parking Report – Table 3)	Requirement of 1 visitor parking per four dwellings or part thereof
1	134	34
3	22	6
4	44	11
5	40	10
8	10	3
9	41	11
TOTAL		75

- According to the Floor Plans, the combined number of public car parking spaces in the commercially-run ground and basement car parking spaces provided in Precinct 3 is a total of 346 car parking spaces (including 20 with access to EV charging stations and 11 accessible car parking spaces) and a total of 11 motorcycle parking spaces.
In addition to the 75 car parks required to service the residential precincts (1, 3, 4, 5, 8 and 9), the public car park will provide all the public car parking spaces for visitors to the Heritage Core and the two public parks.
- As noted in our submissions on other DAs related to the CBP, inconsistency of data including a discrepancy in the proposed uses of the Heritage Core and approximately 2,500 sqm of space in the Heritage Core that has been neglected when estimating the public car parking requirements referred to in the Traffic and Parking Report, makes it difficult to calculate an accurate number for the required public car parking spaces.
- The Traffic and Parking Report states that the parking allowance of 3% is used in calculating the required number of motorcycle parking spaces, in accordance with the Parking and Vehicular Access General Code (PVAGC). The PVAGC does not refer to a percentage calculation for motorcycle parking requirements, even though it refers to a percentage calculation for disabled parking. The requirement under the PVAGC is three dedicated spaces per 100 car parking spaces.

Noting that the required number of public car parking spaces is yet to be resolved, even if the proposed car park with 346 car parking spaces is provided, we seek clarification on the interpretation of the PVACG as to whether the relative motorcycle parking requirement would be 9, 11 or 12 spaces.

References:

Application Number: 202342157

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/APP-202342157-01.pdf>

Floor Plan – Ground

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/FLOORREG-202342157-GROUND-01.pdf>

Floor Plan – Basement

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/FLOORREG-202342157-BASEMENT-01.pdf>

Statement Against Rules and Criteria

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/SCRITERIA-202342157-BLKASECC-01.pdf>

Traffic and Parking Report

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/TRAFFICREPORT-202342157-01.pdf>

Parking and Vehicular Access Code

<https://www.legislation.act.gov.au/DownloadFile/ni/2008-27/copy/99551/PDF/2008-27.PDF>

3. Commercial Nature of the Public Car Park

- We are unable to locate any details on how the commercially-run public car park will operate, although Doma has previously suggested that cars may be allowed to park for a short period of time for free.
- We are also unable to locate details on who will operate and who will receive the financial benefits of the commercially-run public car park.
- If the community title is a beneficiary of income from the public car park, the committee management would have incentive to increase fees to offset the costs of maintaining the community title, which could be detrimental for public access and use. The same argument would apply to private-sector operators of the car park.
- We believe that strict controls need to be placed on the setting of fees, including minimum periods for free short-term parking, for the public car park to ensure the public car parking spaces within the CBP remain an attractive alternative when the option of on-street parking in nearby streets such as Denman Street and Bentham Street are likely to be considered by visitors to the CBP.

4. Size of the Public Car Park

- The PVAGC recommends that car parks with more than 75 cars in one lot should be separated into segments of about 75 cars.
- It is hard to see how the design addresses this PVAGC recommendation and how it could be addressed if more than the currently proposed number of public car parking spaces are required.
- We seek assurance that the design and size of the Public Car Park are compliant and what changes may be required to address the recommendations in the PVAGC.

References:

Parking and Vehicular Access Code

<https://www.legislation.act.gov.au/DownloadFile/ni/2008-27/copy/99551/PDF/2008-27.PDF>

5. Noise Management Plan

- We are unable to locate a Noise Management Plan for Precinct 3.

6. Summary of Costs

- The application form states that a summary of costs must be provided since the total cost reported in the application of approximately \$28.4 million is above the \$10 million threshold. There is an estimate of costs dated 16 August 2023 totaling approximately \$31.8 million with a file name of summary of costs. No details are provided to explain the difference between \$28.4 million and \$31.8 million.

References:

Application Number: 202342157

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/APP-202342157-01.pdf>

Estimate of Costs – Precinct 3

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/SUMMARYOFCOSTS-202342157-01.pdf>

7. Government Endorsements

- The application states that no entity endorsements have been provided for any aspects of the application, which suggests that ACT Government Directorates are yet to provide opinions on the proposed application. The absence of such endorsements suggests that ACT Government Directorates may still demand changes to the DA. The community seeks an opportunity to review and comment on any major changes.

8. Gas Connection

- We note that no gas connections are to be provided in Precinct 3, which is in line with new ACT Government legislation that came into effect on 8 December 2023.

References:

Application Number: 202342157

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/APP-202342157-01.pdf>

9. Compliance with the Territory Plan

- The Application states that documents have been provided that demonstrate how the proposal complies with the Territory Plan.
- We have already identified breaches of the Territory Plan in our comments on other DAs associated with the development of the CBP. This raises concerns about the potential for other breaches of the Territory Plan that may not have been identified.
- We seek assurance that the ACT Government will confirm that the information provided in the application is accurate and that plans are compliant with codes, plans, rules and criteria.

References:

Application Number: 202342157

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/APP-202342157-01.pdf>

10. Quality and sustainable development

- Key objectives for the CBP were to demonstrate commitment to zero net greenhouse gas emissions, and for the development to comply with and achieve certain publicly recognised certifications, including a Five Star Green Star Communities rating, NatHERS and NABERS.
- The Green Star Communities Submission is not available pending assessment by the Green Building Council of Australia, which means the community must rely on the relevant ACT Directorates to ensure compliance with commitments.
- The final Environmental Impact Assessment (May 2022, Umwelt) states that the Living Infrastructure Plan will be achieved, including the requirement for 30% canopy cover and 30% permeable area, presumably for the CBP as a whole. However, the Perspective Views and the landscaping shown in the Landscaping Plan and the Section Plans for Precinct 3 indicate that little permeable area will be provided in the Private Open Space of the townhouses. Most of the surface treatment appears to be paving. This appears inconsistent with Site Open Space Rule 39/Criterion 39m, and with Landscape Design Criterion 40, referred to in the Statement Against Rules and Criteria, which suggest the planting of trees of semi mature stock and with a minimum height of 4 metres. The Perspective Views show an effort to install a raised garden planter box in the private open space of each of the townhouses, but it is not clear if trees large enough to provide shade could be grown successfully in these.
- The only proposed external shading appears to be “cable awnings”. Taken together with the proposed dark grey steel roof, dark grey ribbed steel sheeting and dark grey cement sheeting, the new townhouses may be at risk of becoming heat islands in summer, requiring significant

use of mechanical cooling, and hence reducing energy efficiency, in line with Criterion 40, referred to in the Statement Against Rules and Criteria.

- There also appear to be no plans to install solar panels on the roofs of the townhouses, a missed opportunity to contribute to energy efficiency.
- We are concerned that sweeping statements attesting to compliance with specific details will negate the ability for relevant ACT Directorates and the community to monitor compliance. We request that more specific details of how compliance will be measured and achieved be put on the public record.

References:

Environmental Impact Assessment

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/SUPP-202341982-ENVIMPACTASSES-01.pdf>

Climate Adaption

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/SUPP-202341982-CLIMATEADOPTION-01.pdf>

Design Response Report

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/SUPP-202341982-DESIGNRESPONSERPT-01.pdf>

Perspective Views

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/Persp-202342157-01.pdf>

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/Persp-202342157-02.pdf>

Landscape Plan

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/LSCAPEMASTER-202342157-01.pdf>

Section Plans

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/SECTION-202342157-03.pdf>

Statement Against Rules and Criteria

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/SCriteria-202342157-BLKASECC-01.pdf>

11. Contamination remediation

- The Environmental Impact Assessment (Umwelt, May 2022) and associated reference documents identify areas for further assessment in relation to potential contamination in specific areas across the CBP.
- We seek assurance that this further assessment will be undertaken, and that the subsequent data will be reviewed in consultation with the Site Auditor to determine if remediation of any identified contamination is required.

References:

Environmental Impact Assessment

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/SUPP-202341982-ENVIMPACTASSES-01.pdf>

CONCLUSION

1. The inconsistencies between DA 202341982 (EDA) and other CBP-related DAs need to be resolved to ensure accurate data is available and informed community input is possible.
2. We call on the ACT Government to ensure that accurate data is used as the basis of calculations for all required infrastructure.
3. The number of required public car parking spaces for the entire CBP needs to be accurately calculated before the DA for Precinct 3 is approved because the DA for the EDA and the DA for Precinct 3 are based on the bulk of public car parking spaces being located in Precinct 3. If the required number of spaces is greater than the 346 currently proposed, a redesign of Precinct 3 and/or other sections of the CBP will be required.
4. Constraints need to be placed on the commercially-run public car park to ensure continuous provision of an attractive alternative to nearby street parking.
5. The community expects the SLA to have included conditions in its deed with Doma or through some other mechanism, measures that will ensure no major changes from the approved EDP can be made in future without community endorsement.
6. The community expects all relevant ACT Government Directorates to have taken and to take a diligent approach in assessing the EDP and related subsequent DAs to ensure full compliance with all relevant codes, plans, rules and criteria. In addition, where subjective decisions are made concerning qualitative requirements such as the number of required car parking spaces or noise mitigation measures, that decisions shall err on the side of caution to mitigate any negative impact on existing residents.

Peter Pharaoh

President, Yarralumla Residents Association