

21 July 2021

Submission on the Canberra Brickworks Redevelopment Draft EIS

Application No. EIS201900047

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The Yarralumla Residents Association (YRA) has been actively following various proposals for the redevelopment of the Canberra Brickworks for more than 30 years and has been an active member of the Canberra Brickworks Precinct (CBP) Community Panel, which has provided a forum to provide the developer (Doma) and the ACT Government (through the Suburban Land Agency, SLA) with feedback during the process to date.

We take this opportunity to respond to particular issues in the Environmental Impact Statement (EIS) that remain of concern to the YRA and the community more broadly.

For ease of reference, we categorise our comments according to the headings in Doma's EIS Final Draft prepared by Umwelt, dated May 2021.

1. INTRODUCTION (including Objectives)

- Of the objectives highlighted in the EIS Final Draft, the biggest failure from the proposed design appears to be in relation to the provision of integrated and accessible transport systems.

We understand that Transport Canberra knocked back a request for buses to be allowed to enter the CBP, which therefore prevents this objective from being achieved.

We do not believe the provision of a new bus stop on Dudley Street fulfills the objective for public transport to be the most attractive form of local transport.

2. DETAILS

- In line with the Chief Minister's commitment, the CBP development will have an absolute maximum of 380 dwellings, which according to Doma is estimated to yield a population of 965 people.

While we are confident that the maximum of 380 dwellings will be adhered to, the estimated yield seems low.

We understand that there will be a mix of 2-, 3- and 4-bedroom apartments and would expect the townhouses and 21 standalone houses to range between 2 and 4 bedrooms. We also understand that current plans indicate that only one of the 380 dwellings will have one bedroom.

- The YRA supports the design to have the primary access from Dudley Street with no interlink from Bentham Street and Denman Street, although these streets will service a small percentage of dwellings.

- We remain concerned about the provision of adequate car parking given the likely pressure on surrounding streets if there is insufficient public parking or the cost of the proposed paid parking deters workers and others going to the CBP from parking within the CBP.
- A feature of the development is its focus on urban parklands, but no consideration has been given to visitor parking in calculating the number of required car parks. Without seeing detailed plans, we also do not know what public amenities such as park benches, drinking fountains, etc. will be provided in the parklands, and look forward to seeing further details in the EDP.
- While we understand there is a timeframe for construction this does not appear in the EIS. Due to the inconvenience to neighbours and surrounding community, the construction timeframe should be as short as possible.

3. LEGISLATIVE AND STRATEGIC CONTEXT

- The community expects the relevant government departments, and the ACT Heritage Council will satisfy themselves that all matters are compliant. The Community is actually fed up with government departments approving development plans, only to find out later that such approvals were made even though not compliant because no complaint had been lodged. We question why the monitoring of compliance needs to be outsourced to community members who give freely of their time to ensure compliance when public servants are being paid to perform such task.
- We also understand that some legislation has inherent leeway and allows for subjective choices and rulings. For example, the Parking and Vehicular Access General Code allows for subjective decisions to allow for justification of a single car park to be counted twice to meet the requirements if the proponent justifies that the requirements are not simultaneous. We would like the approving authorities to err on the side of caution when making such decisions.

4. RISK ASSESSMENT

- We note that matters relating to bush fire mitigation measures such as the management of the inner asset protection zones and the systems and implementation for adjacent lands is cited as a risk with potentially catastrophic consequences, albeit the risk is considered unlikely or remote. There is an assumption that outer asset protection zones are required and approved and that mitigation measures require collaboration with adjacent land users such as the ACT Government and the Royal Canberra Golf Course.
- We would like to see the justification for allowing outer asset protection zones on ACT government land and the formalization of such collaborations. We are also concerned about the extent to which the development of the CBP will impact on adjacent lands and what has to date been public amenities. This includes the forest and the windbreak and sound break provided by the trees to the South and West of the CBP and the frequently used trail located on ACT government land between the CBP and the Royal Canberra Golf Course fence.
- Traffic and parking are referred to as major risks. However, we consider the absence of a bus stop within the CBP to be a major drawback and the decision to provide paid parking will no doubt lead additional congestion and a scramble for parking in nearby streets including

Dunrossil Drive, Bentham Street, Denman Street and Lane-Poole Place.

One of the mitigation measures is to provide what is referred to as “additional parking” and elsewhere there is a reference to the provision of “200 car spaces, which is in excess of the anticipated peak demand”. There are conflicting figures concerning the number of car parks and on page 75 of the EIS there is a reference to the provision of only “39 spaces in excess of the estimated peak demand”.

- A mitigation measure is to maintain public parking on site to reduce overflow on-street parking in neighbouring areas. This ‘reduce overflow’ cannot be quantified, but human nature suggests that if someone is working an 8-hour shift at the CBP they will soon work out they can avoid parking fees by parking in neighbouring streets.
- Doma cites concerns about the parking at the CBP being used as a park and ride location for employees in the Parliamentary Triangle, but the lack of convenient public transport within the CBP will reduce the appeal of this as a park and ride location. We also note that investigation has already commenced concerning the potential for a park and ride to service a new light rail stop near Kent Street that would possibly be accessible from Dudley Street, so utilizing the CBP as a park and ride location seems unlikely¹.
- Given the list of mitigation measures to reduce various risks, we would expect that an ACT government department will audit the project to ensure that such mitigation measures are implemented and maintained.

5. LAND USE & PLANNING

- There is a misleading statement that the bus stop is only a 5-minute walk from the CBP. While one could access the bus stop on Novar Street from one of the new houses to be built on the edge of the CBP on Bentham Street, it would be a much longer walk for others, particularly given the topography.
- We note with interest that further exploration of adaptable housing design is to be considered during the DA stage.

6. UTILITIES

- Water Supply
We note that a decision has been made, after reviewing alternatives, to install a new water main in Denman Street from Novar Street. The new water main is apparently to be installed by Icon Water within the existing verge. Given that this could also tie-in with the location of the shared pathway proposed for Denman Street, we recommend the projects be coordinated, particularly given the projected disruption to traffic and parking during construction.
- Gas
We note the proposal to connect gas to houses/townhouses, commercial cooking and fireplaces where no viable alternative exists. There obviously must be viable alternatives

¹ We also note that previous design proposals indicated the possibility of a park and ride location on Dennison Street and the possibility of a park and ride location accessible from Dudley Street has only recently been brought to our attention.

since new suburbs in Canberra are now being built without gas connections. The requirement to connect gas appears to be contrary to government policy.

- Electricity
Given the potential noise from HV Switching Stations, substations should be located as far away from existing dwellings as possible.
- Sewer
Connection on Bentham Street located in the residential driveway of 46 and 48 Bentham. Direct consultation with the owners of these residences is obviously required.

7. TRAFFIC AND TRANSPORT

- We are pleased that Doma has adhered to the community request that there be no direct road connection between the new access road and Bentham Street, Denman Street and Lane-Poole Place, albeit emergency vehicle access will have access.
- The EIS notes that the risk of impact on adjacent residents, including traffic congestion, vehicle accidents, and parking issues is possible, and with major consequences.
- All traffic reports indicate that roads in the nearby network are operating above their intended design volumes when compared to their road classification. This includes Dudley Street and Kent Street (between Dennison Street and Dudley Street).
- Problems with queuing are highlighted in the 2015 AECOM report noting 192m (AM Peak) on the Cotter Road approach and 178m (PM Peak) on Dudley Street.
- The upgrade to Dudley Street will not actually increase capacity since it remains one lane in each direction and the addition of vehicles from the CBP and sustained growth in demand from South Canberra means that construction of a Mint Interchange remains the only viable option for alleviating congestion near the main access to the CBP off Dudley Street and for the large volume of commuters travelling between the Cotter Road and Deakin.
- We anticipate a substantial increase in traffic at the intersection of the Cotter Road and Dunrossil Drive, as driving from Civic (or from the nearest service station in Deakin) to the CBP will be an easier run if doing a U-turn at the Cotter Road/ Dunrossil Drive intersection, rather than contending with new lights on the Kent Street bridge and inevitable congestion on Dudley Street. This situation will not be resolved until a Mint Interchange or similar has been built to divert the large volume of commuters travelling between the Cotter Road and Deakin away from Dudley Street.
- We find it hard to believe that experts in the field who have been looking at the parking requirements for the Yarralumla Uniting Church still claim that the occasional heavy demand for parking in Denman Street is due to “infrequent weekday funerals and the large annual fete”. As the YRA has pointed out on numerous occasions, the Yarralumla Uniting Church is the defacto Yarralumla Community Hall and is used constantly throughout the week. Having cars parked (nose-in) all the way up to Maxwell Street is not “infrequent”. Similarly, the reference to suggest that the parking capacity near the Yarralumla shops is “adequate for normal demand” is ludicrous. Applying the current car parking code to the Yarralumla shops indicates a short fall of approximately 175 car spaces in the near vicinity. Although Bentham Street is not designed for safe nose-in parking on both sides of the street, the practice continues because the change to parallel parking would cause further reduction in the amenity of parking near the shops. Many patrons of the Yarralumla shops simply drive through to Deakin or Curtin when unable to find a parking spot, so the shops are losing business because of insufficient convenient car parking spaces.

The ACT Government has also looked at the possibility of turning Bentham Street into a one-way street to ensure that the maximum number of car spaces near the shops could be maintained while maintaining safety. This issue has not been resolved.

The small number of reported vehicle crashes is most likely because many of the small scrapes that occur in the vicinity of the Bentham Street shopping precinct go unreported.

- Despite claiming that the CBP will provide open spaces and parklands, the calculation of car parking requirements does not include any car parks for visitors to the Quarry Park or Railway Remnants Park.
- The number of cars allocated to private parking is above the requirements calculated in accordance with the relevant code. However, this can be easily explained by the requirements under the code to provide only two spaces/units for dwellings with two or more bedrooms. Given that Doma plans to build a significant number of 3- and 4-bedroom dwellings, it makes practical sense for Doma to provide a corresponding number of private car spaces to attract investors who want a four-car garage to accompany their four-bedroom apartment in what will be a prestige development. An increase in private parking spaces should not be used as rationale for reducing the number of public parking spaces that will also be used by workers at the CBP.
- Any shortage of carparking for public visitors and workers will exacerbate the desire to park for free in nearby streets, particularly Dunrossil Drive, Bentham Street, Denman Street and Lane-Poole Place.

The fact that public parking will be paid parking also boosts the incentive for workers to park in nearby streets for free. We believe there should be an even greater number of public parking spaces provided and that systems need to be put in place to reduce parking pressures on nearby streets. This could include mandating that employment contracts for employees of businesses within the CBP include the provision of free parking.

- The bicycle parking requirements have been based on the Bicycle Parking General Code, which is clearly inadequate for this development. That Code does not have any requirement to provide bicycle parking for the proposed gym and extensive spa facilities, even though such facilities trigger substantial car parking requirements.
- Article 7.4.2 of the EIS notes the construction of a new path along the southern side of Denman Street to Novar Street. While the community is generally in favour of bike paths/shared paths connecting the existing network to the CBP, there is considerable concern about the precise location of a path along the southern side of Denman Street. A draft plan produced by Doma proposes the construction of a shared path located between the existing power poles and the road. The Doma proposal does not show any plans for kerbs or drains. As noted above, the frequency and volume of use of the Yarralumla Uniting Church means cars are frequently parked (nose-in) as far away from the church as the intersection with Maxwell Street. This has been exacerbated by the construction of the Dudley Street upgrade which has prevented users of the Church facilities to park on land adjacent to the church that had previously been accessible from Dudley Street, albeit not zoned for that purpose.

The YRA recommends that any shared path on Denman Street be constructed on the Dudley Street side of the power poles to the greatest extent possible so that nose-in parking can be maintained for the full length of Denman Street. We believe there are viable solutions if land that belongs to the church needs to be used for such purpose. Options include giving the church access to the land adjacent to the church that has previously used as an informal carpark, by formalising access from Denman Street instead of Dudley Street.

- While the provision for EVs is welcome, there is no mention of car sharing facilities or taxi pick up and drop off points. The lack of convenient public transport options exacerbates the need for such facilities.

8. MATERIALS AND WASTE

- No specific comments on this report

9. LANDSCAPE AND VISUAL

- We are concerned about the location of buildings in Precinct 7 and 5 and the likelihood that they will be visible from the Cotter Road/ Dudley Street/ South Canberra. The forested area along the Cotter Road/ Adelaide Avenue/ Dudley Street/ Dunrossil Drive has, to date, been a visual and physical barrier between South and Inner South Canberra. While acknowledging the need for the removal of trees to create the new access road, we are concerned that buildings located on the Dudley Street/Cotter Road side of the Denman Street ridgeline will negatively change the landscape and view from the south. Our preference is that buildings in Precincts 7 and 5 be shifted towards the brickworks so that they are not visible from the southern approach.
- We acknowledge that many of the trees within the CBP have reached the end of their lives and that a large number must be removed. However, we hope that wherever possible healthy trees can be retained. One such tree is Tree 276 Cedar Deodora, marked for removal in the Tree Protection Plan (Appendix F11). This is an evergreen tree located between the established house at 17 Schomburgk Street and the proposed new house T11 on the Eastern side of the Brickworks. The reason given in the Tree Plan for not retaining the tree is that it is “within the building footprint”. The plans show that the “building footprint” would be the access path to/from Bentham Street for pedestrians and cyclists. There appears to be sufficient space for the access path to meander around either side of the tree and the tree itself is not close to the building footprint for the proposed house T11. We believe further investigation is required and any decision should justify why the path cannot be designed so that this particular tree is retained.

10. WATER QUALITY & HYDROLOGY

- We note that surface water samples indicate that zinc is present in quantities that exceed the NEPM (2013) screening criteria for fresh water. Given that Doma’s plans include gardens to supply both households and restaurants on site, we wonder what remediation may be required to ensure that any produce grown on site is guaranteed safe for human consumption.
- We note the recommendation (Appendix F14 – Stormwater Treatment Systems) not to connect water tanks to toilets due to very low reliability but given the availability of technology to switch from tank water to mains water and the fact that tanks are usually full when it rains, which coincides with when gardens need no water, all tanks should also be connected for toilet flushing for water conservation, as is also required under ACT government guidelines.

11. SOCIO-ECONOMIC, HEALTH AND RECREATION

- The EIS report notes the various community and recreational facilities that are already available in Yarralumla, which only highlights the lack of a community hall. At present, the community hall function is covered by the heavily-used Yarralumla Uniting Church. When previous iterations for development of the CBP have been discussed, there have been many requests for any development at the CBP to include community facilities that could be used by dance group, choirs, yoga groups and other groups. The YRA is disappointed that no such community facilities are currently proposed in the plans for the CBP.
- The reference to the Community Needs Assessment report completed for a previous proposal in 2015 is misleading as there was significant community opposition to that proposal, not the least of which was that the Community Needs Assessment was seen as inadequate.
- The 33% increase in Yarralumla's population will undeniably put additional pressure on the Yarralumla shops, the Yarralumla Primary School and the Yarralumla Surgery, to name just a few of the amenities of the suburb that are already stretched to their limits. It should also be noted that if the development of Forestry Place, adjacent the CBP, proceeds as currently planned, the two projects combined will increase Yarralumla's population by 75%. Fortunately, the main access to the CBP will be via the new access road and we anticipate that many residents of CBP will see the Curtin Shops as an attractive alternative, particularly if driving. However, this will funnel additional traffic along the heavily used McCulloch Street, Curtin, creating other issues.
- There is an assertion that the Yarralumla Surgery could provide services to the additional population generated by the CBP, but there is no evidence of discussion having taken place with the Yarralumla Surgery, which for a long time has had a policy of not taking on new patients due to being at capacity.
- The Yarralumla Primary School, as a bilingual education school, also sees extensive demand from outside the suburb and we understand that rezoning to prioritise residents of Yarralumla will have a flow on effect, preventing students from Deakin and Forrest being able to enrol at Yarralumla Primary School. This knock-on effect of the development does not appear to have been addressed.
- While social housing is not a requirement of this development, we understand this was in part due to the high proportion of social housing already present in Yarralumla. However, the cumulative effect of the combined 75% increase in population from both this development and Forestry Place (if it proceeds as currently proposed) will most likely lead to additional requirements for social housing elsewhere in Yarralumla to meet the ACT Government's targeted ratio for social housing in each suburb across the Act.

12. CLIMATE CHANGE AND AIR QUALITY

- No specific comments on this report, although some aspects covered in other sections.

13. NOISE, VIBRATION AND LIGHTING

- The EIS refers to "Once operational, the CBP will utilise similar levels of lighting to any residential/commercial area in line with Australian standards". The difference here is the potential for negative impact on existing residents. For example, although Doma have assured that no lights will be installed for the tennis courts to prevent night-time playing that

would disturb neighbours adjacent to the tennis courts and basketball court, there is no mention of this in the EIS.

- Similar concerns have been raised about the impact of noise and light from a BBQ area that will have the potential to be accessed by hundreds of residents at the same time, located close to existing residents. These activities at the currently proposed locations risk escalation into disputes if not managed well in the noise and lighting management plans or usage policies for such facilities.

14. HAZARD AND RISK

- Figure 14. 1 refers to the Requirement for Inner Asset Protection Zone for Precincts 7 and 5 to be met by Territory management of land to the south in accordance with ACT Bushfire Operation Plan.
- It is not clear why public land is being used instead of requiring Doma to provide its own Inner Asset Protection Zone. Requiring Doma to provide an Inner Asset Protection Zone for Precincts 7 and 5 would also align with the Community Panel's objective (which the YRA fully supports) to shift buildings in Precincts 7 and 5 towards the brickworks and away from the current boundary line, which is on the Dudley Street side of the ridge.

15. SOILS AND GEOLOGY

- No specific comments on this report

16. ECOLOGY AND NATURAL ENVIRONMENT

- No specific comments on this report

17. ABORIGINAL, EUROPEAN AND NATURAL HERITAGE

- The YRA notes that the Geological Society of Australia has been a member of the Community Panel and that the ACT Heritage Council has reviewed the proposal. We understand that both groups have no objection to a section of the quarry being filled. This is despite community concerns that have previously been raised that filling in part of the quarry would be detrimental to the heritage values of the Quarry and seen as inconsistent with the Heritage Listing of the Quarry.

18. CONTAMINATION

- While contamination is of concern to the community, we understand any contaminants found will be dealt with in accordance with ACT government requirements.
- We note the reference to the Remediation Action Plan that was to have been completed in 2020 (See page 180), but this does not appear to have been attached to the EIS.

- We look forward to seeing the Remediation Action Plan and addressing the effectiveness/viability of mitigation and management measures to be notified in the approval DA process.

19. COMMUNITY AND STAKEHOLDER CONSULTATION

- The Community Panel has functioned as a way to alert Doma and the SLA to issues that the community is likely to have issue with in relation to aspects of the proposal, giving Doma and the SLA an opportunity to amend or work out solid justification before going to the broader community. We would like to register our disappointment that TCCS has not had a seat at the table since so many of the issues that have been raised rely on input/response from TCCS.
- The impact on the Curtin shops and access via McCulloch Street, Curtin appears to have been given very scant attention in the community consultation process, despite the Curtin Shops being the most convenient shopping location for most residents of the CBP.

20. RESIDUAL RISKS AGAINST POTENTIALLY SIGNIFICANT IMPACTS

- The EIS identifies increased public access to the CBP and the impact on traffic congestion and parking as a residual risk. We do not believe that this risk has been fully considered and anticipate that in years to come that Doma and residents of the CBP will join with the YRA and others in the community to push for the construction of a Mint Interchange to funnel the large volume of traffic that flows between the Cotter Road and Deakin.
- The provision of additional parking is cited as a mitigation measure for the residual risk of parking issues, but the availability of free parking, particularly for workers within the CBP, will be a vital component to alleviate parking pressures on nearby streets such as Dunrossil Drive, Bentham Street, Denman Street and Lane-Poole Place.

21. RECOMMENDATIONS

- Within the recommendations for mitigation of the impacts associated with the proposal a number of items in Table 21.1 start with “consideration”, for example, “consideration of shade structures for playgrounds”. While we understand that this is still a work in progress, the use of the term “consideration” suggests this item can be ignored as no actual commitment has been made.

22. CONCLUSIONS AND JUSTIFICATIONS

- Doma is requesting approval of the application.
The YRA requests that the application be approved subject to the following:
 - (1) Confirmation that Transport Canberra will not permit buses to route through the CBP.
 - (2) Confirmation of plans for car sharing services and taxi access.
 - (3) Consideration of a revised estimate of the population yield based on Doma's current plans for the number of 2-, 3- and 4-bedroom dwellings in any calculations.
 - (4) No reduction in the number of required car parks for the public because of additional car parks being provided for private use.
 - (5) An increase in the number of required car parks and bicycle parks to account for the use of public parks.
 - (6) Clarification of the actual number of additional public car parks in excess of the code requirements.
 - (7) An increase in the number of bicycle parks to reflect practical implications of the large spa and gym facilities, even though such facilities do not require an allocation of bicycle parks under the current code.
 - (8) Formalisation of arrangements so that free parking is provided to workers within the CBP as a measure to mitigate workers parking for free in nearby streets.
 - (9) Confirmation of a time frame for all construction works to be complete.
 - (10) Formalisation of agreements between Doma and the ACT Government and the Royal Canberra Golf Course clarifying the extent of the fire protection zones and each party's management commitment.
 - (11) Justification for the use of ACT Government land and the potential removal of additional trees for an outer protection zone.
 - (12) Consideration be given to current and future demand for carparking on Denman Street when designing the proposed shared path on Denman Street with the engagement of the community to achieve a viable and acceptable outcome.
 - (13) Coordination of the design and construction of the water main along Denman Street with the proposed share path and associated works such as kerbing, and with the engagement of the community to achieve a viable and acceptable outcome.
 - (14) Car sharing services and taxi facilities be a requirement.
 - (15) Assurance that the ACT government will audit that risk mitigation measures are implemented and maintained.
 - (16) Retention of as many healthy trees as possibly, and in particular Tree 276 Cedar Deodora (See Tree Protection Plan), which would require modification to the design of a pathway.
 - (17) Confirmation that all water tanks will be connected for toilet flushing.
 - (18) Confirmation of the measures to be taken to ensure acceptable water and soil quality and assurance that any produce grown within the CBP would be safe for human consumption.
 - (19) Confirmation of the mitigation measures to ensure activities such as tennis, basketball and any BBQ facilities or places likely to attract large groups of people within the CBP close to the boundary of the CBP do not have a negative impact on neighbours due to inappropriate lighting and noise.
 - (20) Relocation of buildings in Precincts 7 and 5 so that they are not visible from the southern approach.