

Submission by the Yarralumla Residents Association on the ACT Government's New Planning Framework

Yarralumla Residents Association

The Yarralumla Residents Association (YRA) Inc. is a non-profit association incorporated in the Australian Capital Territory. Its aims are:

- To provide a focus and co-ordination point for representing the views of the Yarralumla community;
- To work towards maintaining and improving the quality of life of the Yarralumla community; and
- To keep the Yarralumla community informed about policy, environmental and social issues affecting or likely to affect Yarralumla.

This Submission addresses the District Strategies, New Draft Territory Plan, District Specifications, Technical Specifications, and the "Explanation of Intended Effects for: ACT Urban Design Guide ACT Housing Design".

EXECUTIVE SUMMARY

The proposed New Planning Framework should not be put in place until:

1. The retention of the existing character of Yarralumla and Deakin has been addressed and formally included in the proposals.
2. The new planning framework, in particular the Inner South District Strategy and Territory Plan Zoning, provide that there is to be no further densification of Yarralumla beyond that of the Canberra Brickworks Site and the CSRIO Forestry Site.
3. The Planning Bill 2022 s47 is amended to reflect the provision of the *Planning and Development Act 2007* namely "s108(2) *The planning strategy is not part of, and does not affect, the territory plan.*", and the District Strategies should not be referenced in the legislation.
4. The components of the planning framework that are used for assessment are statutory, in particular the Technical Specifications.
5. The proposed directions for the New Planning Framework that underpin the District Strategies and the ACT Planning Strategy 2018 have been reassessed given the new work and energy paradigm.
6. The key issues raised in this Submission have been comprehensively addressed in the New Planning Framework.

1. The new District Strategies, and the ACT Planning Strategy 2018, set the direction for long term, large scale, high density urban infill, that is predominantly high rise. The requirement being that 70% of new housing is in existing urban areas and that this is to be given effect to by the Territory Plan.
2. The extensive high density, high rise, densification of Yarralumla and adjacent Deakin proposed by the ACT Government in the Inner South District Strategy is not supported.



3. The scale of redevelopment proposed for Yarralumla and Deakin in the Inner South District Strategy, is excessive, with 30%-50% of the residential area of the suburbs to become 3-6+ storeys apartments.
4. The low rise, low density character of Yarralumla and Deakin that is highly valued by residents should be retained, together with its heritage and biodiversity.
5. The Residents Association meeting on the New Planning Framework, on 14 February 2021 was attended by 200 residents, and 97.5% did not support further densification of Yarralumla and Deakin and 2.5% supported limited densification.
6. The community conveyed their strongly held views on retaining the character of the suburbs to ACT Government at the Inner South District, district planning consultation in 2021, but there has been no change to the proposed scale or direction of densification.
7. The Canberra Brickworks development that is underway, together with the CSIRO Forestry redevelopment, will add 730 new residences to Yarralumla, that is a 50% increase in the number of dwellings in the suburb - further infill is not warranted.
8. The Inner South District Strategy shifts the urban core and urban centres of the Yarralumla and Deakin to the sections adjacent to the Adelaide Avenue Expressway, this is a major change and does not keep the existing character of the suburbs.
9. The Inner South District Strategy redevelopment of Yarralumla, with high rise, high density apartments, will require the zoning of Yarralumla in the draft Territory Plan (Part E1) to be changed from low density RZ1 and RZ2, to RZ4 Medium Density and RZ5 High Density Residential Zones.
10. The major change to Adelaide Avenue and its surrounds does not recognise that the existing road is a pedestrian free, arterial expressway, that has many cuttings and embankments that will challenge redevelopment. Nor does it recognise the Commonwealth responsibility for this Designated Area, Main Avenue and National Land.
11. The current planning framework, under the *Planning and Development Act 2007*, s60 and s61(b)(i), requires the National Capital Authority to be engaged on the proposed changes, including those to the Territory Plan and the National Capital Plan and a written report provided to the Minister s69(2)(9b)(ii). Engagement with the National Capital Authority is not evident.
12. The Inner South District Strategy proposed redevelopment for Yarralumla and Deakin, takes a plain sheet of paper "Greenfields" approach to what is an existing populated urban residential and commercial environment and would include large scale redevelopment of existing, houses, shops, schools, childcare centres and Embassies, and result in the loss of endangered species and habitat - this is not supported.
13. Compulsory acquisition of existing properties in Yarralumla and Deakin appears necessary for the consolidation of blocks, and the large scale demolition and redevelopment of areas, including the construction of new roads.

14. The Mint Interchange will be required to provide access to the West Deakin commercial centre, light rail notwithstanding. The cost of the Mint Interchange was estimated by AECOM and SMEC to be \$104m in 2013.
15. The New Planning Framework will clearly provide for development, but the achievement of other outcomes is unlikely owing to its lack of clarity, complexity and mix of statutory and non-statutory components, and lack of hierarchy. It is likely to be more costly and less efficient.
16. The Inner South District Strategy should be revised to ensure that loss of tree canopy cover through urban infill, and the creation of urban heat islands, does not occur in Yarralumla. Yarralumla's tree canopy cover of 30% must be protected and retained. This should be done by removing the densification and urban infill that has been proposed for Yarralumla, and similarly for Deakin.
17. The *Planning Bill 2022*, once passed, formally locks into the Territory Plan both the District Strategies densification, and the target of 70% of new housing being in existing urban areas. Such inflexibility should not be enshrined in the statutory planning framework but remain in policy documents.
18. The Planning Bill 2022 s47 is amended to reflect the s108(2) provision of the Planning and Development Act 2007 for the planning strategy, and the District Strategies should not be referenced in the legislation.
19. There have been recent significant shifts in the work, transport and energy environment. Commuting to work is no longer the norm and on weekdays up to 70% of government employees are working from home, there is rapid increase in uptake of electric vehicles for private and fleet transport, and the ACT achieved 100% renewable electricity supply on 1 January 2020. These make a planning strategy based on increased commuting by public transport, and reducing vehicular CO₂ emissions questionable.
20. The rationale underpinning densification, concentrating development along transport corridors, and 70% of new housing being in existing urban areas to reduce the carbon footprint, should be reassessed in light of the fundamental changes in the work and transport paradigm. The existing planning framework should remain in place until this has been undertaken.
21. The views of the residents of Yarralumla have not been genuinely considered, in particular that the existing character of the suburb be retained. Community feedback from the 2021 district planning consultation for the Inner South has been ignored (Draft Inner South District Strategy Page 91) and these issues remain.
22. Community consultation has not met good practice as set out in the *Planning Bill 2022*. Community views must now be genuinely considered and comprehensively reflected in the new planning framework.

The New Planning Framework – Key Issues

1. Densification of Deakin and Yarralumla

The extensive high density, high rise, densification of Yarralumla and adjacent Deakin proposed by the ACT Government in the Inner South District Strategy is not supported.

The Residents Association meeting on the New Planning Framework, on 14 February 2021 was attended by 200 residents, and 97.5% did not support further densification of Yarralumla and Deakin and 2.5% supported limited densification.

The low rise, low density character of Yarralumla and Deakin that is highly valued by residents should be retained, together with its heritage and biodiversity. This message has been repeatedly conveyed to ACT Government, including in the feedback from the community for Inner South District, district planning consultation in 2021, but has not resulted in any change.

The ABS Census 2021 provides the current profile of Yarralumla and adjacent Deakin:

Yarralumla	Deakin
1420 dwellings	1,345 dwellings
65% separate houses of 1 or 2 storeys (RZ1)	68% separate houses of 1 or 2 storeys (RZ1)
27% semi-detached or townhouses (RZ2)	18% semi-detached or townhouses (RZ2)
80% 3+ Bedrooms	77% 3+ Bedrooms

As shown by the ABS census data, the profile of the two suburbs is two thirds separate houses, currently zoned RZ1, and one third townhouse type residences in proximity to the shopping and business centres, zoned RZ2.

The scale of change proposed in the Inner South District Strategy for Yarralumla and Deakin is excessive. The redevelopment proposed is for 30%-50% of the residential area of each of the two suburbs to be 3-6+ storey apartments. This does not retain or protect the low rise, low density character of the two suburbs that is highly valued by residents.

For Yarralumla the redevelopment of the Canberra Brickworks site, already underway, together with that of the CSIRO Forestry site, will add 730 dwellings to Yarralumla. These two developments alone will increase the number of dwellings in Yarralumla by 50%, and add commercial and retail space, hotel, and aged care facilities. Further densification beyond this is not warranted.

The proposed high rise, high density urban infill, in Yarralumla and Deakin shifts the urban core and urban centres of the suburbs to the sections adjacent to the Adelaide Avenue Expressway. This is counter to the communities' heart and focal point which is the two thriving shopping and business centres. This a further major change that does not keep the existing character of the suburbs.

2. Residential Zoning Changes for RZ1 and RZ2

The proposed **scale of redevelopment** for Yarralumla in the Inner South District Strategy, with high rise, high density, **does not align with the zoning of Yarralumla set out in the draft Territory Plan (Part E1):**

Residential Zones Policy in Draft New Territory Plan 2022

RZ1 – Suburban Zone

The fundamental desired outcome for the RZ1 zone is to achieve and/or maintain low density residential neighbourhoods in suburban areas.

RZ2 – Suburban Core Zone

The fundamental desired outcome for the RZ2 zone is to facilitate development or redevelopment of sites within reasonable proximity to local services to achieve a mix of low to medium density housing.

As shown above Yarralumla is zoned RZ1 (low density) and RZ2 (low to medium density). In order to give effect to the Inner South District Strategy **the zoning of Yarralumla and Deakin** in the draft Territory Plan **will need to be changed to RZ4 Medium Density Residential Zone and RZ5 High Density Residential Zone.** The requirement for such zoning changes is not made clear.

The proposed changes to RZ1 and RZ2 zoning will provide for 90m² secondary dwellings, basements, and for building coverage up to 70% of a compact block. This will **create heat islands and hence not mitigate climate change impacts as required in the draft Territory Plan.**

3. Adelaide Avenue

The Inner South District Strategy proposes major change to the function of Adelaide Avenue and its surrounds:

“Transforming and humanising Adelaide Avenue - With the integration of light rail, Adelaide Avenue could be transformed. This area is currently dominated by a wide roadway and is challenging for pedestrians to cross. In future, Adelaide Avenue could be a vibrant, multimodal corridor that better connects into local neighbourhoods in Yarralumla and Deakin.”

This does not recognise that **the existing road is a pedestrian free, arterial expressway**, that has many cuttings and embankments, and there is good connectivity between the two suburbs by roads that go over or under Adelaide Avenue. Nor does it recognise the Commonwealth responsibility for this Designated Area, Main Avenue, and National Land.

4. Inner South District Strategy – Areas for New Housing, Change Areas and Sustainable Neighbourhoods

The proposals in the Inner South District Strategy for the future development of Yarralumla and Deakin does not recognise, and bears no relationship to, the existing built environment (residential, community, commercial, and retail) and the road infrastructure and street network.

The proposed densification and redevelopment of Yarralumla and Deakin could not be undertaken without large scale procurement and demolition of the existing built environment and loss of public open space. This would include existing schools, childcare centres, houses, shops, schools and Embassies, and result in the loss of endangered species and habitat. It would also require the acquisition of Commonwealth land, approvals of the National Capital Authority and changes to the National Capital Plan.

This raises the question as to whether **the ACT Government is intending to use Compulsory Purchase of Residential and Commercial Blocks** to effect such large-scale redevelopment.

The redevelopment takes a plain sheet of paper, **Greenfields approach to an existing populated urban residential and commercial environment**, that is a Brownfields site, and would include large scale redevelopment of existing, houses, shops, schools, childcare centres and Embassies, and result in the loss of endangered species and habitat. This is not supported and raises a number of major issues outlined below.

National Capital Authority and National Capital Plan

Adelaide Avenue, from State Circle to the Cotter Road flyover is a Main Avenue, and the land adjacent to it, is a Designated Area and a Commonwealth responsibility under the National Capital Authority and National Capital Plan.

The proposed Adelaide Avenue redevelopment, to high rise, high density, includes the Yarralumla and Deakin Diplomatic Precinct which is National Land (Commonwealth) and also the responsibility of the National Capital Authority. This Diplomatic Precinct currently comprises the Embassies of Saudi Arabia, Nigeria, Sri Lanka in Yarralumla, and that of Italy in Deakin. The Canberra Grammar School in Grey Street Deakin, currently zoned “Community Facility,” is also in this area for redevelopment is an endangered grasslands habitat.

Deakin Local Centre and West Deakin

The proposal for the “Deakin Local Centre” provides for a complete redevelopment of the Business and Shopping Centre and the area adjacent to Hopetoun Circuit:

“Deakin will be a high amenity centre, with renewed streets and a new community heart offering a variety of services and facilities for locals and people from further afield, with safe pedestrian access to light rail.”

This proposal puts new streets through existing dwellings, “creates regular urban blocks of one hectare or less”, and realigns existing streets into a grid pattern.

The proposed approach in West Deakin:

“West Deakin will be a high employment hub, walkable grid structure, parks and safe pedestrian access to light rail.”

This is similar in terms of imposing a grid street pattern on a commercial area that has curved streets and crescents. **Strickland Crescent is removed and two new Streets created.**

In the residential area of West Deakin, between Kent Street and Adelaide Avenue, the proposed connection of Kintore Circle in Yarralumla to complete the circle in Deakin would involve acquisition and demolition of many residential and other buildings.

The proposed creation of a Local Park at Block 2 Section 35, Deakin would require the demolition of the recently developed Equinox Business Park which has a Gross Floor Area of 25,000m², parking for 569 vehicles and 80 Bicycles, and a 5 Green Star Rating.

These outcomes do not align with the intent of the District Strategy for the Inner South or the New Planning Framework.

Commercial and Residential Area Road Network

The major redevelopment of Yarralumla and Deakin in the Inner South District Strategy, particularly that proposed for the major increase in the scale of West Deakin as a commercial employment hub for health services and education, does not take account of existing impediments to access to the area. The District Strategy only covers small scale local changes to connectivity between Deakin and Yarralumla.

The majority of people accessing West Deakin come from outside the area, and as an employment and specialist health hub this will continue to be the case. Access to West Deakin from Molonglo and North Canberra is via Dudley Street in Yarralumla via the Novar Street intersection and Kent Street in Deakin. Dudley Street is a minor road that currently carries Arterial Road levels of traffic at 10,000 vehicles per day (vpd), and Kent Street carries over 12,000 vpd. At am and pm traffic peaks this results in kilometre long congestion in Dudley Street and this had made access to and egress from Yarralumla by residents and visitors problematic.

The traffic modelling undertaken for the Canberra Brickworks redevelopment by AECOM and SMEC in 2012-13 demonstrated that a major interchange “The Mint Interchange” will be required to provide access to the West Deakin commercial centre to prevent the roads from being overwhelmed, light rail notwithstanding. The cost of the Mint Interchange was estimated to be \$104m in 2013. The ACT Government advised at the time that the construction of the interchange would be considered in the planning for Stage2B of Light Rail from Civic to Woden.

Whilst Light Rail can provide transport for a certain number of employees and visitors to West Deakin it does not provide for patients going to hospital for specialist treatment nor the large number of trade and commercial vehicles needed to service the area. This major connectivity issue needs to be fully recognised and addressed to avoid Yarralumla residents being unable to travel in or out of their suburb and West Deakin Hub becoming inaccessible.

5. Outcomes Based Approach

The proposed framework has many “moving parts” and also relies on non-statutory supporting material in its assessments, including the District Specifications, Technical Specifications, and the ACT Urban Design Guide and the ACT Housing Design Guide.

The assessments are qualitative and focussed on broad outcomes rather than a quantitative, measurable approach. As a consequence, the basis for decisions will lack clarity and not be transparent or repeatable.

The non-statutory supporting material used in assessments have no legal standing, and hence are not material to any legal review process. This will be problematic for proponents and interested parties when seeking a review of planning decisions by the Planning Authority or ACAT (ACT Civil and Administrative Tribunal).

The outcomes-based approach is made even more complex by the many competing or conflicting requirements from the broad range of policies and outcomes (e.g. urban infill and mitigating urban heat). This is exacerbated by the fact that the elements in the framework are interrelated and as such there is no clear hierarchy for assessments.

The proposed outcomes-based planning framework **cannot produce consistent and predictable planning outcomes**, will create uncertainty for proponents and interested parties, be **more costly**, and is unlikely to be streamlined, effective or efficient.

The New Planning Framework will **clearly provide for development**, but the achievement of **other outcomes is unlikely** owing to its lack of clarity, complexity and mix of statutory and non-statutory components.

6. Conflicts in Direction and Policy

Under the *Planning Bill 2022* the Territory Plan must give effect to the 2018 ACT Planning Strategy and the new District Strategies. The *Planning Bill 2022 Part 2.2 s10(2)* also requires that
(b) effort should be focussed on adapting to the effects of climate change, including through mitigating the effects of urban heat, managing water supplies and achieving energy efficient urban environments;

There are a number of ACT Government policies that shape the planning framework, in particular the Climate Change Strategy 2019, Urban Forest Strategy 2021, Urban Forest Bill 2022, and a this creates major conflicts in delivering the planning outcomes.

The Urban Forest Strategy and Bill set the target for the tree canopy covering 30% of the Territory's urban areas. The tree canopy cover in 2022 in Yarralumla was 30% and Deakin 34%.

The proposed densification and urban infill can only result in a major reduction in the urban canopy cover in Yarralumla and Deakin. In addition, the new RZ1 and RZ2 zoning which provides for secondary residences, basements, and for buildings to block cover 70% of the block, will result in loss of private green space for trees, including the garden areas over basements as these have insufficient soil depth for tree growth. There are no plantable areas in these older suburbs where additional large tree plantings can occur to replace such losses.

There is a direct inverse relationship between tree canopy cover and urban heat (Urban Forest Strategy 2021). Hence the densification and urban infill proposed in the Inner South District Strategy will create urban heat islands in Yarralumla and Deakin where they do not exist at present. This is in direct conflict with the Planning Bill (s10(2)) and Territory Plan and reduces the tree canopy cover in both these suburbs to below the Urban Forest 30% target that is currently being met.

The Inner South District Strategy should be revised to ensure that loss of tree canopy cover to below 30% and the creation of urban heat islands does not occur in Yarralumla. Yarralumla's tree canopy cover of 30% must be protected and retained. This should be done by removing the densification and urban infill that has been proposed for Yarralumla, and similarly for Deakin.

7. District Strategies Long Term Legislative Lock-in

The proposed District Strategies are new and do not exist in any form in the current planning framework. The District Strategies and The ACT Planning Strategy 2018 set the direction for long term large scale, high density urban infill, that is predominantly high rise, with the requirement that 70% of new housing is in existing urban areas. The *Planning Bill 2022*, once passed, then formally locks this target and the District Strategies into the Territory Plan:

"s47 The territory plan— (b) must give effect to the planning strategy and district strategies"

This is a major change from the current situation where there are no District Strategies and no direct connection between the ACT Planning Strategy and the Territory Plan. The current *Planning and Development Act 2007* provides that:

"s108(2) The planning strategy is not part of, and does not affect, the territory plan."

The legislative provision for the amendment of the District Strategies, as provided for in the *Planning Bill 2022* is circular, as they can only be changed within the existing principles and policies that have already been set.

"s40 Amendment of district strategy (b) the amendment is consistent with the principles and policies for development of the district set out in the district strategy."

The outcome of these legislative changes is to lock in a target and 40-year strategy with the ability for some fine-tuning but not for substantive change.

Such inflexibility should not be enshrined in the statutory planning framework. It is unsound legislative practice, precludes changes in policy and cuts off the ability to respond to changing circumstances.

The *Planning Bill 2022* s47 should be amended to reflect the s108(2) provision of the *Planning and Development Act 2007* and the District Strategies should not be referenced in the legislation.

8. Reassessment of Urban Densification and Infill Rationale

The rationale underlying densification, and for 70% of new housing being in existing urban areas, is to reduce Canberra's carbon footprint by concentrating compact development adjacent to key public transport corridors. This target is set out in the ACT Planning Strategy 2018, however there have been recent significant shifts in the work, transport and energy environments since that time that need to be taken into account.

In 2019 the ACT Government set the target of reducing emissions by 50–60% (from 1990 levels) by 2025 and a goal of net zero emissions by 2045. The ACT Government has introduced incentives for electric vehicle uptake and is moving its fleet of buses to electric, and by the start of 2020 Canberra had **achieved 100% renewable electricity supply**. The paradigm for the planning strategy has fundamentally changed.

Covid has seen the embedding of hybrid work, where **commuting to work is no longer the norm and on weekdays up to 70% of government employees are working from home**. This change in work patterns has been reflected in the use of public transport in the ACT. Light rail commenced in April 2019 the end of Covid work from home restrictions ceased in Canberra in early 2022. A comparison of boardings and journeys on of bus and light rail in late 2019 and March 2022 (the most recent data available) shows a drop of 45%.

The rationale underpinning densification and 70% of new housing being in existing urban areas should be reassessed given the fundamental changes in the work, transport and energy paradigm, and the existing planning framework should remain in place.

9. Consultation

The approach to consultation on the New Planning Framework **does not meet the principles of good consultation as set out in the new Planning Bill 2022**

s11(d) consultation is meaningful if—

- (i) information provided as part of the consultation is adequate to ensure all stakeholders understand the subject of, and issues relating to, the consultation and can give informed responses; and*
- (ii) it genuinely seeks community feedback; and*
- (iii) community views are genuinely considered and incorporated into final decisions*

Community Engagement

There has **been insufficient advice** to, and engagement with the community, by the ACT Government for a package of **measures of such complexity that proposes such extraordinary changes** to the nature of suburbs through densification and large-scale redevelopment.

The consultation on the New Planning Framework that comprises over 2,500 pages has been scheduled to occur over the School Holiday and Christmas New Year holiday period 2022-23, thereby limiting the opportunity for community input.

Not all the elements of the framework have been provided, for example there are no Design Guides, rather an "Explanation of Intended Effects for: ACT Urban Design Guide ACT Housing Design" has been provided. Some are incomplete for example there is no Precinct Map for Yarralumla, although there is one in the current Territory Plan.

Aspects of the advice by the ACT Government has been presented in a way that can readily be misunderstood. For example, the ACT Government advises:

"The proposed (Territory) plan does not include major changes to current zoning."
(At a Glance - proposed Territory Plan https://hdp-au-prod-app-act-yoursay-files.s3.ap-southeast-2.amazonaws.com/3216/6728/5394/Snapshot_Territory_Plan_Overview.pdf)



It is not made clear that in order to “give effect to the District Strategies in the Territory Plan” as required by s47 Planning Bill 2022, major changes to the Territory Plan and the zoning of districts and suburbs will be required. The residents of Deakin and Yarralumla would be under the misapprehension that the zoning will not be changed to provide for major densification for 30-50% of the area to be redeveloped to 3-6+ storey apartments. **This is misleading.**

The information provided in the Inner South District Strategy for the future development of Yarralumla and Deakin does not explain how such major redevelopment will be undertaken. The information provided does not address the likely need to consolidate a large number of Blocks to get sufficient scale for demolition and redevelopment, nor whether this will require **Compulsory Acquisition** of properties. **This is not adequate.**

Community views have not been genuinely considered to date. The feedback from the community from the district planning consultation for Inner South District in 2021 has not been taken into account in particular:

Draft Inner South District Strategy (Page 91)

- 1. Development to be in keeping with existing character*
- 2. Balance urban infill with existing character and amenity*
- 3. Encourage growth of large trees, maintain shade trees and increase tree planting*
- 4. Make sure housing diversity caters for ageing in place, affordable housing and family homes with large blocks.*

[https://hdp-au-prod-app-act-yoursay-files.s3.ap-southeast-2.amazonaws.com/7716/6848/3097/Draft Inner South District Strategy - 08.11.22.pdf](https://hdp-au-prod-app-act-yoursay-files.s3.ap-southeast-2.amazonaws.com/7716/6848/3097/Draft%20Inner%20South%20District%20Strategy%20-%2008.11.22.pdf)

Community consultation has not met good practice, and community views now need to be genuinely considered and comprehensively reflected in the new planning framework.

National Capital Authority - Consultation

The *Planning and Development Act 2007*, s60 and s61(b)(i) requires that the ACT Government’s planning and land authority, in preparing to vary the territory plan must consult with the National Capital Authority. In addition s69(c)(ii) requires that when presented to the Minister draft variations to the Territory Plan must include a written report about the planning authority’s consultation with the National Capital Authority and the public under s69(c)(i). **Engagement with the National Capital Authority on the draft Territory Plan** and the New Planning Framework **is not evident.**