

7 December 2023

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

Re: Development Application no. 202341982

PROPOSAL FOR ESTATE DEVELOPMENT PLAN – 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, the following highlights some matters that appear to have been overlooked or require closer scrutiny by the ACT Government before being approved, particularly given their potential impact on existing residents and infrastructure.

1. Scope of Application

- The ACT Government tender and the reference documents included for the EDP refer to only three blocks when defining the CBP: Blocks 1, 7 and 20 Section 102, Yarralumla.
- DA 202341982 is a development application that cites six blocks: Section 102, Blocks 1, 7, 19, 20 and 21 and Section 127, Block 2, Yarralumla
- Offsite works are proposed for these additional blocks, but offsite works are also proposed for other blocks such as Section 94, Blocks 3, 4 and 9, which are not treated in the same way in the application.
- We seek explanation concerning the expanded scope of the application and why specific details are absent from the reference documents concerning Section 102, Blocks 19 and 21 and Section 127, Block 2.

References:

Application Number: 202341982

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

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2. Inconsistency with the Territory Plan/Yarralumla Precinct Code

- There is inconsistency within the reference documents, particularly in relation to the classification of usage within the Heritage Core. This includes references to proposed areas of use that would exceed the maximum permitted area for commercial use and retail (shop) use under the Yarralumla Precinct Code.
- We seek clarification of which figures are the correct ones to be able to provide informed comments on related matters. We also seek clarification of the status of the technical amendment to accept the use of Net Lettable Area (NLA) in place of Gross Floor Area (GFA).
- The Statement Against Rules and Criteria clearly states there is a cap of 1500sqm of commercial space and 500sqm of shops in the CBP.
- We cannot locate similar restrictions for the maximum permissible areas classified as food/beverage spaces, fitness & wellness space (indoor recreation) or health facility space.
- The Traffic and Parking Report outlines the proposed area for development according to each classification of use, but different sets of figures are provided in Tables 3.1, 3.7 and 3.8.
- The Area Plans GFA diagram in DA 202342069 (Heritage Core) shows details for the proposed adaptive reuse of the Heritage Core with GFA by classification. The area for development according to each classification of use is not consistent with the Traffic and Parking Report.

- The total area for development also varies greatly between each reference document and table, suggesting reference information is missing from the Traffic and Parking Report or requires updating.
- The community may not be overly concerned about the quantum of area allocated to food/beverage space and other uses due to the general community desire for the CBP to be a lively and active development. However, the calculation of car parking requirements, as well as the requirements for bicycle parking, disabled parking, and motorcycle parking are determined by classification of use under the relevant Codes. So, accuracy in the classification and dimensions are required to ensure the adequacy of infrastructure such as the number of car parking spaces. We call on the ACT Government to ensure that accurate data is used as the basis of calculations for all required infrastructure.

Inconsistency in reported area for each classification (square metres)

Classification of non-residential uses in the Heritage Core	Maximum permitted under the Yarralumla Precinct Code (See Statement Against Rules and Criteria) (GFA) and Agency Comments	Traffic and Parking Report Table 3.1 (NLA)	Traffic and Parking Report Tables 3.7 and 3.8 (NLA)	Area Plans GFA
Commercial	1500	2,064	1,754	1,991
Food/Beverage	n/a	1,830	1,740	3,294
Fitness & Wellness (Indoor Recreation)	n/a	1,156	983	2,749
Health Facility	n/a	1,836	1,696	0
Retail	500	738	698	252
Services				1,743
Residential				100
TOTAL		7,624	6,871	10,129

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GFA = Gross Floor Area

NLA = Net Lettable Area (A method for calculating a smaller area proposed by Doma as an alternative to GFA due to the thickness of the walls in the kilns, which requires a technical amendment)

References:

Statement Against Rules and Criteria (Blocks 1, 7, and 20 Section 102 Yarralumla)

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

Traffic and Parking Report

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

Area Plans GFA (from DA 202342069 reference docs)

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/AREA-202342069-01.pdf>

Response to Agency Comments

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

3. Adequacy of Infrastructure

Concerns about the adequacy of infrastructure relate to the potential negative impact on nearby residents, who already experience frequent electricity outages, stormwater and sewage issues, if sufficient capacity and future proofing are not factored into the development of the CBP.

Car parking pressures are already evident prior to the development of the CBP, with cars parked along Denman Street often extending from the Yarralumla Uniting Church to beyond Maxwell Street and cars parked at the top of Lane-Poole Place under the trees on Bentham Street.

Based on the information in Table 3.1 of the Traffic and Parking Report (which may not be accurate), we estimate the base requirement figure for public car parking spaces to be approximately 560. By extension, if the temporal profile is applied, 77.2% of 560 would be 432. This indicates a requirement for almost 100 more public car parking spaces than is currently proposed. As noted above, the data presented in the DA 202342069 (Heritage Core DA) also suggests the information in Table 3.1 is grossly underestimated, with a discrepancy in the total GFA/NLA of almost 2,500 square metres and disconnect in the usage classification.

The required number of accessible car parking spaces and motorcycle parking spaces are calculated relative to the number of required car parking spaces. This is another reason for ensuring accuracy and prudence when calculating the number of required car parking spaces and we seek assurance that the ACT Government will confirm the accurate information to be used in determining the required car parking spaces and ensure that measures are taken to minimise the impact on streets adjacent to the CBP.

3-1. Additional pressure on road network within Yarralumla

The development of the CBP will exert additional pressure on the existing road network within Yarralumla.

The community appreciates that this EDP has been designed with a prime access point from Cotter Road via Brickworks Way, but the development of the CBP will still exert additional pressure on the existing road network in terms of both car movements and street parking.

We call on the ACT Government to consider this in relation to management of on-street parking and the implications for any future developments within Yarralumla, including the development of the adjacent CSIRO site.

Employees in the commercial, retail and wellness facilities, in particular, will soon realise they can save money by parking in nearby streets such as Lane Poole Place, Bentham Street and Denman Street, which will have a detrimental impact on the amenity of existing Yarralumla.

We anticipate that cars parking on Denman Street, which will be a convenient location to park then access the CBP on foot, will from time to time compete with cars parking on Denman Street for events at the Yarralumla Uniting Church.

Easy pedestrian access to the core of the CBP from Lane-Poole Place make Lane-Poole Place and Bentham Street very attractive sites for free car parking, which will also increase car movements on Bentham Street.

Some visitor parking will be contained within the 22 individual house blocks accessible from Bentham Street and Denman Street and for the 18 townhouses proposed for the edge road. However, in addition to the increase in car movements that will be generated by these properties, any overspill of visitor car parking will result in an increased number of cars parking on Bentham Street, Denman Street, Woolls Street and Maxwell Street.

Free parking on Denman Street will be closer and more convenient for visitors to Precinct 7 (the edge road) than the paid public car parking space located in Precinct 3. This will exacerbate the demand for cars parking on Denman Street, Woolls Street and Maxwell Street as well as increase car movements in those streets.

3-2. Public car parking

Inadequate provision of car parking spaces within the CBP and the fact that public car parking within the CBP will be provided through a paid parking system instead of a free parking system is likely to foster an overspill of parking into neighbouring streets, the avoidance of which is an objective under the Parking and Vehicular Access Code (the "Code").

The Code also states that the parking demand of visitors and residential guests to the development is [to be] catered for onsite consistent with the level of public transport accessibility and other parking opportunities in the vicinity.

Poor level of public transport accessibility has already been condoned by the ACT Government and while an overspill of parking into neighbouring streets is unlikely to be completely avoidable, we expect the development to be designed and serviced in a way that minimises any overspill. This includes ensuring there is more than the minimum requirement for public car parking spaces provided within the CBP.

Calculation method for required number of car parking spaces.

- **Single-dwelling blocks**
The Traffic and Parking Report states that each single-dwelling block will have at least 3 on-site car parking spaces, including 1 visitor car parking space.
- **Food/beverage establishments**
The figures refer to requirements under the Code, but mistakenly use the case of a Local Centre of 10 car spaces per 100 sqm, a total of 183 car spaces. The CBP is not located in a Local Centre, so the required number under the Code is 15 car spaces per 100 sqm, a total of 275 car spaces.
- **Medical Health Facilities – change in method from previous application.**
The change in calculation from a per practitioner number to GFA based figure is simplistic and reduces the number of required spaces by 8. Given the proposed use of small treatment rooms to make use of small architectural features in the Heritage Core, we can only presume that the facilities will be underutilised if there are not 8

practitioners as set out in the previous plan. Consequently, the original basis for calculation should be reinstated, resulting in the requirement for an additional 8 car parking spaces.

- **Absence of car parking spaces to service public parks**
We disagree with the analysis that no additional car parking spaces be provided for users of the Quarry Park and Remnants Park. Due to the poor public transport access, we anticipate many visitors to the public parks will arrive by car or bicycle.
- **Inconsistent data**
Section 3.2.3 of the Traffic and Parking Report refers to a total public car parking space requirement of 435.
Table 3.4 of the Traffic and Parking Report refers to a total public car parking space requirement of 443.
The difference of 8 is possibly due to the proposed change in calculation method for medical health facilities that has not flowed through to the rest of the document(s). However, even greater inconsistencies are evident when considering the information provided in DA 202342069 (Heritage Core), which indicates almost 2,500sqm in additional space not accounted for in the car parking requirement calculations used in this DA.
- **Private Car Parking Spaces**
Table 3.6 of the Traffic and Parking Report refers to a total private car parking space requirement of 689 and the planned supply of 1,017. The report states this is 328 more than required. The planned supply figure also includes 128 on-site private visitor car parking spaces, which would not be available to the general public.
We do not accept that the provision of additional private car parking spaces should justify a reduction in the supply of public car parking spaces. Where located in basements of residences, the spaces could be used for storage or other activities.
- **Reduction based on temporal profile**
Doma has justified reducing the public car parking spaces to 77.2% from 435 spaces to 336 spaces based on the temporal profile.
Even if a reduction in the total number of public car parking spaces can be justified based on the temporal profile, for the reasons cited above, 435 should not be used as the base requirement figure for public car parking spaces.

References:

Statement Against Rules and Criteria

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

3-3. Bicycle parking

- Given the statements over many years of the intent to make CBP a bicycle-friendly destination, we expect there to be ample bicycle parking and end of trip facilities.
- Any underestimation in the number of bicycle parking spaces for both long-stay and visitor bicycle parking requirements will have a knock-on effect that could result in an underestimation of the required end of trip facilities such as showers, toilets and lockers.
- Doma states it will use the End of Trip Facilities General Code to calculate the requirements for visitor bicycle parking. However, the Traffic and Parking Report is inconsistent in the amount of Net Lettable Area (NLA) used when calculating car parking spaces and the amount of NLA used when calculating bicycle parking spaces, which needs to be addressed.
- No details have been provided concerning bicycle parking associated with the use of the Quarry Park or Remnants Park.

References:

Traffic and Parking Report

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

Parking and Vehicular Access Code

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

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3-4. Poor public transport access

- The Traffic and Parking Report (Section 2.3) acknowledges the existing bus routes to be “a long walk for residents [of the brickworks]”. The not yet activated bus stops on Dudley Street are at a similar distance.
- The lack of user-friendly and easily accessible public transport options close to the centre of the CBP will generate a greater number of car trips than should be necessary and exert pressure on car parking supply and neighbouring streets.
- The car-centric nature of the CBP will exacerbate traffic congestion on Dudley Street. This will only be eased with the construction of the long-awaited Mint Interchange, as also noted in the Traffic and Parking Report.
- Taxi/Uber pick up and drop off points and dedicated locations for car sharing services and e-scooters should be included in the CBP as part of the ACT Government’s own active travel aspirations.

References:

Traffic and Parking Report

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

3-5. Electricity capacity and use of gas

Some past iterations of plans for the CBP have proposed fewer than 380 dwellings due to the burden on existing infrastructure and the returns on investment for enhancing infrastructure to meet the capacity requirements of 380 dwellings.

The electricity requirement is based on an assumption of electric vehicle chargers for only 50% of the apartments in Precincts 1, 4 and 5 and 50% of the townhouses in Precincts 7 and 8. While the decision whether to build electric charging facilities is a commercial one, the take up of electrical vehicles in the ACT suggests there may be insufficient chargers, which will require future retrofitting and hence increased electricity capacity across the site. Given the ACT Government policy to ban the sale of new petrol cars from 2035, the CBP needs to be future-proofed for electricity requirements.

One of the Objectives for the CBP referred specifically to not providing infrastructure for the use of gas.

The ACT Government has passed new legislation that prevents new gas connections in the ACT from 8 December 2023. We expect this new legislation to apply to all new developments, which indicates the Environmental Impact Statement and any justification for gas connection to the CBP is now out of date. We request confirmation that the new legislation also applies to the development of the CBP.

References:

Lighting Plan – Masterplanning Maximum Demand Calculation

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/LIGHTING-202341982-02.pdf>

Scoping Document (Appendix G – Response to Submissions)

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

Environmental Impact Assessment (Umwelt, May 2022)

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

3-6. Foot path connection

The footpath on the North side of Woolls Street should be extended to the corner of Denman Street then extended towards the CBP to connect to the proposed new path alongside the Denman Street cul-de-sac that links to the path alongside the Bentham Street cul-de-sac.

References:

Concept Master Plan (also showing location of the shared footpaths)

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

3-7. Denman Street Offsite Works

The extent to which bollards or wheelstops is proposed is not clear from the DA.

Bollards or the installation of a kerb along the southern side of Denman Street is recommended to prevent cars driving over the new path to be built along the full-length of the southern side of Denman Street. The risk to cyclists and pedestrians is not limited to a small area in front of the Yarralumla Uniting Church as cars are frequently parked along Denman Street to beyond Maxwell Street. Similar issues are likely to arise with the anticipated demand for car parking on Denman Street near the CBP itself.

We acknowledge that gaps in any bollard installation would be required to allow vehicular access to the manse at the Yarralumla Uniting Church and for service vehicles to access the land between the Yarralumla Uniting Church and the CBP.

We call on the ACT Government to ensure that ample safety measures such as bollards are installed to prevent cars crossing the new path on Denman Street.

References:

EDP Offsite Works Plan Sheet 5

<https://dafinder.blob.core.windows.net/dadocuments/DOCs/OFFSITEWORKS-202341982-02.pdf>

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4. Block size of individual housing blocks

4-1. Large blocks

- There are 13 individual house blocks of more than 650sqm.
- 9 of these are larger than 800sqm, which could be redeveloped as dual occupancy under the new Territory Plan for RZ1 zones.
- The individual leases on these 9 blocks should have a special condition that no future subdivision is permitted to ensure the cap of 380 dwellings is maintained across the CBP.

4-2. Small blocks on Edge Road

- These are 16 three-storey individual house blocks (town houses on edge road) of less than 250sqm.
- 14 of these are 195sqm, which is not in keeping with the existing character of Yarralumla.
- The proposal to have 3 car spaces in each of these small blocks raises questions about how much living space can be included while still maintaining the required plot ratio/site coverage and also providing adequate private open space and planting area to avoid the creation of heat islands.
- We recommend these small blocks be amalgamated into larger blocks.

- If these small blocks are approved, the YRA would want an assurance that there will be adequate planting area provided to prevent the creation of heat islands, and for such small blocks to be treated as exceptions to ensure no precedent is set for this size house block in Yarralumla.

References:

EDP - Block Details Plan Overall

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

5. Access to public spaces including the Quarry Park and Remnants Park

Body corporate constituent documents, bylaws of the body corporate and the bylaws of the Community Title have not been provided for public consultation. The community is concerned about the ability of future management bodies within the CBP to restrict public access or impose rules that could have a negative impact on the public, and in particular, adjacent residents.

The YRA is under the impression that the prohibition on commercial activities in the public parks has been incorporated in the deed entered into between the SLA and Doma.

Further details need to be provided for public consultation if there is to be an easement that specifies the conditions on which public access may be reasonably excluded.

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References:

EDP DA – Response to Agency Comments

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

6. High quality heritage conservation and adaptive reuse

The YRA is guided by the National Trust's assessment of the heritage aspects of the EDP, and notes their submission's conclusion that "It is unfortunate that more detail on the adaptive reuse is not provided (or easily found), the Statement of Heritage Effects was not provided for public comment or review and we suggest more detail should be available for public review and comment before approvals are given."

7. 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..
- 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>

8. 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. We seek clarification of the scope of the application which includes 3 blocks for which no details have been provided, and were not part of the original tender.
2. The inconsistencies between DA 202341982 (EDP) and DA 202342069 (Heritage Core) and further DAs related to the CBP need to be resolved to ensure accurate data is available and informed community input is possible.
3. We call on the ACT Government to ensure that accurate data is used as the basis of calculations for all required infrastructure.
4. This submission highlights some key issues that require further scrutiny by the ACT Government and potential changes that need to be made to the EDP before the EDP should be approved.
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 relies on the SLA to have included conditions in its deed with Doma or through some other mechanism, measures that will preserve unimpeded public access to areas designated as public open space when the EDP is approved.
7. 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