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Dear Mr. Dunstone

BLOCK 13 SECTION 28 NARRABUNDAH – USE FOR MULTI UNIT HOUSING

1. You have asked me for an opinion on whether the use of Block 13 Section 28 Narrabundah exclusively for multi unit housing would be permitted. Subject to the conditions of the Crown lease and paragraphs 24-26 (*below*), the short answer is 'yes'.
2. I set out my reasons for this opinion below.
3. Block 13 Section 28 is part of the Narrabundah Local Centre. Within the Centre, Block 2-11 (inclusive), 13, 16 and 17 are zoned CZ4 – Local Centre. The Local Centre Development Table permits multi unit housing subject to the Multi Unit Housing Development Code, and the Local Centre Development Code.

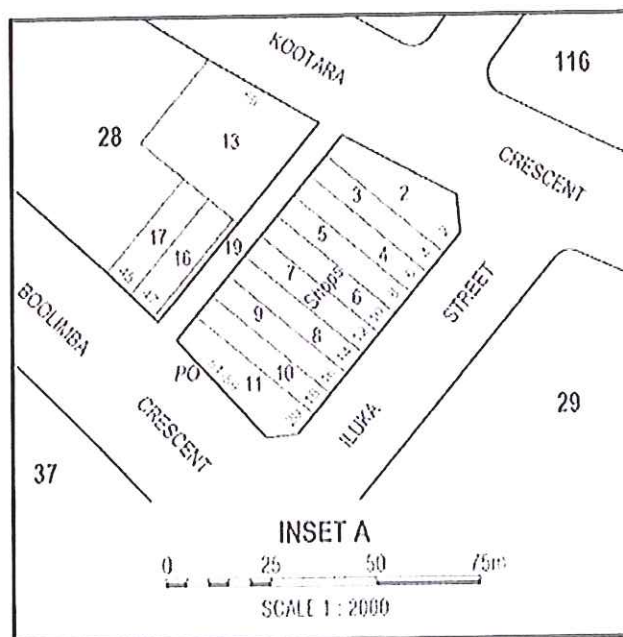


Figure 1. Narrabundah Local Centre

4. The Narrabundah Local Centre Zone is defined in Paragraph 3 (above). However, the centre precinct is larger, and in addition to the Centre, encompasses Blocks 1, 21-24, Section 28, and Section 29. Consideration of the precinct *en globo*, is important in interpreting the rules and criteria affecting any redevelopment proposal on the land. Critical to that consideration is Criterion 32, which requires that a redevelopment proposal responds to a Neighbourhood Plan if one exists. The Narrabundah Neighbourhood Plan is discussed below.

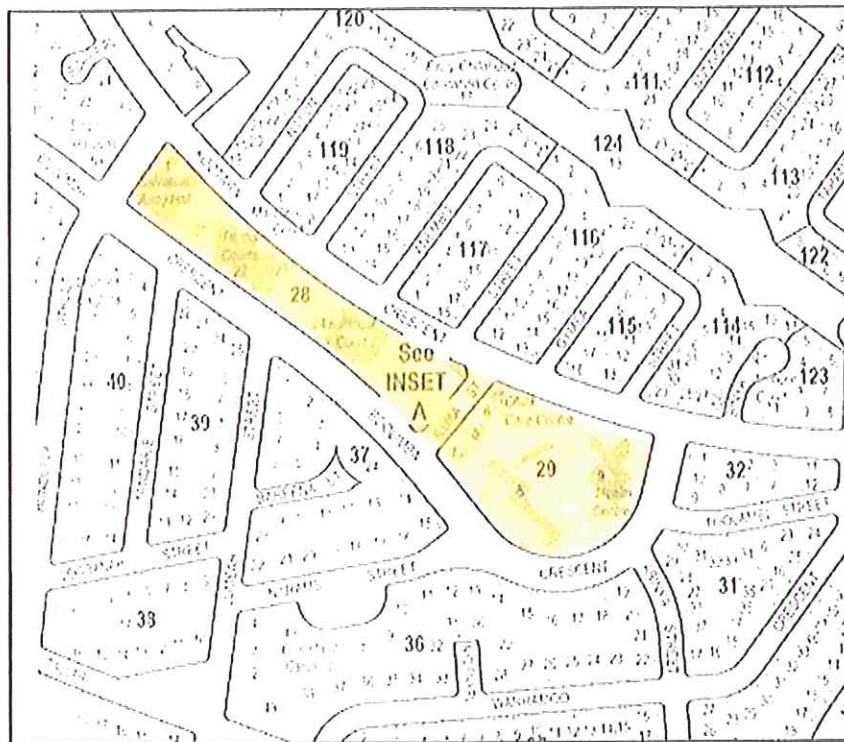


Figure 2. Local Centre Precinct (yellow). The precinct does not form part of the Territory Plan. It has been devised only to explain the context of the Local Centre.

Relevant Development Codes

5. A number of rules and criteria would affect any proposal to redevelop the site. The pertinent criteria with respect to land use are discussed below.
6. Rule 1 provides that:

Only the following uses are provided in buildings at ground floor level on frontages to main pedestrian areas and routes:

Business agencies community activity centres, financial establishments, indoor entertainment facilities, indoor recreation centres, public agencies, restaurants and shops.

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7. Rule 1 is modified by Criterion 1 which provides that:

Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space, in a form that is consistent with the needs of the particular centre.

8. Neither Rule 1 nor Criterion 1 prevents residential development having a street frontage at ground level within the local centre. Rule 1 applies when the subject land is a *main pedestrian area or route* (emphasis added). Block 13 has been used as a service station in the past but all structures and paving have been removed. Traditionally, the frontage could not have acted as either a main pedestrian area or route although there would be some pedestrian traffic.
9. A two storey residential complex has been established on Block 24 Section 28, which adjoins Block 13. The establishment, (Karingal Court), is operated by the Salvation Army. It contains a mixture of 38 independent living units and serviced apartments for aged persons, and has units with street frontage on both Kootara and Boolimba Crescents. While Karingal Court has no direct bearing on the rules and criteria prescribed for the CZ4 Zone, its location directly adjoining Block 13 provides a strong urban design case for at grade residential units along Kootara and Boolimba Crescents as outlined below.
10. Both Kootara and Boolimba Crescents have footpaths on either side of the street, and in the absence of evidence to the contrary, it would seem reasonable to presume that pedestrians from Nimbin and Anembo Streets would predominantly use the footpath on the northeastern side of Kootara, closest to their areas, when moving to and from the local centre. Some pedestrian traffic would originate from Karingal Court using the southwestern footpath, however this would not justify consideration of the Block 13 frontage as a major pedestrian route.
11. The retail component of the Narrabundah Local Centre is contained in Blocks 2-11 bounded by Kootara Crescent (north east) and Boolimba Crescent (south west). The shops in the centre address Iluka Street, and Kootara and Boolimba Crescents. In Iluka Street there is a visual relationship between retail shops to the north and the community facilities areas to the south in Section 29. There is no visual relationship between Block 13 and the main shopping centre, and physical connection is interrupted by the laneway (Block 19).
12. Small shops in the subdivided Blocks 2 and 11 open onto large paved areas that permit the spaces to be used for passive recreation and outdoor seating for coffee shops and cafes.
13. To the north, the retail centre is separated from the remainder of the section by an unnamed lane (Block 19) intersecting with Boolimba and Kootara, and providing access to the service areas of the Iluka Street shops. North of the lane a single storey building(s) containing two shops is erected on Blocks 16 and 17. However, in my opinion, the character of the main retail area and the spaces between the building and the kerb define the main pedestrian areas within the centre. The two shops on Blocks 16 and 17 do not 'read' as part of

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14. the centre proper due to their general physical form and separation from the building(s) facing Iluka Street.
15. Rule 6 provides that:
- a. *RESIDENTIAL USE is not located at ground floor level along streets where active frontages are required*
 - b. *Redevelopment proposals retain at least the existing level of GFA provided for non-residential uses.*
16. Rule 6 is modified by Criterion 6, which provides that:
- Convenience retailing and other accessible, convenient shopping and community and business services are available to meet the needs of the local population.²*
17. There is no evidence in the Plan that an active frontage is required along the street in front of Block 13 other than what might be drawn from Rule 1. Further, it might be argued that there is no existing level of GFA provided for non-residential uses on Block 13.
18. With respect to Criterion 6, it can be demonstrated with some confidence that the shopping needs of the local population can be met from the existing retail shops, community facilities are provided on Section 29, and from the advice provided to me, no interest has been displayed by the business community in establishing services in the locality. Hence the requirements of Criterion 6 as an alternative to Rule 6 are met.
19. Criterion 32 provides that:
- Where a Neighbourhood Plan exists, development demonstrates a response to the key strategies of the relevant Neighbourhood Plan.*
20. The *Narrabundah Neighbourhood Plan* (2004) is published by the ACT Planning and Land Authority. It has no statutory effect, however under Criterion 32, a proposed development must demonstrate a response to the key strategies in the Neighbourhood Plan.
21. There is only one key strategy applying to the Narrabundah Local Centre:
- Strengthen Narrabundah's ability to offer a strong commercial and community heart in order to provide convenient local shopping and meeting places for the neighbourhood (Page 16).*

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22. There are a number of general strategies aimed at encouraging commercial development in the Centre, but these are vague and general and do not propose any actions to attract commercial tenants to the Centre.
23. Drawing 3 at Page 35 of the Neighbourhood Plan (see Annex A to this report) is a 'draft concept sketch' for the Narrabundah Central Area indicating proposed developments for various areas. Block 13 is shown as:

Proposed professional suites with a wide landscaped verge and local centre meeting place. Parking to the rear.

24. Block 19 is described as:

Proposed active rear land with shop top housing.

25. Neighbourhood plans are routinely raised in evidence in matters before the Administrative and Civil Appeals Tribunal. A draft concept sketch has been successfully led as evidence of the planning intention for the area. However, the Narrabundah Neighbourhood Plan was not reviewed in 2011 as forecast on Page 37 of the document, and its conclusions and projections are open to challenge in the light of changing social and economic circumstances. It should also be noted that the concept drawing proposed the rezoning of part of Section 29 to remove it from the Community Facilities Zone and permit the land to be used for commercial development with an active frontage to Iluka Street.

Demonstrating a response to the key strategies

26. To the southwest of the Centre, Section 36, 37 and 39 are zoned RZ2 – residential core. Although the Neighbourhood Plan contemplated dual occupancies and modest multi-unit housing developments, there is nothing to prevent the full application of the Code.
27. Block 24 Section 28 (Karingal Court) presently houses Salvation Army retirement housing. The buildings appear in good condition externally and may endure for some time. However, the land is zoned RZ2 and can be expected to be redeveloped at some time in the future. When redevelopment occurs is unimportant in the present context, but the relationship between Blocks 24 and 13 is.
28. The draft concept sketch indicates a separation between Block 24 and development to the south (Blocks 13, 16 and 17) as a driveway leading to car parking at the rear of the proposed professional suites. It also proposes multi unit development extending onto the unused portion of Block 24 abutting Blocks 13 and 16. No buildings are contemplated on this land, and the proposed concept plan would create a view from the road of the rear of Block 13, its car parking and the side elevation of Block 16. This would appear to be poor urban design and a more satisfactory planning outcome would be to suggest to ACTPLA that Blocks 13, 16, and 17 be eventually incorporated in the RZ2 zone so that:

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- a unified design approach may be taken to the rear lane (Block 19) elevation;
 - a symmetrical north elevation can be devised to redevelopment on Blocks 24, 16 and;
 - coordinated development of the interface between Block 24 and its neighbours can be achieved.
29. This approach would not delay the redevelopment of Block 13, which would be promoted as the first step in achieving a unified urban design for the precinct.

Conclusion

30. In my opinion, a proposal to carry out a multi unit development on Block 13 could be demonstrated to be consistent with the Territory Plan. Read in context, neither the rules nor criteria in the Development Codes applicable prevent multi unit development on Block 13 because the land cannot be shown to be a main pedestrian area or route.
31. The requirements of the Neighbourhood Plan need to be treated with respect because of the weight that they might be given in any administrative review arising out of a development application. Nevertheless a sensitive design approach considering not only the architectural demands of the site, but also the
32. urban design opportunities of the locality would satisfactorily demonstrate a response to the key strategy of the Neighbourhood Plan.

Yours sincerely



Paul D Cohen
MURP FPIA
Director

Annex A. Narrabundah Neighbourhood Plan – Draft Concept Plan

NARRABUNDI-1 Neighbourhood Plan

