

**FINAL REPORT ON CONSULTATION
NATIONAL CAPITAL PLAN**

DEVELOPMENT CONTROL PLAN NO. 10/08

Blocks 1, 2, 3, 4 & 5 Section 96 Griffith

April 2011

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Appendix A – Submissions - (December 2010 - February 2011)

1 Introduction

1.1 Purpose and Background

This report summarises the issues raised during the public consultation process undertaken by the National Capital Authority (NCA) on draft Development Control Plan (DCP) No. 10/08 for Blocks 1, 2, 3, 4 & 5 Section 96 Griffith.

Blocks 1, 2, 3, 4 & 5 Section 96 Griffith are adjacent to Canberra Avenue. Canberra Avenue is a Main Avenue as defined under the National Capital Plan (the Plan).

MAS Strategic Property Advisors, Parsons Brinckerhoff and Cox Humphries Moss, on behalf of the lessee's, requested that the NCA prepare a DCP to set out planning and urban design policies to guide future development on the site.

1.2 Existing National Capital Plan Provisions

The National Capital Plan (the Plan) came into effect on 21 January 1990. In accordance with the Plan (Section 2.3), Special Requirements apply to development on land (not included within any Designated Area) adjacent to the Main Avenues.

For the purposes of Special Requirements, Canberra Avenue between Hume Circle and the Central National Area is defined as a Main Avenue.

Special Requirements state that development is to *'conform to Development Control Plans (agreed by the Authority) which seek to secure the integrity of the Main Avenues as approaches to the Parliamentary Zone and ensure that the setting, buildings and purposes of development enhance that function.'*

Draft DCP No. 10/08 has been prepared in accordance with the Plan.

1.3 Effect of the Draft Development Control Plan

Draft DCP No. 10/08 establishes planning and urban design provisions including building height, landscape character, access and parking for Blocks 1, 2, 3, 4 & 5 Section 96 Griffith.

Draft DCP No. 10/08 includes the following requirements:

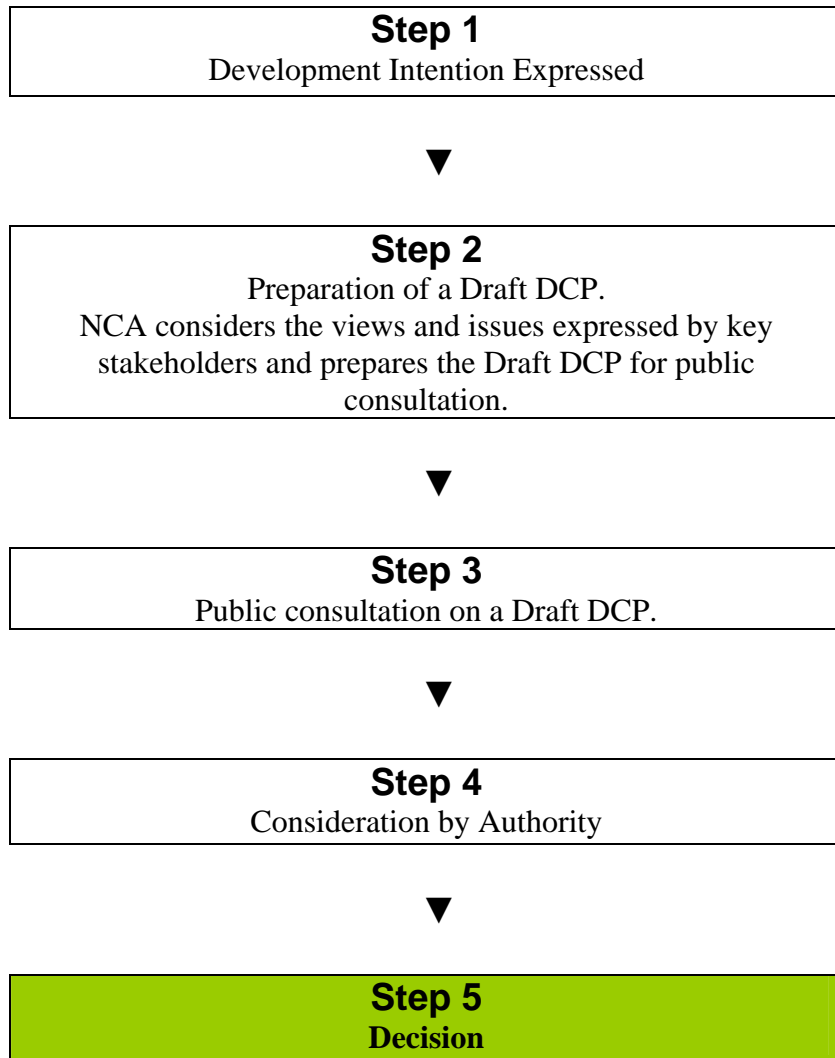
- general planning and urban design objectives for development of the site;
- enhanced landscape character along the Canberra Avenue frontage;
- development of the area for a range of uses permitted by the National Capital Plan;
- requirements for building height and setback, and architectural quality in built form; and
- requirements for access to the area and parking.

2 Public Consultation

2.1 Development Control Plan Process

The process for making a Development Control Plan is outlined in Figure 1.

Figure 1: Outline of the Development Control Plan Process



2.2 Release of the Draft DCP for Public Comment

The NCA released the draft DCP for public consultation on 7 December 2010. The following stakeholders were identified as having an interest in the future development of the site:

- Parsons Brinckerhoff, on behalf of one of the lessee's;
- ACT Territory and Municipal Services (TaMS);
- ACT Planning and Land Authority (ACTPLA);
- Catholic Church Archdiocese of Canberra and Goulburn;
- Cox Humphries Moss, on behalf of one of the Lessee's;

The above stakeholders were advised by letter about the release of the draft DCP for public comment and provided with a copy of the draft document.

In accordance with the NCA's *Commitment to Community Engagement (July 2010)* the NCA held a 30 day consultation period. The period commenced on Tuesday 7 December 2010 and concluded on Monday 7 February 2011. The consultation process included:

- Saturday 4 December 2010 – notice published in the *Canberra Times*;
- Tuesday 7 December 2010 – draft DCP published on the NCA's web site;
- Tuesday 7 December 2010 – written notices sent to identified key stakeholders inviting comments on the draft DCP; and
- Wednesday 15 December 2010 – public information session held at the NCA offices between 12 noon and 2pm.
- Monday 7 February 2011 – period for written submissions regarding draft DCP concluded.

Public Information Session

On Wednesday 15 December 2010, a public information session was held at the NCA offices between 12pm and 2pm. Representatives from the NCA along with eight (8) members from the public attended the information session.

Written Submissions

The NCA received four (4) written submissions in response to the draft DCP. All submissions were acknowledged by the NCA, together with an undertaking to inform the submitter of how their submission was considered.

The key issues raised in the period of public consultation included:

- Permitted building height – concern was that RL591 was too high for the character and aesthetics of the existing street. It was requested that more specific guidance be given for the height of the building fronting Franklin Street. It was considered a height of RL 591 would not be sympathetic to the existing streetscape.
- Heritage - concerns over the heritage values of the site and surrounding precinct were expressed. The loss of the prominence of St Christopher's Cathedral by a 5-6 storey development on this DCP site was specifically mentioned.
- Access - it was suggested that the DCP Drawing should identify the two separate basement car park access points being on each separate crown lease.
- Land Use – it was requested a section on land use be included within the DCP to outline provisions and uses applicable to the site upon redevelopment.

Detailed consideration of these issues is included in **Appendix A** .

3 Recommended Changes to Draft Development Control Plan No. 10/08

Following a review of issues raised in the submissions and an internal review, the NCA has recommended six (6) changes to draft DCP No. 10/08. The recommended changes are:

- In an effort to create consistency and allow buildings to have an appropriate urban scale in relation to Canberra Avenue, it was decided that Clause 3.2 would be revised. This is to further clarify and highlight that there are two different height provisions for Section 96, with a lower RL583 for the Franklin Street side of Section 96. Amendment to Clause 3.2 now reads *“DCP Drawing No. 10/08 illustrates maximum permitted building heights across the site.”*
- To clarify the concern expressed over maintaining the streetscape character of Franklin Street, Clause 3.3 has been revised to be more direct and explanative. Amendment to Clause 3.3 to read *“Development fronting Franklin Street will be sympathetic and in accordance with the existing streetscape. Built form shall minimise overshadowing of existing buildings. Where the maximum heights illustrated in DCP Drawing 10/08 are already exceeded by existing buildings, rebuilding up to the height of the existing building may be permitted.”*
- Following an internal review, the designated articulation zone that was displayed in the draft DCP 10/08 needs revision. The Section currently is built to the boundary and there are no setback requirements in this DCP due to existing structure. The need for articulation in the redevelopment of this site will be covered by amending Clause 4.2, along with removing the 2.5 metre articulation zone shown in DCP Drawing 10/08. The referred articulation adopted into Clause 4.2 is consistent with DCP 10/04, which is applicable to St Christopher’s Cathedral on the other side of Furneaux Street along Canberra Avenue. Amendment to Clause 4.2 to read *“Zero building setbacks to Canberra Avenue consistent with the existing Capital Cinema Building will be retained. Buildings shall have a maximum unarticulated length of 15 metres to the Canberra Avenue frontage. Articulation may be provided by:*
 - a. changes in wall planes of a minimum one (1) metre in depth and no less than four (4) metres in length; and/or*
 - b. inclusion of balconies; and/or*
 - c. horizontally stepping facades by at least one (1) metre in depth.*
- Amend DCP Drawing to illustrate RL heights across the site in conjunction with Clause 3.2, illustrating the two different limitations set for both Canberra Avenue and Franklin Street frontages.
- Amend DCP Drawing to remove access arrows for future car park access to basement parking. These points will be determined by the relevant authority upon the time of development application.

- In addition, minor typographical errors were also corrected.

4 Conclusion

Draft Development Control Plan No. 10/08 Blocks 1, 2, 3, 4 & 5 Section 96 Griffith was released for public consultation in December 2010 in accordance with the NCA's relevant *Commitment to Community Engagement (July 2010)*. By the end of the consultation period on 8 February 2011, four (4) written submissions had been received in regard to draft DCP 10/08.

DCP No. 10/08 has been amended in response to feedback received during the consultation period and also via an internal review. Alterations to the DCP include a revised building height restriction for the site to maintain the visual setting on Franklin Street. The building height restrictions have been amended for part of Section 96. Clauses 3.2 and 3.3 have been revised to provide better clarification of building provisions for all and part (there of) Section 96.

Five (5) changes to the DCP have been made. This is to show the RL height differences set for this section, articulation and encroachment revision for the boundary as well as removing the designated basement access points.

On the 22 February 2011, the Authority approved DCP 10/08 with the relevant changes recommended from draft DCP 10/08.

Appendix A – Submissions

Appendix A - Summary of Submissions

Note: Details of each submitter have only been reproduced in this table where a submitter has granted permission for their name and/ or address to be used by the National Capital Authority for the purposes of the Report on Consultation for draft Development Control Plan No. 10/08.

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
1	Eric Martin President National Trust of Australia (ACT) PO Box 1144 Civic Square ACT 2608	<p>Indicates the significance of the Manuka Shopping Centre within the National Trust's listings of Classified Places 1995. Emphasises that the character and prominence of the Manuka Shopping precinct must be maintained as much as possible within DCP guidelines.</p> <p>Suggests reference is included in the DCP to maintain the heritage and prominence of nearby St Christopher's Cathedral.</p> <p>Requests building height be made understandable. Indicates that the proposed RL591 is 1 metre below the ridge height of St Christopher's and much higher than the existing building.</p> <p>Requests permitted building height along Franklin Street be revised. Set at RL591 but worded as 'sympathetic' to the existing streetscape setting of Franklin Street, suggests a lower RL height must be enforced on the Franklin Street side to maintain the heritage values and setting of the precinct.</p> <p>Suggests the inclusion of protective measures for existing trees in the area, particularly at the northern end which are fundamental to the</p>	<p>The Land use of the site will not be altered. The existing Cinema complex will still operate as usual on the site. Building appearance stipulates in the DCP that it will be of high quality with proper design elements being enforced by ACTPLA covered in this DCP upon future development assessment.</p> <p>The cultural and heritage significance of St Christopher's Cathedral has been enforced within its own DCP.</p> <p>Revised RL height along Franklin Street side of Section 96 will ensure that the prominence and view of St Christopher's from Manuka Shopping precinct is protected.</p> <p>It is recommended that Clause 3.3 be revised to provide a more definitive description of building provisions for the Franklin Street side of Section 96. A lower RL height for the Franklin Street side of the Section will be enforced and shown on the DCP Drawing.</p> <p>The DCP requires that the existing landscape character must be maintained and enhanced through an approved landscape design that will</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		relationship of the St Christophers Cathedral.	accompany any new development proposal for the site.
2	Noel McCann Principal, MAS Strategic Property Advisors GPO Box 2135 Canberra ACT 2601	<p>Indicates that the DCP Drawing No. 10/08 requires additional detail so as to better inform the community. More emphasis on highlighting the separate Crown Leases on the block. Wants the lease boundary between the Liangis (Blocks 1, 2 & 5) and the Pelle (Blocks 3 & 4) to be properly identified as redevelopment of each Lease will occur at different time intervals.</p> <p>Wants the Vehicular access to basement parking arrows be reviewed to confirm the correct location with lease boundaries.</p> <p>Refers to future land use of the site, and indicates that each individual Lease will likely add commercial and professional offices, car parking and residential including multi-unit residential. Suggests that the DCP have an additional section on Land Use, rather than leaving the current reference to land use within Section 2:Background.</p>	<p>DCP Drawing is to be revised already outline different RL heights for both Canberra Avenue side and Franklin Street side of the site. A clearer line can also be added to show the different boundary lines of each Lease.</p> <p>DCP Drawing will make sure that each separate basement parking access is clearly within each boundary line of each Lease.</p> <p>Land use description can be covered by the Territory Plan definition which is applicable to the current zoning of the site. Land Use section will not be included in DCP 10/08.</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
3	ACT Planning & Land Authority GPO Box 1908 Canberra ACT 2601	<p>Item 3.2 in the draft DCP indicates that the Building Height for development shall be a maximum of RL591 which equates to a building height of approximately 5-6 storeys. This provision appears to allow a taller building than would otherwise be permitted under the National Capital Plan Section 2.3 'Special Requirements for Main Avenues' which permits buildings up to 4 storeys plus plantrooms in height.</p> <p>Indicates that whilst item 3.3 requires building heights on the Franklin Street boundary to be sympathetic to the streetscape setting, a 5-6 storey building would have then potential to overshadow areas of outdoor dining and buildings.</p> <p>Indicates that DCP Drawing notionally shows the location of a regulated Plane Tree on the southern boundary of the subject site. This tree has recently been nominated for registration and is awaiting assessment. The conservator of Flora and Fauna's office has advised that the tree is</p>	<p>The Authority has adopted RL height as an absolute measure. Floor to floor heights vary with building typology. National Capital Plan indicates that building heights along main avenues are at least 3 storeys in height unless specifically shown otherwise. Approved DCP 10/04 adjacent to this site, St Christopher's Cathedral, has a permissible height of RL 591 in its approved DCP. By allowing the Canberra Avenue frontage of Section 96 to have the same allowable height, we are creating consistency along the Canberra Avenue frontage, and enhancing the aesthetics of this 'Main Avenue' on its approach to the Parliamentary Zone.</p> <p>A lower RL height will be amended within this DCP for the Franklin Street side of Section 96. This will be to ensure the prominence and amenity of Franklin Street is reserved. Clause 3.3 will be amended to read "<i>Development fronting Franklin Street will be sympathetic and in accordance with the existing streetscape. Built form shall minimise overshadowing of existing buildings. Where the maximum heights illustrated in DCP Drawing 10/08 are already exceeded by existing buildings, rebuilding up to the height of the existing building may be permitted.</i>"</p> <p>Landscape Section of the DCP indicates that all existing landscape of Section 96 will be maintained. 5-6 storey element of this development will not intrude on this Plane Tree through update provisions in this DCP regarding RL height along Franklin Street, which has been</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		unlikely to survive the construction of a 5-6 storey building on the northern side of the site and this would be an issue if the tree is considered worthy of registration.	changed following the Public Consultation Process. The DCP does not propose the removal of any vegetation. Trees to be assessed at the time of development application made to ACTPLA and impact assessed.
4	Mr Gordon Lowe Principal Planner Parsons Brinckerhoff GPO Box 331 Canberra ACT 2600	<p>Suggests that in the interests of clarity and consistency of interpretation, appropriate references to land use policies within Section 2.3 and Section 4.4 of the NCP should be included within the DCP.</p> <p>Indicates that the urban design objectives include 'maintaining and reinforcing the character of Canberra Avenue as a setting for prestigious buildings' and 'allowing for buildings with an appropriate urban scale relationship to Canberra Avenue. Achievement of these objectives requires consistency of decision making in the approval process, and considers this would be achieved best by amending section 3.2 to read;</p> <p>Building Height for development <i>may be</i> up to a maximum of RL 591.</p> <p>Refers to sub-section 3.3 which he considers is worded as such that it is open to multiple interpretations. Wants Section 3.3 which currently says;</p> <p><i>'Building Height for development on the Franklin</i></p>	<p>A new section pertaining to the land use objectives is not required to be covered in this DCP. Land use provisions will be administered by the relevant Territory Plan zoning.</p> <p>Section 3.2 has been amended in response to this. This will inturn create consistency and allow buildings to have an appropriate urban scale relationship with Canberra Avenue.</p> <p>Section 3.3 has been amended to read</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		<p><i>Street boundary will be sympathetic and in accordance with the existing streetscape setting'</i></p> <p>replaced with;</p> <p><i>'Development fronting Franklin Street shall be the subject of shadowing analysis to determine the potential impacts on the north facing buildings and public domain within the public domain opposite Section 96 and the means to ameliorate such impacts.'</i></p>	<p><i>'Development fronting Franklin Street will be sympathetic and in accordance with the existing streetscape setting. Built form shall minimise detrimental impacts, including overshadowing of existing development. Where these maximum heights are already exceeded by existing buildings, extensions or rebuilding up to the height of the existing building may be permitted.'</i></p> <p>This new definition describes a clear objective of maintaining the existing streetscape of Franklin Street whilst also providing provisions that need to be considered by the relevant authorities for any new development proposed on Section 96.</p>