

**CONSULTATION REPORT**

**National Capital Plan Draft Amendment 91 – City and Gateway Urban Design Provisions**

March 2019

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# 1 Introduction

## 1.1 Purpose and background

The Australian Government through the National Capital Authority (NCA), and the ACT Government, share planning responsibility in the ACT. The mutual interest and responsibility in the city and gateway corridor, including the Federal Highway, Northbourne Avenue, and the city centre, prompted the need for a revised planning and design framework to guide future design and development.

The Federal Highway and Northbourne Avenue corridor forms a key approach to Canberra’s city centre. The NCA’s interest lies in ensuring that the corridor reflects the significance of Canberra as the National Capital and the high development and landscaping standards are observed along the length of the corridor.

In March 2018, the NCA and ACT Government’s Environment, Planning and Sustainable Development Directorate (EPSDD) released the City and Gateway Draft Urban Design Framework (the Framework) for public consultation. The draft framework was developed collaboratively between the NCA and EPSDD to set the principles for development and growth in the city centre and along the gateway corridor of Northbourne Avenue and the Federal Highway.

The draft framework was amended in response to community comment, and was subsequently endorsed by the NCA and ACT Government.

The Framework reflects the interests and expectations of both governments in a single urban design document. The Framework sets out the overarching principles for urban renewal and growth in the city centre and along the corridor to achieve well-designed and sustainable buildings, urban infrastructure, public places and streets that is appropriate for the gateway to the National Capital.

The Framework sets a vision for the city and gateway corridor, supported by a series of strategic goals, principles and design criteria. Implementation of the Framework’s goals, principles and design criteria requires (in part) changes to planning controls along the corridor.

## 1.2 The City and Gateway Corridor

The area subject to the Framework includes the city centre and the linear corridor roughly one kilometre east and west of Northbourne Avenue, extending from Lake Burley Griffin to the Federal Highway and its intersection with the ACT border. Principles of the Framework concerned with transport and movement take into account the broader metropolitan context of north Canberra, including the peripheral arterial network of Gungahlin Drive and Majura Parkway.

Areas where the NCA has a direct or high level of interest relate to only a portion of the area subject to the Framework. It includes the Australian National University (ANU), City Centre, Haig Park, the road reservations of the Federal Highway, Barton Highway and Northbourne Avenue, and land flanking these roads.

Draft Amendment 91 – City and Gateway Urban Design Provisions (DA91) specifically relates to the land flanking the Main Avenue of Northbourne Avenue and the Federal Highway Approach Route, and reflects the NCA’s interest in these roads. The National Capital Plan already contains policy for other areas of NCA interest within the area subject to the Framework (for example, ANU, City Hill, and West Basin). The NCA considers the policy for these areas is robust and it is not proposed to change these policies at this time.

## 1.3 Draft Amendment 91

DA91 was proposed to implement the NCA’s interest in the City and Gateway Urban Design Framework by establishing detailed planning and design criteria for development on land flanking the Federal Highway and Northbourne Avenue.

The planning and design policy in DA91 has the following effect:

1. Introduces policy to guide the development of buildings and landscape that exhibit design excellence.
2. Removes the need for Development Control Plans (DCPs) to be prepared to guide development on land fronting the Federal Highway.
3. Maintains the application of Special Requirements for both Northbourne Avenue and the Federal Highway, however contain all policy within the National Capital Plan rather than DCPs.
4. Continues current arrangements whereby the Territory planning authority administers Special Requirements through the Development Assessment process.
5. Results in existing DCPs for sites adjacent to the Federal Highway ceasing to have effect.
6. Introduces additional definitions to the National Capital Plan to assist with the interpretation of policy.

DA91 was released for public consultation between 19 January and 4 March 2019. This report summarises the issues raised during the public consultation process undertaken by the National Capital Authority (NCA) on DA91 to the National Capital Plan.

# 2 Consultation

## 2.1 Consultation activities

On 19 January 2019, the NCA released DA91 for public consultation. The public consultation period ran for six weeks in accordance with the NCA’s ‘Commitment to Community Engagement (August 2015)’, concluding on 4 March 2019. DA91 was available of the NCA’s website, and hard copies were available on request.

Key activities during the public consultation period included:

* On 19 January 2019, a public notice was published in *The Canberra Times* (Attachment A).
* On 21 January 2019, the NCA wrote to EPSDD advising of the release of DA91.
* On 21 January 2019, a notice was published in the *Government Notices Gazette* (Attachment B).
* During the consultation period, social media was utilised to advertise the release of DA91, and provide reminders about the closing date.
* On 6 February 2019, the NCA hosted a public information session. Approximately 80 stakeholders attended.
* In addition to the public information session, NCA met with stakeholders throughout the consultation period. This included the National Trust of Australia (ACT), Lyneham Community Association, Downer Community Association, industry groups (Property Council of Australia, Master Builders Association, Planning Institute of Australia, Australian Institute of Architects, Canberra Business Council), property owners and individuals.
* On 8 February 2019, the Office of Best Practice Regulation advised that no Regulation Impact Statement would be required for DA91.
* On 4 March 2019, a briefing was given to members of the Joint Standing Committee on the National Capital and External Territories.
* On 28 March 2019, EPSDD advised the NCA that it has no objection to DA91.

## 2.2 Submissions received

The NCA received a great diversity of views regarding DA91. In all, 65 submissions were received (64 public and one confidential). Submissions were thorough, well considered and explored many of the challenges that accompany contemporary urban development.

The key issues raised in submissions are summarised in section 3 of this report. Details of submissions are available in Attachment C.

Submissions were received from individuals, industry and community groups, and the ACT Government. Many residents or property owners in the area, or close to the area, subject to DA91 responded to the draft amendment, however submissions were also received from those living elsewhere in Canberra. Community groups such as the Downer Community Association represented the diversity of views of individuals within a particular section of the community.

# 3 Key Issues

## 3.1 Design quality and architecture

***Comments received***

Around one in four submissions included comments about the design quality of buildings, landscape, and/or public realm. The NCA’s attempt to codify design quality provisions and improve development outcomes was commended. Many submitters expressed concern with the design and construction quality of many buildings in the corridor and across Canberra, and that by not doing anything the current situation will continue and not provide a welcoming experience to the National Capital.

Several comments were received that the NCA should aim for higher design quality standards. Many of the proposed controls have been in place in other jurisdictions for decades, and the NCA could improve on this by looking to leading practice internationally. Specific suggestions were made to further improve design quality, including:

* require all apartments to receive direct sunlight between 9am and 3pm on the winter solstice
* mandate that all apartment be cross-ventilated
* ensure that operable windows are capable of being opened the whole way
* remove the provision for snorkel apartments to be provided as this limits natural ventilation and sunlight
* encourage a mix of housing types and larger apartments to cater for families and a range of other household types
* remove the requirement that pre-coloured metal building materials are not permitted, as excellent design outcomes can be achieved using such materials
* require buildings to be delivered through design competitions.

Many of the provisions of DA91 were based on the provisions of the New South Wales State Environmental Planning Policy 65 (SEPP65) and Apartment Design Guide. A number of submitters commented that this provides a sound basis for the provisions of DA91, but that the application of SEPP65 and provisions of the Apartment Design Guide provide more flexibility to developers. DA91 should likewise provide flexibility and incentives for developers to deliver innovative solutions. A request was received for the ‘SEPP65’ controls to apply uniformly across the city.

The proposed minimum balcony sizes resulted in a variety of views being received. Some submitters wanted to see larger minimum sizes to create more usable spaces, while others noted that the proposed requirements are greater than in other jurisdictions, which can add to the cost of construction (and subsequently purchase price). Likewise, some objection to the minimum apartment sizes was received. Alternative apartment and balcony sizes were suggested.

One submission noted that some blocks fall away from Northbourne Avenue and therefore requirements for floor levels to be set at the height of adjacent footpath levels is difficult to achieve.

Broad comment was received that the NCA and ACT Government should undertake measures to increase community confidence through improved regulations, sustainability incentives, the introduction of design competitions, and genuine and ongoing community consultation, both with organisations and individual residents.

***NCA response***

The provisions of DA91 and the requirement for proposals to be subject to a design review process by an independent panel of design professionals will greatly assist in improving the design quality along the corridor.

Requirements concerning daylight access and cross-ventilation were adopted from policy that has been operating in NSW for almost two decades. The provisions have been recognised across the design professions as contributing significantly to improved residential living environments. DA91 mandates the percentages of apartments that must achieve the criteria, and the NCA believes that this provides suitable flexibility for designers whilst ensuring high levels of amenity.

The NCA has removed the clauses allowing a ‘snorkel’ arrangement for bedrooms to improve potential number of apartments achieving minimum requirements for daylight access and natural ventilation.

The NCA applies many similar provisions to those in DA91 to areas within NCA planning responsibility, for example in the Constitution Avenue and City Hill precincts. Application of the controls in areas where the Territory planning authority has detailed planning responsibility is a decision for that agency.

The NCA has reviewed required balcony sizes and adjusted the minimum sizes and dimensions. The amended balcony requirements reflect the NSW Apartment Design Guide as well as the Territory Plan requirements for apartments in higher density residential zones. Overall apartment sizes have also been reduced in recognition that smaller apartments with high levels of amenity and liveability can be delivered.

Based on discussions between officers of the NCA and the Territory planning authority, detailed provisions concerning habitable rooms depths, dwelling layout and minimum room dimensions have been removed from DA91 and will be addressed in the Territory Plan. This recognises the appropriate division of interest and responsibilities of the NCA and ACT Government.

The provisions concerning private open space for dwellings have also been amended to recognise the varying types of residential development that may be delivered along the corridor.

DA91 proposed that finished ground floor levels were to be set at or slightly above the adjacent finished pavement levels, to prevent buildings being ‘sunk’ below street level and to achieve a more positive interface between buildings and the public realm. This requirement has been amended to clarify the point at which ground floors must be set. The requirement has also been amended to specify that where datum ground level is below the adjacent footpath level, ground floor levels must not be set below datum ground level. This change recognises the varying topography along the corridor and that the existing level of some sites is significantly below finished footpath level.

A number of other, more minor changes have been made to the provisions of DA91, including clarifying the requirement concerning no pre-coloured metal building materials.

## 3.2 Landscape and open space

Over a third of the submissions received referred to green open space, whether this was general commentary about landscape character along the corridor, or observations about the landscape or open space concerning a more specific place or issue.

A key theme in submissions was the need to ensure adequate landscaping and open spaces to respect the concepts of the ‘bush capital’ and the ‘garden city’. A number of submitters were of the view that the natural landscape and flora exemplifies Australia, and that bush capital and garden city concepts need to be taken further than site landscaping. These concepts should be reflected in the retention of wider, distant views to the skyline and hills, mandatory replacement of mature trees where they are removed, more deep soil zones, and fewer hard surfaces. Concern was raised that bush capital and garden city concepts have already been eroded with the loss of the eucalypts down Northbourne Avenue.

Submitters expressed a desire for more parks and open spaces to be provided along the corridor, and for a strategy to be prepared to guide this expressed a strong desire. The insertion of public parks and plazas along the corridor (perhaps once every 400 metres) would help prevent a continuous façade of buildings and add activity and interest to the corridor. The provision of such open spaces will become more critical in the future with the loss of open spaces at Yowani and Kamberra Winery.

The potential future of Southwell Park attracted significant attention. DA91 proposed a maximum building height of 18 metres for the site. The intent of this proposition was to provide guidance as to the height of future community facilities, however raised concern in the community that the site would be available for apartment or commercial development. Submitters emphasised that as the population of the inner north grows, there will be greater demand for open spaces and community facilities like those available at Southwell Park. If anything, more open recreation spaces should be provided to accommodate demand.

Some submitters sought for the enhancement of Sullivans Creek as a natural waterway and landscaped pedestrian and cycle corridor to be embedded in DA91. A request was received for DA91 to incorporate all land between Sullivans Creek and the Federal Highway so as to simplify the planning controls applicable to future development

A few submitters commented on the proposed quantitative controls for landscaping. Concern was expressed that a deep soil zone of greater than five metres in width will not allow large trees to be planted without causing problems with uplift of pedestrian paths, and that prescribing a percentage of trees to total plantings is excessive and arbitrary, and may jeopardise the ability for planting to achieve healthy mature growth. Other submitters suggested that there need to be clearer parameters regarding landscape spaces between buildings, the percentage of setback zones to be landscaped, and maximum permitted area of hard surfacing.

Other comments and suggestions received included:

* Both trees and shrubs and other understorey plantings should be required as this is important is providing habitat for small birds and other wildlife. DA91 could also require that expert ecological advice is sought in landscaping to ensure that both visual amenity and biodiversity benefits are maximised.
* Stormwater retention for recycling onto vegetation should be mandatory.
* The trees planted along the light rail route are dangerous, and are prone to dropping limbs.
* Deciduous exotic trees could be used in the setback zones on Northbourne Avenue to provide seasonal colour variation that contributes to a high impact arrival and mark the beginning of the formal landscape avenue, and also provide a contract to the natives species in the verges and median.
* Trees should be preserved in all new developments.
* It would great to see provisions requiring landscaping on buildings, rather than just around buildings.
* The proposal that no fences are permitted in setback zones should also apply to other barriers such as hedges. The latter may be appropriate if seating in incorporated
* DA91 should clarify landscaping requirements in regard to the delivery of public spaces, verge planting where single dwelling redevelopment may be proposed, and requirements where only residential extensions are proposed.
* Modelling by CSIRO to augment existing urban surface temperature mapping should be undertaken. This may result in requirements for additional setbacks to ensure trees provide cooling impacts.
* The desired ‘symmetry’ north of Antill/Mouat Streets can be achieved by planting a dense urban forest. This would provide other benefits in terms of noise reductions for buildings behind, be consistent with the promotion of Canberra’s urban forest, provide visual appeal, be a unique gateway to the national capital, provide screening to the lengthy construction phases, and allows retention of Southwell Park.

***NCA response***

A matter of national significance identified under the National Capital Plan is the conservation and enhancement of the landscape features which give the National Capital its character and setting, and which contribute to the integration of natural and urban environments. The NCA is seeking to uphold the ‘city in a landscape’ characteristics through the detailed conditions for landscape character. These detailed conditions will ensure the delivery of significant soft landscaping and trees throughout the corridor, particularly within the private realm on development sites.

DA91 mandates those landscape elements that the NCA’s sees as critical in delivering the vision from an informal bush and grassland character to a formal, structured boulevard as the city centre is approached. DA91 does not mandate the maximum permissible area of hard surfacing to enable flexibility in designing for a range of uses and building edge types as envisaged under the City and Gateway Urban Design Framework. For example, a commercial building with active ground floor uses may require more hard surfacing than a residential development that can more readily accommodate greater areas of soft landscaping.

NCA officers are aware of the role urban vegetation plays in mitigating the impact of heat in urban areas by cooling air and surface temperatures through shade and evapotranspiration. To counter densification and general tree canopy loss, DA91 includes mandated provisions for soft landscaping, deep root planting and tree canopy cover. Required setbacks, together with the verge provides a generous space for landscaping.

An additional clause has been added under the section titled ‘Landscape character’ to require landscape design to contribute to microclimate and the management of sun penetration. The requirement for the matter to be addressed in landscape design is mandated, however flexibility is provided to proponents in how outcomes may be achieved (examples of design measures are included).

The Territory Plan contains a number of codes relevant to development along the corridor and which will impact the way in which landscape can contribute to the retention of water on site and stormwater management. For example, the ‘Water Sensitive Urban Design General Code’ contains requirements to provide a more sustainable approach to the management of the water cycle within an urban context, and provides mandatory targets for mains water use reduction and for the management of stormwater quality and quantity.

A height limit of 18 metres was identified for Southwell Park, however there was no intention to change the land use zoning of this site to permit commercial or residential development. Community feedback during public consultation on the City or Gateway Framework recognised the need for land to be available for community facilities as the population of the corridor increases. The NCA was of the view that Southwell Park provides a logical place for such facilities, and that the 18 metre height limit could accommodate a range of recreation and community facilities.

In response to community concern, the 18 metre building height limit for Southwell Park has been removed. The existing zoning under the Territory Plan (a combination of urban open space and restricted access recreation) will remain.

Detailed land use for the corridor is set by the Territory Plan. Current zonings for Northbourne Avenue are a mix of business and commercial zonings, with Haig Park providing the major public open space along the route. The landscape provisions of DA91, as well as the requirement for open space/plazas at the intersection of Macarthur/Wakefield Avenues with Northbourne Avenue are therefore critical to delivering green open spaces along this section of the corridor and providing relief from the built form. The Federal Highway consists of a mix of land use zonings, and the current corridor conditions include more generous areas for landscape.

The delivery of Sullivans Creek as the backbone of a network of green open spaces offering high quality recreation opportunities and amenity to communities along the corridor is dependent on a range of stakeholders across both government and the private sector. Within the area subject to DA91, the Kamberra Winery and Yowani sites are adjacent to Sullivans Creek and there is potential for DA91 to encourage the delivery of improved outcomes for the creek in these locations. Sullivans Creek bisects Southwell Park and the Lyneham sports centre, however is outside the area subject to DA91.

New clauses have been added requiring that development adjacent to Sullivans Creek must assist in enhancing the creek as a multi-functional corridor that enhances environmental values, improves ecological connectivity and wildlife, and integrates aboriginal and culture into its design.

The combination of provisions in DA91 will ensure delivery of both tree and understorey plantings, a mix of deciduous and evergreen plantings, and while does not mandate planting on structures, allows for this to occur should a proponent choose to do so. Requirements concerning the density of planting along the Federal Highway will provide substantial informal plantings.

Minor changes to the landscape provisions have also been made. For example, the requirement for new development to deliver areas of both of private and public open space has been amended to simply require attractive areas of open space to be provided. This recognises that the provision of public open spaces on all sites is not appropriate.

## 3.3 Building heights (including floor-to-ceiling heights) and density

***Comments received***

Almost 60 per cent of submissions commented on proposed buildings, density, and/or floor-to-ceiling heights. Most submitters accepted that the growth of Canberra necessitates increases in density (and therefore potentially building heights), and were comfortable with this occurring provided it is done in sensible locations and that a high quality of development is delivered. Objections were received to increasing building heights adjacent to existing single and two storey residential areas.

Building heights for the area of the corridor between Barry Drive/Cooyong Street received less comment than those proposed for areas north of Antill/Mouat Streets. Some comment was made that building heights between Cooyong Street/Barry Drive and Antill/Mouat Streets should be held at 25 metres, with no exceptions. Within this limit there could be articulation in setback, height and bulk to add interest and counter the potential ‘canyon’ effect. Comment was also received that extra height should not be dependent on producing a two-storey unit within a proposal, although alternative options could be to offer additional height.

A diverse range of views were received for building height proposals north Antill/Mouat Streets, with no clear, consensus view emerging.

Submitters who objected to the proposed building heights for Downer identified that if development is intended to be below the tree line, then building heights should be reduced. Some comment was received that building height should universally be limited to 12 metres. The NCA also received proposals that a mix of 12 and 18 metre building height limits should be introduced. Building height on Atherton and Banfield Streets should be limited to two storeys, in keeping with the current tree height.

Objection to proposed building heights north of Antill/Mouat Streets in Downer was not universal, with some comment that DA91 appeared to be heavily influenced by a low density agenda. A number of submitters, including those directly affected by the proposed changes, supported the proposed heights north of Antill/Mouat Streets. It was noted that the city has reached a threshold where amalgamation of smaller residential blocks to facilitate townhouses and denser development is warranted. This support was contingent on adequate setbacks and landscaping requirements, and sufficient parking for residents and visitors.

A number of those objecting to building heights commented on the intention to achieve ‘symmetry’ in built form along the corridor. It was noted that for the ‘informal park boulevard’ section of the corridor, it seems odd to expect a level of symmetry (and therefore formality) in building height. An ‘informal’ park boulevard alludes to variation in building heights and built form, setbacks, design, etc.

Other submitters acknowledged that more people living close to the corridor can help promote the use of light rail and support the investment made in the system. Increases in building heights also allows more people to live close to existing services such as Dickson shops, the library, swimming pool, etc. It was noted that current housing stock is in need of rejuvenation and that increases in building heights may be a catalyst for this to occur.

Multiple views were also expressed about the appropriate height limits for the western side of the road, although there was less contention in these views as it was noted that there are no existing low density residential communities. Flemington Road as the point at which increased building heights commence was largely agreed, however there were a variety of views about what the heights should be.

Yowani Country Club requested that building heights be increased to 20 metres to enable six storey development. This would be consistent with the principle of increasing building height towards the city centre, and would ensure that buildings remain below the tree line. Also requested was provision for an eight storey building to be permitted at the intersection of the Federal and Barton Highways to mark the introduction to ‘urban’ Canberra.

Comment was received that the Kamberra Winery site could accommodate greater building height, including through provision of a marker building.

Multiple suggestions were made as to the appropriate height limits north of Antill/Mouat Streets, as well as the way these are expressed:

* maximum two storeys on Blacket, Atherton and Banfield Streets (as opposed to 3-4 storeys as proposed)
* maximum four storeys on Panton Street (east side of Northbourne Avenue, backing Balcket and Atherton Streets)
* the removal of building heights for structures on Southwell Park car parks
* maximum six storeys at Yowani Golf Club
* the western side of Federal Highway around EPIC and Kamberra Winery to be retained as 12 metres, or increased to six storeys, to facilitate greater density in locations where there is no existing residential population
* from Barton Highway/Panton Street and Flemington Road/Phillip Avenue, permitted building height to be 8.5 metres
* if the areas identified for buildings of 12 metres and 18 metres in height are intended to accommodate only three and five storeys respectively, this should be stated
* a timeframe could be applied in terms of when increases in building height take effect (for example, buildings to 12 metres in height in Downer cannot be constructed for 30 years).

A number of submitters noted that increases in density can be achieved in alternative ways. For example, Downer could accommodate increased density by permitting buildings across a wider area to be built to three or four storeys in height, and to ensure that density is not concentrated on the fringe of the suburb. Others expressed concern that DA91 effectively sets a precedent for the ACT Government to move forward with ‘urban intensification’ in Downer.

In regard to floor-to-ceiling heights, submitters made the following comments:

* Flexibility for buildings to be up to 27.5 metres adjacent to Northbourne Avenue should be more ambitious, for example by requiring at least 10 percent of dwellings to be two storey. This could help encourage a greater diversity in housing.
* All ceiling heights above ground floor, regardless of habitable or non-habitable rooms, should be three metres.
* Floor-to-ceiling heights should be based on National Construction Code, unless there is a good reason for a departure.
* Floor-to-ceiling heights should be reviewed for a number of reasons, including to allow flexibility for kitchens, as well as consider the disincentive for developers to provide an activated ground floor if higher floor-to-ceiling requirements are imposed.

The following more specific comments and questions were raised in regard to building heights:

* Clarification was sought that a minimum building height of three storeys is correct for Main Avenues.
* While development along Northbourne Avenue will result in more apartments overlooking streets running parallel to Northbourne and a subsequent loss of amenity (for example along Lowrie Street), this could be balanced by increasing building heights on the western side of Lowrie Street. Building heights would be fully supported if this were proposed.
* There is concern that the wording in DA91 requires that buildings adjacent to Northbourne Avenue but potentially behind the first row of buildings, do not have a height control. There is also concern that any building must be 25 metres in height if it is in the first row.
* The restriction of minor building elements above prescribed height limits may limit the use of things like photovoltaic panels, which may be visible.
* A request was received to increase permitted building height at the intersection of Northbourne Avenue with Antill/Mouat Streets, from 32 metres to RL617. The site can be a driver for economic growth, creating a marker and sense of arrival, and will be a key contributor to the revitalisation of the Dickson group centre.

Building heights for the Macarthur intersection are addressed in section 3.7 of the Consultation Report.

***NCA response***

Canberra is sometimes known as the bush capital, accordingly the landscape treatment and building height proposal should be considered as an integrated proposition. Tree species identified in the framework (some of which have been planted as part of Light Rail works) will, when mature, reach heights in excess of 20m. This will ensure the landscape is the dominant experience of the arrival to the National Capital.

DA91 implements the building heights set out in the City and Gateway Urban Design Framework, as agreed by the NCA and ACT Government. These building heights supports the intention for development from the ACT border to the city centre to progressively transition from an informal bush and grassland character to a formal, structured boulevard, which terminates at City Hill.

Having adopted the City and Gateway Urban Design Framework in 2018, the NCA has elected to retain the heights identified in the City and Gateway Urban Design Framework, which were proposed in the draft amendment. A variety of building heights were considered and proposed during the development of the City and Gateway Urban Design Framework. The final heights reflect the intention for the progression of built form, landscape, community feedback from earlier consultation processes and concerns about infrastructure capacity (particularly road infrastructure).

One change to permitted building heights has been made, for land on the western side of the Federal Highway between the Barton Highway and Flemington Road. DA91 initially proposed a maximum height limit of 12 metres, measured from the level of the block boundary closest and directly adjacent to the Federal Highway. Through discussions with lessees, a variable height limit has been applied to this section, with 12 metres permitted on parts of the site closest to the Federal Highway, and 18 metres permitted for the rear portion of sites. This results in the desired balance of built form immediately fronting the road, but allows for greater capacity for development elsewhere on the site. Submissions to DA91 supported an 18 metre height limit along this part of the corridor.

Building heights north of Antill/Mouat Streets will remain below the tree line when trees are mature. The NCA recognises that new development may be more dominant while landscape plantings mature. The ‘informality’ of this section of the corridor will largely be achieved through the landscape characteristics, as well as variation in building setbacks.

The 18 metre building height limit for Southwell Park has been removed.

Minor adjustments to the extent of the buildings footprint at the junction of Northbourne / Macarther and Wakefield Avenue have also been made. The intention for a variation in building heights at this location has not been altered.

The floor-to-ceiling heights prescribed by DA91 are largely consistent with those in other jurisdictions and have been broadly recognised as improving indoor living environments and amenity for building users. Minor variations to floor-to-ceiling heights have been made to:

* allow kitchens to have a minimum 2.4 metre floor-to-ceiling height
* reduce required floor-to-ceiling heights for ground floor residential uses between Antill/Mouat Streets and the ACT/NSW border, from 3.3 metres to 2.7 metres.

Height limits apply to the entirety of a block adjacent to Northbourne Avenue, as per the relevant figure in DA91. The height limits are described as maximum permitted limits, it is therefore possible for buildings less than this height to be proposed. Territory Plan requirements also apply, which require a transition in building height to lower density development adjacent to Northbourne Avenue.

Section 4.23 of the National Capital Plan requires that buildings adjacent to Main Avenues which are the final approaches to the Parliamentary Zone (of which Northbourne Avenue is one) are a minimum of three storeys in height.

The NCA’s remit does not extend to increasing building heights on roads other than Northbourne Avenue and the Federal Highway.

## 3.4 Building setbacks, separation, and length

***Comments received***

Fourteen submissions included comments about building setbacks, the separation between buildings, and/or the length of buildings. A range of views were received, from those supporting the intention to create substantial areas for landscaping and open space, to those concerned that the application of the proposed planning controls will make development of some blocks unrealistic.

Building setbacks for Northbourne Avenue were generally well accepted, although the following comments and suggestions were made:

* Building setbacks along this section of the corridor should be 25 metres to contribute to a grand, landscaped entrance to the city. This would also assist in ensuring that views along the corridor to Parliament House are maintained
* Is a 10 metre setback sufficient to accommodate substantial landscaping, public art, and sufficient green space to cater for an increasing population?
* There should be articulation (not just of setbacks, but building separation, architectural style, and heights) to avoid the canyon effect.

DA91 referred to side and rear setbacks being in accordance with the Territory Plan, however preference was expressed for DA91 to specify side and rear setbacks to ensure greater privacy to neighbouring properties. There was some concern that Territory Plan setbacks are not sufficient.

In regard to the length of buildings, a range of views were received. On one hand, there was a suggestion that if maximum building length is identified as 55 metres, this should be mandated with no exceptions. Others were satisfied that there was some flexibility proposed in the provision, but sought clarification about the circumstances in which flexibility may be applied.

Proposed building setbacks for the Federal Highway attracted multiple comments and questions. Submitters sought to understand the point at which the setback distance is measured, and provided analysis indicating that the application of the proposed setbacks will impact significantly on some residential properties including the viability for their redevelopment or even extension.

Views about building separation distances were varied. Some submitters pointed out that the requirements are greater than what is currently required under the Territory Plan, as well as NSW SEPP65 provisions. Development capacity of some sites may be significantly reduced where adjacent blocks have already been developed – new development will need to accommodate a significant proportion of the separation distance. Other submitters recommended increasing building separation to allow for more open space and landscaping.

Further guidance was sought about building setback and separation distances, particularly where different building and land uses abut. For example, it was highlighted that separation distances should recognise that an office window can be just as intrusive on the privacy of residential units. Setbacks and separation distances could also be nuanced to cater for difference forms of residential development, particularly north of Antill/Mouat Streets (draft provisions appeared to pre-empt block consolidation and unit development).

One submitter suggested that if the building separation rules are looking to improve residential amenity, they should specify that the number of storeys is counted from the first residential storey. In a mixed-use development with one or more commercial levels forming a podium to the building, the non-residential storeys should not be counted.

The same submitter also noted that the draft amendment proposed that basements must be consolidated underneath building footprints, however hard surfaces (for example, paths) are permitted within the setback area. It was suggested that it would be reasonable to therefore allow basements to extend under hard surfaces if it can be shown that plant growth will not be impeded.

***NCA response***

The 10 metre building setback to Northbourne Avenue has been a consistent requirement of the National Capital Plan since its inception in 1990. The setback allows for sufficient deep rooted planting, which will be enhanced through the requirements of DA91. The building setback is taken from the block boundary and together with the verge provides a generous space for landscaping, lighting, street furniture, and public art.

The NCA has reviewed the separation distances originally proposed and agreed to adopt those in place in the NSW Apartment Design Guide. These distances have been in place for over a decade and have found to be workable and achieve desirable outcomes. The required building separation distances have benefits in improving amenity for building occupants, as well as providing sufficient room for soft landscaping which will contribute to the character of Northbourne Avenue as a green boulevard.

Some flexibility has been added in regard to building separation distances to address circumstances where achieving building separation distances will be difficult. This applies to blocks that have a boundary to Northbourne Avenue less than 35 metres in width (blocks with this dimension are primarily located between Barry Drive/Cooyong Street and Masson/Girrawheen Streets). The flexibility allows reduced separation distances to be considered where reasonable levels of visual and acoustic privacy can be achieved, and where suitable areas for soft landscaping and deep root planting is provided.

No change has been made to the requirements for basements to be consolidated under building footprints. This is to ensure that as large a volume of soil as possible is provided to facilitate deep rooted planting and healthy growth.

The length of buildings remains at 55 metres with some flexibility. Allowing flexibility provides the capacity for design to respond to site conditions and intended land use (for example, a building longer than 55 metres may contribute to a more active frontage). The Design Review Panel will play a role in considering whether sufficient design justification has been provided. The requirement to provide pedestrian links through buildings will ensure permeability.

Building setbacks for the Federal Highway have been reviewed and updated to recognise the varying characteristics of blocks and potential land uses along the road. The following changes have been made:

* Setbacks for buildings up to 8.5 metres in height are to be as per the Territory Plan to ensure that single dwelling redevelopment is subject to the same setback provisions as those elsewhere in the ACT. DA91 as released for public consultation required a consistent setback regardless of building height.
* Between Antill/Mouat Streets and Barton Highway/Panton Street, buildings setbacks are to be a minimum of 6 metres from the boundary between the block and the road reservation on the southern side of the road, and 24 metres from the boundary between the block and the road reservation on the northern side of the road. DA91 proposed 45 metres from the centreline of the highway.

The revised setbacks vary from the setbacks set out in the City and Gateway Urban Design Framework, however the principles concerning landscape character and overall built form remain unchanged.

DA91 has been amended to specify that the side and rear setbacks of the Territory Plan apply. This is in addition to building separation requirements, with the two capable of being applied concurrently.

## 3.5 Transport, movement, and parking

***Comments received***

Around one in four submissions provide comments about transport, movement, and parking matters. Submitters were primarily concerned that the increase in population along the corridor will make existing issues worse, including congestion, rat running through suburbs, and parking on suburban streets. Another key issue raised was the need to better recognise and cater for modes of transport other than cars.

Submitters expressed concern that there has not been sufficient analysis about the impacts of an additional 35,000 dwellings in the corridor. Others conveyed scepticism that if modelling has been undertaken, it may be inaccurate. For example, comment was received that it is difficult to believe that modelling concerning the uptake of travel by light rail is accurate, with evidence from elsewhere suggesting that light rail at best makes only a minor contribution to alleviating traffic congestion. Significant development has occurred in the past few years, which may not have been captured, and the impact of recent development needs to be fully understood before policy is put in place that potentially increases the number of dwellings in the corridor.

Mixed views were received regarding policy limiting access to sites from Northbourne Avenue. Allowing access from Northbourne Avenue was seen as impractical as it creates conflict and queuing on the road, however it was also acknowledged that loading traffic onto streets parallel to the avenue is also not ideal.

Parking was identified as a critical issue to address, with submitters expressing concern that current parking policy has produced outcomes whereby residents are required to park on street rather than on site, there is little room for visitors, motorists park cars on landscaped areas and impede traffic flow, and office workers park cars in residential areas. It was requested that provision be made for adequate parking for a development and for this to be located on site. Parking requirements need to be higher than the currently ratio required. It was also requested that the requirement for parking to be located in basements along Northbourne Avenue be extended to the Federal Highway.

Submitters put forward several suggestions concerning pedestrians and cyclists to ensure that they are better catered for along the corridor. This could include updating references to pedestrian priority to include cyclists and making a stronger statement about amenity, safety and priority for pedestrians, cyclists and public transport users. Referencing the road users’ hierarchy in the draft amendment could also be useful, in addition to providing greater guidance about designing the interface between buildings and walking and cycling paths along the corridor.

Specific comments were made about the Macarthur intersection and Downer. In both cases, submitters identified that an increase in the number of dwellings constructed will result in both parking and traffic movement issues. It was suggested that the best way of managing traffic impacts is to reduce building height and thus the number of new dwellings constructed. This would also help mitigate concerns about the safety and movement of residents (particularly children).

Several submitters made comments about light rail and its implications on traffic and movement. Concern was expressed that the design of the system, including signalling, will result in congestion on Northbourne Avenue and lead to rat running through suburbs. A suggestion was made that the design and size of the pedestrian crossing over the light rail line at the intersection of Antill Street and Northbourne Avenue should be changed so that it is safer for bikes.

***NCA response***

The City and Gateway Urban Design Framework was informed by strategic transport modelling which assumed population increases within the City and Gateway corridor and the introduction of light rail.

The strategic transport modelling found that approximately 50% of southbound morning peak traffic on Northbourne Avenue is through-traffic travelling to locations south of the city centre, resulting in high volumes of traffic. Reductions in the high level of through-traffic will be achieved through transport network improvements over time and mode shift to public transport, particularly light rail, and will assist in maintaining Northbourne Avenue’s amenity and safety. Transport network improvements include improving Parkway routes and surrounding north-south routes designed to provide alternative routes to Northbourne Avenue. Local area traffic management will manage traffic impact on local streets.

Vehicular access to blocks adjoining Northbourne Avenue will be managed to ensure that pedestrian and cycle access is prioritised and safe, and as well as the delivering desired landscape character to Northbourne Avenue.  References to prioritising pedestrian movement have been changed to refer to both pedestrian and cyclist movement.

DA91 addresses the location of parking, access to it, and its integration with landscaping. The Territory Plan’s ‘Parking and Vehicular Access General Code’ will also apply to development proposals along the corridor, and specifies vehicular access and parking requirements. Traffic Impact Assessments will continue to be required as part of development applications to manage the localised traffic impact of development.

The Territory Plan variations to implement the City and Gateway Urban Design Framework are considering appropriate parking provision rates for multi-unit residential development, recognising the corridor’s proximity and access to light rail and centres.

The ACT Government manages the operation of the light rail system, including signalisation. Design suggestions concerning safety and access should be forwarded to the ACT Government for consideration.

The NCA and ACT Government are continuing to work together over time to manage the transport network to achieve the objectives of the City and Gateway Urban Design Framework and deliver good urban design outcomes on Northbourne Avenue.

A clause has been added to the section titled ‘Access and parking’ clarifying that podium and multi-level car parking structures fronting Nortbourne Avenue and the Federal Highway are not permitted.

## 3.6 Heritage

***Comments received***

A small number of submissions commented on heritage matters. These raised multiple issues ranging from the protection of local heritage, to potential Commonwealth heritage listings. Many comments relate to the City and Gateway Urban Design Framework itself, or separate legislative processes outside the scope of the NCA’s proposed draft amendment.

Regarding ACT heritage matters, it was noted that the City and Gateway Urban Design Framework identifies a number of places in the corridor which are on the ACT Heritage Register (for example, the Sydney and Melbourne Buildings, and Haig park), but there is no subsequent commitment in DA91 to protecting these places.

The NCA and ACT Government both have significant responsibilities in terms of managing heritage, and the City and Gateway Urban Design Framework must fully recognise these responsibilities under the ACT *Heritage Act 2004* (Heritage Act) and the Commonwealth’s *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Concern was raised that the proper protection will be lacking as the ACT Government does not have a heritage policy or strategy and the Australian Government seems uncommitted to national and local heritage interests involving the ongoing development of the National Capital.

The City and Gateway Urban Design Framework identifies a broad study area, urbanisation of which largely occurred during the 1920s to 1960s. The integrity of those suburbs in terms of heritage requires sensitive planning and development to respect the key features, such as open space layout, community facility focus, streetscape quality, high levels of tree canopy and vegetation, views to hills and ridges, and low traffic volumes. The City and Gateway Urban Design Framework unfortunately lacks any meaningful consideration of either heritage or the concept of a Garden City, and how that relates to and has become interchangeable with its Bush Capital title.

Local cultural heritage is important within each suburb, and for this whole area. It is important that this local heritage is identified, protected, shared and celebrated. Similar to other jurisdictions, a heritage overlay could be applied to recognise and protect local heritage values. This could be via interpretive signage used to record and promote the history, and natural and cultural landscape of the area.

Regarding Commonwealth Heritage, an emergency nomination of Lake Burley Griffin and the Lakeshore Landscape to the Commonwealth Heritage List has been lodged with the Minister for the Environment and Energy. Any new development should be undertaken with a view to minimising impacts to and promoting the identified Commonwealth Heritage values of the Lake and surrounds.

Specific comment about Haig Park was raised, with concern that pressure on the park will only increase, and while a Conservation Management Plan is being finalised, there is potential for the heritage values of the park to be diminished.

***NCA response***

The provisions of both the EPBC Act and Heritage Act will continue to apply to development affecting heritage places and objects recognised on a statutory register or list. The EPBC Act and Heritage Act protect places with National and Commonwealth heritage values, and heritage places and objects of Territory significance respectively. Recognition of ‘local’ heritage is a matter for consideration by the ACT Government.

DA91 does not directly impact on Lake Burley Griffin and its foreshores. Nominations to the Commonwealth or National Heritage Lists are subject to statutory processes administered by the Department of the Environment and Energy.

Finalisation of a Conservation Management Plan for Haig Park is a matter for the ACT Government. The park is subject to Special Requirements under the National Capital Plan and a Development Control Plan (DCP) is required to guide future development. Any DCP must have regard to the historical context and aesthetic importance of the area.

A clause has been added to the provisions for landscape character stating that new plantings must not diminish the heritage significance of places and objects on the ACT Heritage Register, or affect public appreciation of the qualities of these places. This change is a result of discussions between the NCA and ACT Government officers.

## 3.7 Macarthur node

Approximately one in six submissions provided comments directly in response to the proposed planning and design provisions for the intersection of Macarthur/Wakefield Avenues and Northbourne Avenue. A variety of issues were raised including building height, plaza/open spaces, traffic, land use and services, solar access and mid-block links.

The majority of those commenting on the Macarthur intersection provided a view on building heights, however the views were mixed. A number of submitters sought justification as to why the Macarthur intersection was selected as the appropriate place for a node and increased building height (and also why there are not more intersections where this can occur), with others seeking for the proposed height limit to be reduced. Comments objecting to proposed building heights at the intersection included:

* Tall buildings in this location will impact on the amenity of existing residents in nearby apartment buildings, including impacts on solar access to individual apartments as well as the amount of roof space that could be utilised for photo-voltaic cells, overlooking of private areas, and loss of existing views to landscaped areas.
* Increased building height in this location seems inconsistent with the principle concerning the gradual increase of building heights towards the city centre.
* Buildings of the scale proposed will detract from principles aimed at upholding the ‘bush capital’ character of the city, by obscuring the existing streetscape and obstructing views of the undeveloped hills surrounding the city.
* The intersection of Northbourne with Wakefield and Macarthur Avenues, is where Northbourne meets the two strong diagonal axes and vistas that are intrinsic to the Griffin Plan. The primary visual connection between Black Mountain and Mount Majura would be permanently interrupted if towers to RL617 are approved in this location, as they would mask and block the views along those axes.
* Increased building heights will result in increased people living in the area and therefore increases in traffic and congestion.

General support was received in response to the location of open space areas at each corner of the intersection, although there were varying perspectives about the nature and character of these spaces. Some submitters indicated that they would like to see larger spaces, with the potential to incorporate things like children’s play spaces. Others suggested that the plaza spaces could be smaller yet still achieve the desired function of these spaces as a change in landscape character along the avenue, and to provide functional, attractive spaces. It was suggested that there needs to be clearer guidance about the function and design of the landscape plazas to ensure they are developed in a way that achieves a unified sense of place. For example, outcomes-focussed requirements centred on design features and materiality may be appropriate.

A number of lessees expressed concern at the level of detail proposed to guide future development. A number of these prescriptive controls were proposed following consultation on the draft City and Gateway Urban Design Framework and impact the capacity of some sites to be developed in a sensible way.

There was support for the proposed mid-block links, however flexibility as to the location of these links was sought.

One submitter noted that there are few retail options near the Macarthur intersection, and no grocery stores at all. It is not practical to allow for more people to live in the area without ready access to these types of conveniences.

***NCA response***

The intersection of Macarthur/Wakefield Avenues with Northbourne Avenue has long been recognised in the National Capital Plan as a ‘landmark node’. In 1999, provisions were introduced that increased the maximum allowable height limits at this node (as well as the intersection of Antill/Mouat Streets with Northbourne Avenue) from 25 to 32 metres. The City and Gateway Urban Design Framework and subsequently DA91 adopted this concept of nodes, and increased building height at the Macarthur node to provide a greater variety in height limits along the corridor, and reflect the intent to increase height limits as the city centre is reached.

The NCA engaged with lessees of sites at the intersection during and following the formal public consultation period to work through issues raised that directly impact development capacity of the sites. As a result of this engagement, the detailed conditions for the intersection were amended as follows:

* the intent for a green plaza to be provided at each corner has been retained although the dimensions of the spaces has been varied
* the arrangement of different buildings heights has been varied to allow flexibility in design and accommodate achievement of solar access requirements
* mid-block links will still be required, however the provision of the links is now described as a performance measure rather than identifying the specific location of the links
* setbacks have been modified to provide greater flexibility in design.

The NCA has revised the requirements so as to provide greater flexibility as to the design and siting of future development on these sites whilst addressing community concerns. The outcome also ensures that issues raised by the community concerning the need to prevent a ‘canyon’ effect, provide green space within the corridor, and encourage a diversity in built form, will be delivered.

The Territory Plan contains criteria concerning the requirement for new developments to maintain reasonable solar access to dwelling on adjoining residential blocks and their associated private open space. As the city develops, the outlook from existing dwellings will change and existing views are not guaranteed.

The scale of the buildings proposed is unlikely to significantly detract from longer distance views across the city, for example between Black Mountain and Mount Majura.

The NCA’s response to traffic and parking matters is detailed in section 3.5 ‘Transport, movement and parking’ of this report.

## 3.8 Enforcement and legal framework

***Comments received***

Some concern was expressed that there are many proposals that have already been approved and that introducing design quality provisions now will have little impact on the quality of development delivered in the corridor. It was also questioned whether proposals that have received approval, but where construction has not commenced, will be subject to the provisions of DA91.

Several submitters sought clarification on compliance aspects of the development assessment process. Questions were raised concerning how compliance with the provisions of DA91 is achieved, whether the Territory planning authority has the resources and capacity to administer the controls, and what processes are available to stakeholders where they perceive a breach of planning and design controls. It was noted that the NCA’s ambitions are admirable, but that there needs to be adequate legal processes and enforcement to ensure objectives are achieved.

Clarification was also sought in regard to monitoring and further amendment to planning and design provisions post-approval of DA91. For example, how will the provisions of the draft amendment be monitored and evaluated, and how can the provisions be amended in response to new environmental standards and other contemporary planning matters.

***NCA response***

Where development approval has been granted to a proposal prior to DA91 taking effect, this approval will continue to have effect. DA91 does not affect the operation of ACT legislation concerning enforcement and appeals. The provisions of the *Planning and Development Act 2007* (ACT) and appeal processes administered by the ACT Civil and Administrative Tribunal will continue to be available.

The Territory planning authority will administer the provisions of DA91. This process will involve design review by an independent panel of experts (see section 3.9 of the report), and applications will also be referred to the NCA for comment. The Territory planning authority remains the decision-maker.

Once of the NCA’s functions under the *Australian Capital Territory (Planning and Land Management) Act 1988* is to keep the National Capital Plan under review and to propose amendments to it when necessary. The NCA has the capacity to make further amendment to the National Capital Plan and the provisions that apply to Northbourne Avenue and the Federal Highway if required.

## 3.9 Design review

***Comments received***

The proposal that a Design Review Panel (DRP) to have a level of oversight of development projects was well received by stakeholders. Commentary concerning the design review process sought further information about or commented on the role, responsibilities, operation, and membership of any panel.

A key expectation of stakeholders is that a DRP is independent, with membership to comprise relevant expects rather than only government appointees. The roles, responsibilities and operations of the DRP must be transparent, including its deliberations and recommendations. From an industry perspective, there were requests for greater certainty about the timing and operation of a panel to enable proponents to consider design review in the context of their development programs.

A number of submitters were of the view that a DRP must have legislative backing. This would provide greater weight to their considerations and advice, and ensure that the design review process is a statutory one as opposed to voluntary.

Several submitters also sought for the DRP to have the capacity to agree to departures from any planning provisions in place, where the departure contributes to the design excellence.

***NCA response***

In 2017, the NCA and ACT Government established the interim National Capital Design Review Panel (NCDRP) to provide independent, expert and impartial advice on the design quality of development proposals to government and proponents. The NCDRP is co-chaired by the NCA’s Chief Planner and the ACT Government Architect.

Under the interim arrangements, panel members are selected based on their qualifications, experience, and references from other jurisdictions with established design review panels. The panel consists of architects, urban designers, landscape architects and technical specialists (for example, in the fields of transport, infrastructure, heritage, and engineering).

The NCA and ACT Government are now working towards formalising the NCDRP. The ACT Government is currently investigating changes to legislation to embed the design review process as a statutory component of the development assessment process. The NCDRP will be an advisory body, similar to other design review processes that exist nationally.

It is envisaged that an open process will be undertaken to formally identify qualified and experienced design professionals to participate on the NCDRP. When formally established, information concerning the NCDRP and its deliberations will be made public, including information about panels members and how proposals are considered by the panel. Summaries of advice provided to applicants are proposed to be made public through the development application notification period to allow the community to see the advice in the context of the proposal.

Changes have been made to DA91 concerning the operation of the NCDRP in relation to the Northbourne Avenue and Federal Highway corridor. These changes clarify the types of development, and in which locations, will be subject to the design review process.

## 3.10 Liveability, amenities and community facilities

Stakeholders expressed concern about the cumulative impacts of planning changes on the liveability of suburban areas. Residents expressed strong concern about reducing quality of life, increasing pressure on existing infrastructure, and a lack of commitment from government to delivering critical community facilities and amenities within the suburb.

The Downer community noted that increases in building heights and subsequently population both within the suburb and close by, is already putting pressure on open spaces, the movement network, and nearby schools. DA91 will result in an increase in population but does not facilitate the provision of infrastructure such as footpaths, or social and community facilities. It is critical that planning for the suburb is undertaken holistically, and that infrastructure provisions is developed in conjunction with, or ahead of, population increases.

One suggestion received to help improve liveability is to plant a dense urban forest in the Federal Highway corridor north of Antill/Mouat Street. This would help baffle noise, provide amenity, and ensure that built form is set behind the landscape.

More broadly, comments were received that the impacts of densification on suburbs within the corridor have not been managed well. This has already impacted the liveability of these suburbs and there is concern that the issues that contribute to this will only be exacerbated as the population increases.

It was questioned how DA91 contributes to principles of the City and Gateway Urban Design Framework to ‘put people first’. This requires encouraging active travel, ensuring thermal comfort in the built environment, providing safe and efficient movement networks, and provision of public facilities such as toilets and water fountains.

Southwell Park and its role as an essential community facility is addressed in section 3.2 ‘Landscape and open space’ of the report.

***NCA response***

The National Capital Plan establishes the NCA’s interest and role in planning for development along main avenues and approach routes, including Northbourne Avenue and the Federal Highway. DA91 reflects the extent of the NCA’s responsibility, with detailed planning and infrastructure provision within suburbs more broadly being the responsibility of the ACT Government.

The provisions of DA91 seek to establish a pedestrian and cycle-friendly environment within the corridor, including through access requirements that prioritise and manage conflict between non-motorised forms of transport and vehicles, by creating a pleasant landscape and environment in which to move. The provisions of DA91 also contain requirements to improve the amenity and liveability of apartments.

Community concerns regarding impact on existing suburbs were a factor in the NCA’s assessment of building heights.

The NCA’s response to matters concerning Southwell Park is detailed in section 3.2 ‘Landscape and open space’ of the report.

## 3.11 Sustainable development and design

***Comment received***

Requirements for sustainable development and design were generally well accepted, with a recognition that this can contribute to better living environments, reduce the impact of development on the environment, and support broader initiatives concerning climate change. The predominant tone of comments was that the provisions of DA91 are not strong enough, although some comment was received that the provisions should be more flexible and outcomes-based to allow proponents to be innovative and accommodate advancements in technology.

Submitters seeking more stringent sustainability controls suggested that clothes drying on balconies should be permitted as this is more environmentally friendly, that sustainable design measures should not just be ‘encouraged’ but mandated, and that targets and measures should accompany any provisions. In addition to those sustainability themes proposed in DA91, development should also be required to demonstrate passive cooling and low carbon living principles.

One submitter noted that the sustainability measures appear focussed on the design aspects of proposals, however the embodied energy in existing buildings and potential for adaptive reuse should also be acknowledged. It would be beneficial to see efforts made to encourage adaptive reuse of buildings and prioritise development that results in a reduced environmental impact in the long term.

Comments in support of including performance-based measures to provide greater flexibility suggested that controls that are too prescriptive may limit the application of evolving building technologies. The orientation of blocks may also make requirements concerning solar access difficult to achieve. The design review process could be a mechanism to consider sustainability aspects of a development, with the Design Review Panel charged with the capacity to support (or otherwise) the sustainability credentials of a proposal.

***NCA response***

DA91 contains a mix of prescriptive and performance based provisions concerning daylight access and cross-ventilation of apartments. These measures combined enable sustainability initiatives to be delivered. In some cases, examples of ways to achieve the desired outcome are provided, but are not mandated.

The Territory Plan contains a number of codes relevant to development along the corridor. For example, the ‘Water Sensitive Urban Design General Code’ contains requirements to provide a more sustainable approach to the management of the water cycle within an urban context, and provides mandatory targets for mains water use reduction and for the management of stormwater quality and quantity.

The Design Review Panel will be an advisory body. The panel will be able to offer their views on whether a proposal meets performance-based criteria, however will not have the capacity to ‘override’ prescribed controls.

Consideration of the level of flexibility in provisions is addressed in section ‘3.15 Flexibility versus prescription in controls’ of the report.

The draft provision restricting clothes drying facilities on balconies has been amended to allow for such facilities to be provided where they are screened from view of streets and other public places.

Additional clauses have been added under the sections titled ‘Environmental performance’ and ‘Landscape character’ to strengthen requirements concerning how building and landscape design contribute to microclimate and the management of sun penetration. The clauses introduced include requirements for sun shading devices to be incorporated into building design to limit sun penetration into living spaces during warmer months, and for landscape design to enhance environmental performance and microclimate. The requirement for these matters to be addressed in building and site design is mandated, however flexibility is provided to proponents in how outcomes may be achieved (examples of design measures are included).

## 3.12 Building façades and roofs

***Comments received***

Several submitters provided commentary suggesting that the building façade and roof provisions were too difficult to interpret, and it was unclear what the provisions were intended to achieve. For example, the intention for flat roofs to not be permitted north of Antill/Mouat Streets removes potential for roof spaces to be used for communal open spaces.

Other comments received in response to building façade and roof provisions were quite specific, including:

* double glazing should be required for all windows
* blank façades should not just be discouraged, but not permitted at all
* planning controls should stipulate that balconies facing Northbourne Avenue are not to be used for storage, clothes drying, etc
* the requirement for balconies to be incorporated into all residential dwellings may not be appropriate for single dwellings, dual occupancy or townhouse development.

Generally commentary concerning design quality and architecture generally are in section 3.1 of the report.

***NCA response***

DA91 includes provisions concerning the environmental performance of buildings and to optimise heat storage in winter and reduce heat transfer in summer. The inclusion of double-glazed windows may be one option for addressing this requirement.

Façade design provisions have been amended to provide a more succinct set of requirements that can be understood and implemented at the development assessment stage. Requirements concerning the provision of high quality, robust and interesting materials remain, as well as for façade design to be strongly articulated remain.

Provisions concerning clothes drying have been amended to permit this to occur where facilities are screened from view of streets and other public places (refer section 3.11 ‘Sustainable Development and design’) of the report.

The provisions concerning private open space for dwellings have been amended to recognise the varying types of residential development that may be delivered along the corridor.

DA91 initially proposed that flat roofs or facades with wide fascias giving the impression of a flat roofs were not permitted for buildings constructed between Panton Street/Barton Highway and the ACT/NSW border. This purpose of this clause is to provide variety in building form, avoid repetitive flat roofs, and differentiate this section of the corridor from Northbourne Avenue. No change has been made to this clause.

## 3.13 Land use

***Comments received***

Some commentary was received concerning land use along the corridor, and expectations for future development to consist of a greater mix of uses than that currently being delivered. This commentary was primarily received in response to principles of the City and Gateway Urban Design Framework intended to create a vibrant and active precinct with innovative forms of mixed use development.

Some criticism was received that the current focus on residential development is not producing the sorts of communities envisaged by the City and Gateway Urban Design Framework, or meeting objectives of people living and working along the corridor. Zoning should allow for a mix of residential and commercial/office to encourage people to live and work along the corridor and use active travel as a means of moving between home and work. Nationally and symbolically significant buildings (including Government buildings and those related to the growing technology and education sector), set in a generous landscape setting should also be located along the corridor.

A number of submitters expressed their desire for restaurants, employment opportunities, and community facilities to be interspersed amongst residential uses. Some were concerned that some provisions of the draft amendment may prevent this from occurring. For example, restrictions on access to sites from Northbourne Avenue may make it unattractive for developers to provide spaces for retail, restaurants and cafes, theatres, etc.

Submitters raised several specific questions:

* In regard to Yownai Country Club, can the draft amendment define the range of permitted uses proposed on the site (that is, residential, commercial, retail and community land uses) to enable Yowani to be redeveloped with these uses should a variation to the Territory Plan be delayed?
* How do you ensure that there are places for people-focussed activity that are not accommodation of local employment related?
* Can the draft amendment identify how many new dwellings will be located adjacent to Northbourne Avenue and the Federal Highway?
* Can the draft amendment commit to timeframes and the delivery of projects along the whole corridor?
* Can the draft amendment commit to the provision of six-monthly reports on the implementation of the Framework and progress against key objectives?

***NCA response***

The provisions of DA91 and the National Capital Plan will operate concurrently with the ACT Territory Plan administered by the Territory planning authority. In regard to land use, the National Capital Plan prescribes broad land use controls across the whole of the Territory. Within Designated Areas, the National Capital Plan sets out detailed land use conditions. The Territory Plan sets detailed land use policy for all other areas, including for land flanking Northbourne Avenue and the Federal Highway.

The Territory Plan contains detailed zoning requirements for land along the Federal Highway and Northbourne Avenue corridor. Land adjacent to Northbourne Avenue between Barry Drive/Cooyong Street and Antill/Mouat Streets primarily consists of business and mixed use zonings. These zones permit a range of commercial, residential, recreation, community, and accommodation land uses.

Current zoning does not prevent the establishment of ‘national’ uses, such as Australian Government offices or institutions. There are other locations within the city however, that may be more attractive and sensible locations for the establishment of these uses. For example, the Parliamentary Zone and surrounds accommodate many of the national institutions, which meets the objectives of the National Capital Plan to ensure that the precinct reflects the political and cultural role of the National Capital and celebrating the achievements of Australia and its people.

The ‘ACT Planning Strategy 2018’ is an ACT Government document. The ACT Government will manage planning changes required to implement the strategy.

The Yowani site is identified under the National Capital Plan as being within Urban Areas. The future uses envisaged for the site are not inconsistent with the Urban Areas land use policy. DA91 does not prescribe land uses for the site.

The City and Gateway Urban Design Framework provides an estimate of population growth and dwelling capacity within the city and gateway corridor. The number of dwellings that may be constructed on sites adjacent to Northbourne Avenue and the Federal Highway is dependent on a range of factors including the mix of uses to be selected to be developed by individual lessees, architectural design, dwelling sizes, etc. The majority of sites along the corridor are privately leased, and development is subject to decisions made by individual lessees.

The NCA will continue to monitor the provisions of the National Capital Plan as required under the *Australian Capital Territory (Planning and Land Management) Act 1988*. Further amendment may be proposed to the National Capital Plan if required.

## 3.14 Entry to Canberra

***Comments received***

Although all issues raised were concerned with the nature and character of Northbourne Avenue and the Federal Highway, around a quarter of all submissions referred directly to the broader intent and vision for the gateway corridor. Many of these submitters were of the view that both the City and Gateway Urban Design Framework and provisions of DA91 will not produce the outcomes envisaged for the approach route to the National Capital, or that the vision espoused by the City and Gateway Urban Design Framework and draft amendment could be improved.

Several submitters commented on the need to better reflect the symbolic and functional roles of the National Capital (as required by the National Capital Plan), suggesting that it would be suitable to include monuments and memorials displaying the history of Australia, and for the avenue to be lined with parks and significant public buildings. The entry to Canberra needs to showcase what makes Canberra unique, be dominated by landscape and reflect garden city principles, and not replicate what occurs in other cities. The avenue should not be ‘tunnel’ for traffic but a grand boulevard full of life with generous footpaths, and buildings and gardens having a close relationship with each other.

Concern was expressed that the current entry to Canberra is weak and uninviting, and that the city and gateway project presents the opportunity to create something special from both local and national perspectives. Several submitters emphasised that there is a need to get things right now as it will be some time before the corridor can be re-envisaged.

A few submitters commented on the general attractiveness of Northbourne Avenue as a place to live. It was noted that while the avenue is centrally located it can be noisy, dirty, and exposed to heat in summer and strong westerly winds. There is a need to ensure that the corridor is not just visually attractive, but is liveable, accessible and usable for a wide range of people at all times.

More specific comments and questions on this matter included:

* Guidance to planners and developers should be provided by using examples of other boulevards nationally and internationally.
* How is the entry to Canberra clearly defined without a welcome and sensibly located public information centre?
* The background information for DA91 states that Northbourne Avenue should be ‘distinguished by a formality that is uniquely Australian’ – it was questioned whether anyone would be opposed to a building designed in style common to other countries?
* Why is the NCA now interested in the corridor from the national perspective?

***NCA response***

The NCA and its predecessors have consistently maintained a high level of interest in the approach routes to the National Capital. This is in recognition of the role of the approach routes in establishing travellers’ perceptions of the city on approach and arrival. The National Capital Plan contains special requirements for identified approach routes to the city (the Federal Highway, Barton Highway, Monaro Highway, Canberra Avenue, Fairbairn Avenue, Morshead Drive/Pialligo Avenue).

The NCA has elected not to provide examples of other boulevards nationally and internationally, as the intention is to create a unique entry to Australia’s national capital. The spatial characteristics, building scale, landscape character, and objectives for design quality will be achieved through both existing corridor conditions (such as road width and landscape plantings) and the provisions of DA91 and subsequent Territory Plan variation.

Similar to other boulevards and key city entrances around the world, the vision is a long term ambition. The City and Gateway Urban Design Framework notes that implementation of the vision and objectives requires changes to planning and design controls, as well as coordination, implementation and maintenance of physical changes to open spaces such as Sullivan Creek, and new infrastructure including light rail.

The intent is for the corridor, particularly the Federal Highway from the ACT/NSW border to Antill/Mouat Streets, to be dominated by an unmistakably Australian landscape. This includes the initial rural nature of the landscape and introduction to the ‘bush capital’, followed by a landscape more park-like in nature to introduce people to the planned ‘garden city’ image.

A range of architectural styles is evident along Northbourne Avenue, and the provisions of DA91 do not prevent this from continuing to occur. The intention for Northbourne Avenue to display uniquely Australian characteristics is evident in the landscape, particularly through the species choice within the median and verges of the road.

The future provision of monuments or memorials, or establishment of public buildings is possible under the provisions of DA91. Section 3.13 of the report provides further detail about land use opportunities along the corridor.

## 3.15 Flexibility versus prescription in controls

***Comments received***

The level of prescription that the draft amendment should contain divided those who provided comments about the matter. There were those who sought for the provisions to contain a greater level of prescription than that proposed in the draft. The contrary view was also put forward, and a number of submitters stated that the provisions contained in the draft amendment should be more flexible and performance-based.

Those submitters seeking greater levels of prescription suggested that the language used in DA91 provides too much discretion (for example, ‘should’ which implies that a requirement does not need to be met, versus ‘must’ which means that a requirements needs to be adhered to). It was noted that planning arrangements mean that the NCA is reliant on the Territory’s planning authority to apply the provisions and that the NCA needs to be more prescriptive. Where some flexibility is offered, the circumstances in which the flexibility can be applied need to be clearer.

Those advocating for more flexibility in the application of the planning and design provisions suggested that too much prescription can stifle innovation, limit design flexibility, and prevent outcomes not envisaged at the time of preparing the draft amendment. A solution could be to prescribe controls but use the design review process to examine proposals that do not meet the prescribed controls and vest the Design Review Panel with the capacity to agree to departures where design excellence and desired outcomes are demonstrated.

Those advocating for greater flexibility noted that a criticism of planning in the ACT is the ‘tickbox’ approach and that the Territory planning authority is transitioning to more performance-based controls. The prescription contained in DA91 is at odds with this.

***NCA response***

The NCA in conjunction with the Territory planning authority has considered the level of prescription appropriate to guide development along the corridor. This consideration included the relationship between the National Capital Plan and the Territory Plan and where controls most appropriately sit, as well as the level of detail required to provide guidance to the community, developers, and Territory planning officers responsible for applying the provisions of DA91 during the development assessment process.

The National Capital Plan is primarily a principles-based planning document, although there are a number of metrics used to guide particular desired outcomes such as building height, setbacks, floor-to-ceiling heights, and car parking. The NCA recognises that performance-based criteria can deliver excellent design outcomes, but also notes that achieving desired outcomes can also require the use of detailed provisions.

The provisions of DA91 will mandate maximum building height, setbacks, natural ventilation and sunlight access, some landscape elements, setbacks, building separation, private open space, minimum dwelling size, and some parking, building material, fencing, lighting and signage requirements. Other provisions will remain more flexible, such as the provision of other sustainability features. The flexibility offered does not mean that meeting the provisions is discretionary, but allows for the provisions to be met in a variety of ways.

The Territory Plan will be varied to reflect the City and Gateway Urban Design Framework and the provisions of DA91. The Territory Plan will typically contain a greater level of detail and prescription to that in DA91. This will also assist in reducing any duplication and inconsistencies between the two plans.

The Design Review Panel will be an advisory body only. The panel will be able to offer their views on whether a proposal meets performance-based criteria, however the panel will not have the capacity to ‘override’ prescribed controls.

Several changes have been made to the way provisions are expressed to change the level of flexibility offered by the provision.

## 3.16 Public consultation process

***Comments received***

Commentary was received about the consultation process undertaken for DA91, notably the timeframes in which consultation was undertaken, and the efforts made to engage with stakeholders. Comments received included:

* the draft amendment was released during a school holiday period
* consultation of the draft City and Gateway Urban Design Framework lasted 11 weeks, whereas consultation on DA91 lasted only six weeks
* only one public information session was conducted, and copies of the draft amendment were not available at the public information session
* the NCA committed at the public information session to publishing a record of the discussion, the presentation given, and a document showing the differences between the draft and final Frameworks – the latter was not published prior to the end of the consultation period on DA91
* the NCA should have notified all lessees affected by DA91 (while community groups do a good job of representing residents, the onus should not be on these groups to notify people)
* visualisations/graphics would have been a useful consultation tool
* engagement should have occurred with a broader range of stakeholders, such as communities outside of Canberra to enable people to have a say on what the approaches to their National Capital look like, and the Commonwealth Scientific and Industrial Research Organisation (CSIRO) who could advise on best planning policy to address climate change.

Concern was raised that the consultation process was dominated by a vocal minority, and that the views of some stakeholder groups have been given a greater weight throughout consultation on the city and gateway project.

Several requests were made for further consultation to be undertaken to ensure that stakeholders are fully aware of the implications of DA91, and to address some issues in greater detail. Requests were also made that all submissions be published to ensure transparency of views.

***NCA response***

The NCA undertook public consultation on DA91 in accordance with the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act) and the NCA’s ‘Commitment to Community Engagement (August 2015)’. The consultation processes required by the Act and the Commitment to Community Engagement ensure that a broad range of stakeholders are notified of a draft amendment in some way, such as newspaper publication, online, or direct correspondence.

At the public information session on 6 February 2019, the NCA undertook to publish a record of the session, the presentation given, and a table of changes between the draft and final frameworks. The NCA prioritised publishing a record of the session and the presentation as these were directly relevant to the consultation being undertaken on DA91. The final City and Gateway Urban Design Framework, while related, did not form part of the public consultation and the table of changes was published post public consultation.

Copies of the draft amendment were available at the public information session. In addition to the public session, NCA officers met with a range of stakeholders throughout the public consultation process including community and interest groups, industry, and individuals. NCA officers continued to meet with stakeholders following the public consultation process to discuss a range of issues.

The NCA will examine ways to improve future public consultation practices to respond to community comment.

## 3.17 Other matters

***Comments received***

The following more specific matters were raised though the public consultation process on DA91:

1. Infrastructure needs to be built first, before increases in population. There are too many apartments going up for the benefit of developers and this has impacts on the property market.
2. The light rail route should have gone down Gungahlin Drive in the first instance where there was an existing population, rather than now building up the population to use the light rail services.
3. West Basin content has been included in the final City and Gateway Urban Design Framework that was not included in the draft.
4. Lake Burley Griffin is within the Designated Area and is an iconic feature like the Canberra hilltops. A new principle in the National Capital Plan is required, as follows:

'Protect Lake Burley Griffin and its lakeshore landscapes which provides a green heart to the centre of Canberra that respects Griffin's lake composition and the 1963 *Lake Burley Griffin Foreshore Development* masterplan that delineated the working Lake system.

1. The NCA’s claim that the existing policies guiding development in ANU, West Basin and City Hill precincts are robust is refuted. There is a need for a well-considered review of policy in the context of a masterplan, rather than continued piecemeal planning. Development around City Hill is moving forward without adequate guidelines and collaboration between the NCA and ACT Government.
2. DA91 could include requirements for minimum number of three bedroom apartments in a proposal .
3. Constitution Avenue seems to have been demoted as a Main Avenue.
4. It was questioned whether detailed planning for Haig Park lies within the National Capital Plan or a Development Control Plan.
5. The provisions of DA91 which prevent changeable message signs, animated and flashing signs, and third party advertising should be replicated for the Federal Highway.
6. Within Downer, individual site characteristics of some blocks will make consolidation with adjacent blocks difficult and reduce redevelopment opportunities (for example, the location of easements, and recent redevelopment will make these blocks unlikely to be attractive to redevelopment in the next few decades).
7. There is a need to clarify which blocks the fencing requirement refers to, and whether pre-coloured metal fencing is not permitted at all (or permitted but only if it is not visible from the approach route).
8. Consideration should be given to the inclusion of a plot ratio requirement.
9. Proponents should be required to include in any application a report addressing how a proposal meets the provisions of DA91.
10. It was questioned why the proposal was to remove the requirement for a DCP for Northbourne Avenue only. It is not the only Main Avenue and all Main Avenues should be treated with consistency.
11. Where are the more detailed policies?
12. Public art and play spaces should be encouraged.
13. A public park and ride facility should be provided at EPIC. This submitter acknowledged that this may be outside the scope of the draft amendment, but wanted to flag the issue as it is missing from the Framework
14. Has a regulatory impact statement been undertaken?

***NCA response***

The NCA’s response to each of the numbered points above is as follows:

1. Infrastrucutre
2. The NCA is not responsible for determining the staging of the rollout of light rail across the ACT.
3. West Basin content was included in the final City and Gateway Urban Design Framework in recognition that the framework dealt with both the city centre and the Northbourne Avenue and Federal Highway corridor. The content is strategic in nature, identifying the intent and objectives for the precinct and the ACT Government’s priorities. The content contained in the City and Gateway Urban Design Framework is not inconsistent with the National Capital Plan.
4. DA91 addresses requirements for Northbourne Avenue and the Federal Highway only. The NCA has an obligation to review the National Capital Plan and propose amendments to it. There is therefore future opportunity to examine planning and design policy for Lake Burley Griffin and its foreshores.
5. Please refer to point 4 above. The NCA has an obligation to review the National Capital Plan. If amendments to the provisions for other precincts under the NCA’s planning control are warranted in the future, further amendment to the National Capital Plan can be undertaken.
6. The NCA in conjunction with the ACT Government has considered the level of detail to be included in DA91 having regard to the relationship between the National Capital Plan and the Territory Plan. Details such as the ratio of different apartment types to be provided is best placed in the Territory Plan.
7. Constitution Avenue continues to be recognised as a Main Avenue under the National Capital Plan (refer section 4.15.1 of the National Capital Plan). Constitution Avenue is within Designated Areas however, and is subject to the detailed planning and design conditions of the Constitution Avenue and Anzac Parade Precinct Code of the National Capital Plan.
8. The National Capital Plan continues to contain requirements that a Development Control Plan for Haig Park be prepared to guide future development (refer section 4.27 of the National Capital Plan).
9. Major event venues such as EPIC are located adjacent to the Federal Highway and the requirements for signage on the Federal Highway allow for some flexibility for changeable message signs and the like where associated with events. These must be temporary in nature and consistent with existing signage policies of the National Capital Plan and Territory Plan. The National Capital Plan requirements, for example, state that the NCA will generally not support signage proposals that include animated or flashing signs.
10. DA91 reflects the propositions and ambitions of the City and Gateway Urban Design Framework. This is a long term strategy to guide development and redevelopment in the city centre and along the Northbourne Avenue and Federal Highway corridor. Redevelopment of some sites may take longer to achieve given current site characteristics.
11. The fencing requirements of DA91 refer to sites fronting the Federal Highway. This could be a block that shares a common boundary with the road reservation but is also applicable to sites that are visible from and from the highway but do not share a common boundary with the road reservation. The requirement concerning the use of particular building materials has been clarified that the use of such materials are not permitted where visible from the Approach Route.
12. Detailed provisions such as plot ratios are best placed in the Territory Plan. DA91 effectively sets a broad development envelope through building height and setback controls.
13. The development application process requires submission of a planning report addressing how a development meets relevant planning and design controls. The Territory planning authority will be responsible for making decisions as to whether proposals meet the requirements of the National Capital Plan.
14. The requirement for a Development Control Plan to be prepared to guide development flanking Northbourne Avenue was removed in 1999 through Amendment 24 to the National Capital Plan. Policy for the avenue was instead contained in the National Capital Plan itself. DA91 proposes a similar arrangement and does not preclude the NCA from applying this to other Main Avenues and Approach Routes.
15. Detailed policies primarily sit within the Territory Plan. These policies must not be inconsistent with the broader policies of the National Capital Plan.
16. While not explicitly requiring public art and play spaces, the provisions of DA91 do not prevent these from being provided.
17. The provision of a park and ride facility at EPIC is outside the scope of DA91. Suggestions concerning public transport may be directed to the ACT Government.
18. The NCA completed relevant assessment of the regulatory impacts of DA91 on business, individuals and the not-for-profit sector and referred DA91 to the Office of Best Practice Regulation. The Office of Best Practice Regulation advised that no Regulation Impact Statement would be required for DA91.

# 4 Changes to the draft amendment

The changes listed below were made to DA91 in response to public comment, discussions with key stakeholders, and internal review. Minor changes (for example, changes to grammar and punctuation), not affecting policy intent, were also made.

1. The 18 metre building height limit for Southwell Park has been removed. This was incorporated so as to guide height for future community facilities.
2. Adjustments to the detailed arrangements of buildings and landscape at the junction of Northbourne Avenue with Macarthur/Wakefield Avenues. This includes the arrangement of different buildings on the site, which have been varied to allow flexibility in design and accommodate achievement of solar access requirements. The provision of a green plaza has been retained although the dimensions of the spaces has been varied. Mid-block links will still be required, however the provision of the links is now described as a performance measure rather than identifying the specific location of the links and setbacks have been modified to provide greater flexibility in design.
3. The provisions concerning ‘snorkel’ apartments have been removed based on comment from ACT Government directorate, and to improve amenity for building users.
4. Additional clauses have been added under the sections titled ‘Environmental performance’ and ‘Landscape character’ to strengthen requirements concerning how building and landscape design contribute to microclimate and the management of sun penetration. The clauses introduced include requirements for sun shading devices to be incorporated into building design to limit sun penetration into living spaces during warmer months, and for landscape design to enhance environmental performance and microclimate. The requirement for these matters to be addressed in building and site design is mandated, however flexibility is provided to proponents in how things may be achieved (examples of design measures are included).
5. Permitted building heights for sites on the western side of the Federal Highway between the Barton Highway and Flemington Road have been varied, from 12 metres to a mix of 12 metres on parts of the site closest to the highway and 18 metres to the rear of sites.
6. A clause has been added to the section titled ‘Access and parking’ clarifying that podium and multi-level car parking structures fronting Nortbourne Avenue and the Federal Highway are not permitted.
7. Redrafting of the provisions related to the role of the Design Review Panel was undertaken to strengthen and clarify the role of the panel.
8. A reduction in minimum size of balconies was made, consistent with the NSW Apartment Design Guide.
9. A minor reduction in apartment sizes was made in recognition that smaller apartments with high levels of amenity and liveability can be delivered.
10. Detailed provisions concerning habitable rooms depths, dwelling layout and minimum room dimensions have been removed from DA91. These will be addressed in the Territory Plan. This recognises the appropriate division of interest and responsibilities of the NCA and ACT Government.
11. Minor variations to floor-to-ceiling heights have been made to:
    1. allow kitchens to have a minimum 2.4 metre floor-to-ceiling height
    2. reduce required floor-to-ceiling heights for ground floor residential uses between Antill/Mouat Streets and the ACT/NSW border, from 3.3 metres to 2.7 metres.
12. Amendment was made to the separation distances between buildings so as to align with those in the NSW Apartment Design Guide. Flexibility has been added to cater for those sites where the separation distances would made redevelopment unachievable (for example, sites with narrow frontages to Northbourne Avenue).
13. The provisions concerning private open space for dwellings have been amended to recognise the varying types of residential development that may be delivered along the corridor.
14. A series of minor changes have been made to clarify the intent of a number of provisions and aid in interpretation. These changes were made as a result of internal review and in response to discussions with officers of the Territory planning authority.
15. A drawing defining the extent of Northbourne Avenue and the Federal Highway has been included under the section titled ‘Location’. This is in response to commentary that the roads as defined by the National Capital Plan are different to the roads as defined elsewhere.
16. A clause has been added stating that for the purposes of section 4.28 of the National Capital Plan (the detailed conditions of planning, design and development), Territory Plan definitions apply.
17. The clause in the section titled ‘Common circulation space’ concerning the number of dwellings sharing a single lift in buildings of ten or more storeys has been deleted. This matter is addressed through other regulation.
18. *Eucalyptus melliodora* was mistakenly listed twice in DA91 as release for public consultation. *Eucalyptus microcarpa* has been added as a suitable species for planting along the Federal Highway section of the corridor, in addition to *Eucalyptus melliodora* and *Eucalyptus polyanthermos*.

# 5 Conclusion

On 19 January 2019, the NCA released DA91 for public consultation. The public consultation period ran for six weeks in accordance with the NCA’s ‘Commitment to Community Engagement (August 2015)’, concluding on 4 March 2019.

Sixty-five written submissions were received in response to DA91.

# 6 Attachments

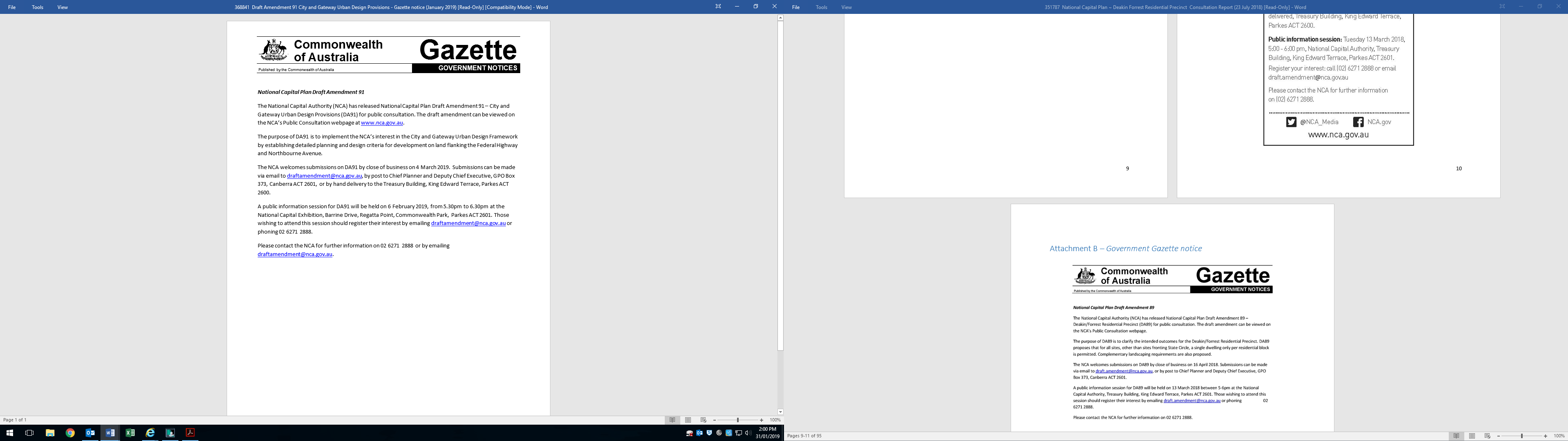
A. Notice of release of DA91 for public consultation published in *The Canberra Times*

1. Notice of release of DA91 for public consultation published in the *Commonwealth Notices Gazette*
2. Submissions received

## Attachment A – Public notice in *The Canberra Times*



## Attachment B – Government Gazette notice



## Attachment C – Submissions received in response to Draft Amendment 91

The text provided below largely reflects the full submission received. Personal details or identifying information (where people have requested anonymity) have been removed. Some minor changes have been made (for example, to correct spelling or to provide consistency of terms used in this report).

As noted in the draft amendment documentation, the NCA seeks and open and transparent draft amendment process. The name of each person has been published, except where requests for confidentiality were made through submissions or in discussions with officers of the National Capital Authority.

|  |  |  |
| --- | --- | --- |
| ***No*** | ***Submitter name*** | ***Submission*** |
| 1 | Penny Sullivan | I have attached a copy of your draft amendment 91 with some comments included in review mode on specific elements that could be improved.  Overall I remain concerned that the building heights along Northbourne, particularly at the Macarther/Wakefield intersection (which is very near to my home) are far too high. There is no reasoning or justification provided for why this one intersection is to be allowed buildings up to 15 stories. That will be a massive tower in Canberra's landscape and will severely disrupt the aesthetics of the smooth approach into Canberra, the stated goal of the plan.  While I support increasing density of development across Canberra to accommodate population growth and ease the pressure on rental accommodation, I believe a wider area of 3-5 story development would be a better fit for Canberra than small pockets of 12-15 story towers.  I hope you will reconsider your draft and lower these maximum building heights.  [The following comments were provided in a review of the draft amendment attached with the submission.]   |  |  | | --- | --- | | Section from DA91 | Response | | …building height controls, to ensure that buildings are at least three storeys in height unless specifically shown otherwise in an agreed Development Control Plan. Plant and equipment must be enclosed and integrated with the form and design of the building. | Is this right? At least three stories? Not no more than three stories unless specifically shown otherwise? | | Development at the intersection of Northbourne Avenue with Macarthur/Wakefield Avenues must accord with Figure 146. Buildings up to **RL617** may be permitted at the locations identified in this figure. No building elements are permitted above this height. | So basically they can go up to be the tallest towers in the city? Why are we allowing this? This could potentially allow these buildings to be 12-15 stories. Why does this intersection have this exception to other rules in the corridor plan? Won’t this interrupt the approach? | | Building design and architecture  Building façades | There is nothing here about sound proofing. Residential buildings facing Northbourne must have double glazing to minimise road noise when windows are closed. | | Building design and architecture  Building façades | Canberra has some lovely examples of brutalist architecture along Northbourne. How do these buildings measure up against these requirements? Do they get an exception from these requirements? | | Balconies must be incorporated Into the design of all residential dwellings.  Minimum balcony areas are:  • Studio apartments – 8m² with a minimum dimension of 2 metres  • 1 bedroom apartments – 10m² with a minimum dimension of 2.5 metres  • 2 bedroom apartments – 12m² with a minimum dimension of 2.5 metres  • 3+ bedroom apartments – 24m² with a minimum dimension of 2.5 metres. | What is the reasoning for such large balcony requirements? Canberra’s climate of very cold winters and very hot summers means that these spaces are not useable for most of the year. Sydney and Melbourne terrace houses often have smaller outdoor spaces than this and are perfectly lovely. | | Clothes drying, storage units, or plant and equipment (including air conditioning plant) are not permitted on balconies. | So everyone in apartments has to use an electric dryer? That’s not particularly environmentally friendly and increases the cost of living in an apartment, which will mostly be imposed on younger and lower income people. Let us dry our clothes on our balconies! Especially if we’ve got some enormously deep balcony so that you can’t see the clothes on the railing anyway. What about balconies that face internally or away from the street? | | To maintain visual and acoustic privacy, partitions between adjacent balconies must be constructed of masonry. Operable screens, shutters, hoods and pergolas are encouraged to control sunlight and wind. | Only encouraged? This is pretty weak, why bother including it at all? | | The design of the roof should be integrated into the architecture of the building, use high quality materials, and provide a positive addition to the streetscape. Continuous, horizontal parapets extending the full length of the building are not permitted. | Again, a lot of our lovely brutalist buildings would fail this requirement. | | Roof design should incorporate sustainability features to maximise solar access to internal building spaces during winter and provide shade during summer. | This seems more like a hope rather than an actual requirement. We should find a way to make these requirements stronger. | | Ceiling heights should promote natural ventilation and daylight access to internal building spaces, and contribute to the flexibility of building use over the life of the building. | Consider changing some of these should to musts? Otherwise these seem more like wishes than requirements. | | Development should incorporate passive solar design to optimise heat storage in winter and reduce heat transfer in summer. Potential design options include the use of smart glass or other technologies (particularly on north and west elevations), maximising thermal mass in the floors and walls of north facing rooms, overhangs and shading devices such as awnings, blinds and screens. | This will dis-incentivise developers building north-facing buildings. A deep balcony (as is already required) on north facing windows would work just as well as it would allow sun in winter but shade it summer. | | • A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm on the winter solstice (21 June). | Why are we allowing apartments which receive no direct sunlight at all? | | All habitable rooms must have an operable window in an external wall with a total minimum glass area of not less than 15% of the floor area of the room. Courtyards, skylights and high level windows (with sills above 1500mm) should only be used as a secondary light source in habitable rooms. | Make sure you can open the window all the way. An “operable” window that only opens 15cm (so the developer doesn’t have to install a security screen) isn’t good enough. | | The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents. At least 60% of apartments should be naturally cross ventilated in the first nine storeys of a building. Apartments at ten storeys or greater are deemed to be cross ventilated only if balcony enclosure allows adequate natural ventilation and cannot be fully enclosed. | This should be 100%, not 60%. Climate change is predicted to make Canberra summers a lot hotter and the city has a commitment to reducing its carbon footprint and energy use. We shouldn’t be allowing apartments that are only habitable with the air-conditioning on. | | Planting within setback areas should consist primarily of trees, as opposed to shrubs or other low vegetation. A minimum of 30 per cent of new plantings within setback areas should be capable of achieving at least 15 metres in height. | Is the form of this requirement potentially incentivising developers to make fewer plantings? E.g. 3 trees in 10 plants is 30%. But if the same area had the same 3 trees and a garden of a few dozen other understory plants it might be much nicer. How about we form this as number of trees per square metre of landscaped area? | | • light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving. | This is good. Thank you. | |
| 2 | Name withheld | * the quality of building in Canberra is recognised to be terrible due to poor regulation—not the time to build more shoddy apartments * the design is ugly—gateway to Canberra should be beautiful design * too many apartments going up in inner north already—recent study confirmed oversupply. * too many people in inner north—need to build infrastructure first. * impact on traffic, local shopping centres etc will be unmanageable. * too many complexes going up so property developers and government make money. Terrible effect on Canberra, local people and quality of life. * market for apartments likely to crash due to oversupply, poor quality, tighter lending restrictions, possible effects of negative gearing etc. There is no demand.   Quality of life in inner north much worse in last few years. This must stop. |
| 3 | Des Heaney | Whilst the intent may well be too ‘to achieve well-designed and sustainable buildings, urban infrastructure, public places and streets that is appropriate for the gateway to the National Capital’.  I can already see that Canberra's gateway will be a concrete canyon of ugly, tall and poorly constructed temporary apartments with little or no obvious green spaces.  A valley of concrete with little, if any redeeming features.  It will be just like Sydney or Melbourne. It will look as planners allowed, an apartment developers dream. |
| 4 | Margot Sirr | The trees you have planted along the tram route are highly dangerous. They are subject to falling. Deciduous pin oaks or some other deciduous would be suitable. I am writing to you now so that you have time to rectify the problem. People will die if you take no notice. Eucalypts inherently are a danger in suburbia and do fall regularly. They are called ‘widow makers’ because of their dangerous nature. |
| 5 | Jack Kershaw | LIVING CONDITIONS IN APARTMENTS  As well as widespread shocking building defects (structural, waterproofing, acoustic, airtightness, vibration, dust, mechanical, finishes, etc,), what about the poor, verging on slum-like living conditions being foisted on occupants, usually by developers, seeking to cram more and more apartments into a development?  They include:   * Ever-narrowing aspect ratios (external wall width : side wall length); * Virtually no discrete in-flat entry areas; * Front doors opening right beside ubiquitously tight kitchens, or into bedroom/bathroom/laundry areas; * Internal or virtually-internal bedrooms or "studies"; * Cramped combined kitchen, dining, and living areas; * Internal kitchens, and dining areas; * Too many areas requiring artificial ventilation and daytime artificial lighting; * Poor solar access; * Un-openable, and high-silled windows; * West facing balconies; * Bedrooms opening directly into living areas; * Little or no cross ventilation; * Intrusive air conditioning equipment on balconies, many of which are unusable anyway; * Privacy issues; * Cramped and/or overlooked common outdoor areas, poorly landscaped; * Lack of a sense of community, combined with social isolation; * Dingy narrow public corridors from hell - the list goes on.   Are purchasers lulled into overlooking those shortcomings by myths of the acceptability of new "norms" in amenity and privacy (barely acceptable in short-stay accommodation, on which many apartment designs are based [actually, most short-stay places have much better and larger landscaped common open spaces]), or are buyers seduced by flashy expensive appliances, sanitary fittings, stone benches, etc?  And, are developers, and especially the cohort they are readily financially able to pander to, owner-investor-landlords, oblivious to the inevitable detrimental impacts such systemically poor 19th century-like living conditions will have on long-term population health - especially as families are increasingly being forced, or at least cajoled, to live in too-small flats?  And why are mandatory qualitative planning controls on apartments like solar access, and privacy provisions, shockingly and extensively (and some may say “corruptly”) relaxed for apartment developments in so called “commercial” zones, like Canberra’s CZ5, where residential, while a permitted but a more secondary land use, will clearly be the predominant one – notably on government sites for sale to developers, such as on Northbourne Avenue, Canberra?  Critically, why don't planners and politicians understand that they are surely complicit in all of the above, through their tacit, and possibly negligent acceptance of such low and facile property-industry "standards", when pursuing the often misguided policies of "densification", preventing "urban sprawl", and even energy/environmental conservation, especially here in well planned Canberra?  Planning controls and development rules, especially the shockingly dumbed- and watered-down-over-time-by-developers, now almost third-world, apartment design code, need to be urgently and more professionally rewritten for the vastly improved benefit, wellbeing, and health of occupiers.  [The submitter also provided the following submission separately.]  The City Renewal Authority could save Robin Boyd's beguiling 60's Churchill House on Northbourne Avenue. The nearby ABC site is earmarked for distinctive high-rise development at an important intersection on Northbourne. Into a sensitive adaptation of Boyd's masterpiece, plus annexes, could go the broadcaster. |
| 6 | Jay Hender | I am writing to provide feedback on the NCA amendment 91 which is to support the renewal of the approach to centre of the city. To summarise, I support the amendments, if the complimentary changes are made to the ACT managed adjacent land, in alignment with the joint renewal strategy paper.  As a residential landowner who backs onto NCA managed land on Northbourne, the proposed increase to building heights on Northbourne will result in more apartments overlooking my yard and home. While this will result in lost amenity, the loss will be balanced if the complimentary changes to the territory plan to increase building heights on the western side of Lowrie Street, as suggested in the over-arching strategy. Similar views are shared by other landowners on our street.  If the ACT government do implement complimentary changes to building heights to blocks immediately adjacent to the NCA zoning (eg the western side of Lowrie street) then the residents I know on the street would fully support the NCA building height increases in the area.  So the key feedback is that the NCA changes are supported, but with the proviso that the ACT planning changes to land zoning outside the NCA zone must occur at the same time in line with the strategy paper. |
| 7 | Marilyn & Rob Brocklebank | We had, in the past, a Bush Capital to be proud of- one with an attractive entrance along Northbourne Ave with green spaces and low buildings!  With the development of spaces such as Yowani and Kamberra Winery and allowing tower buildings currently underway, we are turning it into an Asian cityscape without any distinctive features at all.  Years ago there was a limit of 5 stories which served the city well. I realize that growing population makes it necessary to condense but building skyscrapers along the city entrance is not the answer!  The 5 stories, currently proposed beyond Antill/ Mouat St should be the limit for all new buildings along Northbourne (and they certainly shouldn’t go over the current 10 story limit.) There is nothing attractive about very tall buildings except that they’ll provide customers - probably more than can be accommodated - for the light rail.  I agree that new buildings should be set back at least 10 meters but wonder if this is enough given the increase in population of the area and future transport needs.  Given the density of population I would like to see some attractive parks along the way into the ‘bush capital’, not only for the building occupants but also for visitors to be able to pull off and draw breath.  I hope Northbourne doesn’t become wall to wall accommodation but can be interspersed with parks and scattered coffee shops (always a welcoming site). I hope also that the architecture of the buildings can be longer lasting and more attractive and interesting than the boxes that currently seem to be popular but seem to have a 20 year use by date!  P.S. I believed the light rail was necessary to commence, but not on Northbourne. It should have gone down Gungahlin Drive where there was ready space and suburbs to provide customers, rather than building the accommodation on Northbourne to provide the customers!  Whatever decisions are made please think well into the future and consider what we already have, rather than knocking things down and sending to landfill!! |
| 8 | Luke | [This submission was addressed to the Chief Planner. References to ‘Sally’ are to the NCA’s Chief Executive.]  I just wanted to thank you for the presentation you made the other day.  As a construction industry professional the presentation and all of the technical details mentioned made sense to me.  Unfortunately I could see from the beginning that most of the attendees were there with an agenda when they were rudely yelling at you and Sally to speak up.  And clearly they did not understand a lot of the details mentioned, because of course most of their complaints at the end were already explained in the presentation!  I was tempted to ask for the microphone and be the only one to say thanks for the presentation and mention that I support most of the proposed changes. Clearly in the minority of those present I didn’t feel like throwing myself under the bus. So, sorry for not showing support at the time.  All of them just wanted a whinge. But of course almost all of them made no alternative suggestions. Did they want the entire corridor which is the entry to our city to be left as is?!?! Horribly dilapidated 2 story government housing does not say “welcome to a modern, beautiful and well planned national capital of a first world country”!!!!  And any that did actually mention what they would prefer, which was landscaped areas/green space was already explained as part of the proposal during the presentation!  I feel that you could have very easily put them in their place simply by highlighting the stupidity of their comment or question. Was surprised and impressed that you remained professional and calmly responded without returning fire. Well done.  Anyway, my only issue is the mention of lane reduction.  Please, do not allow the lanes on Northbourne Avenue be reduced from 3 to 2. Surely this goes against any sense or principles for traffic congestion.  I’m sure a survey conducted from town planners, residents, anyone, anywhere etc would reveal the majority would say this is a ridiculous idea.  Even if it had only minimal impact now (which I’m sure would actually be a big negative impact) it will certainly be an issue in the future when Canberra’s population is much greater.  There are congested streets all over the world where space for an additional lane isn’t available and desperately needed.  Please don’t let this happen.  I actually think Northbourne should be widened. The inside on both sides needs a shoulder like on the outside. Currently the kerbs are too close to the edge of the lane and drivers have to concentrate too much on not hitting the kerb instead of properly checking their surroundings. Ideally they should be added likely below:  cid:image003.jpg@01D4C7AC.8C3198F0  Would be even better if there was a bike track between the light rail and one side of Northbourne avenue. Taking bike riders off the road and onto their own path. |
| 9 | Declan Mulders-Jones | As a resident of this area, I am very concerned by the proposals to increase the permitted height of buildings and to allow further high density developments around Northbourne, particularly the massive increase to almost 50 metre buildings around MacArthur and Wakefield. There is already far too much traffic in the streets behind Northbourne, with cars parked illegally everyday. Increasing the height of the building would intensify these problems, as well as overshadowing existing residences and Northbourne itself.  Further, the idea that we should make buildings higher and more dense around Northbourne to improve Canberra is ludicrous - making Canberra look like another high density city is not an improvement, it completely undermines the bush capital vibe that makes Canberra unique.  Of course, you probably don't think the welfare of residents and maintaining Canberra's uniqueness is as important as developers pocketing more cash and the ACT government pocketing more revenue, so I look forward to a form reply that will not address my concerns at all. |
| 10 | Susan Pitt | Thank you for the opportunity to register my strong support to the variation to allow the construction of buildings to 5 stories in height (18 metres) on Northbourne Avenue and three stories in height (12 metres) on streets in Downer backing onto Northbourne Avenue/Federal Highway. (This is illustrated in Figure 147 of the DA 91 consultation report).  Our city has reached the stage of development where we need the Downer blocks of land backing Northbourne/Federal Highway to be amalgamated to make larger footprints for new styles of homes suited to our changing city.  We need units or townhouse style developments – ideally adjacent to Northbourne/Federal Highway in Downer - to open up this area to new types of households.  Well-designed development will provide some shelter to the street behind – protecting them from the prevailing westerly winds. Enough room needs to be allowed for residential and visitor parking. They are big, deep blocks.  My support is predicated on requiring adequate setbacks to protect the leafy streetscape, and adequate parking for residents and visitors.  Good future design would ensure adequate parking for both residents and visitors along the leafy Blacket Street. It is unsatisfactory for residents now. There is no parking on the Northbourne side of Blacket Street at any time, and no parking on Fridays on the Southern side of Blacket Street (bin day). Forcing residents and visitors to park on the broad nature strip.  The entire Canberra community has made a significant investment in light rail through their taxes. The more people are able to live along the Northbourne/Federal Highway transport corridor the less subsidy it will need in ongoing running costs from taxpayers.  It will also reduce the number of vehicles travelling to the city.  But the main reason is it will also enable more people to live close to the Dickson precinct and make use of the fantastic facilities it offers. The library, the pool, the schools, shops and restaurants. And the sporting facilities in Lyneham.  This aspect of DA91 will be better for the Canberra community – socially and economically and better for the environment.  HISTORY OF THE AREA  The Downer end of Northbourne Avenue currently has two storey houses on Northbourne Avenue, several of which operate as Bed and Breakfasts, near the Antill/Mouat Street intersection and opposite Southwell Park Playing Fields.  I am one of the owners a site in Downer, which backs onto Northbourne Avenue.  We purchased this 1950s property in 1990, from the owners of Northbourne Lodge behind. Our house was used as overflow accommodation for this Bed and Breakfast. Each door still has a number on it, and a lock.  There has already been significant change in the land use purpose for much of the land of Downer.  The housing stock and infrastructure is now dated and in need of rejuvenation, as is much of the housing stock of the suburb.  Our property was built on what was once CSIRO experimental land.  From the 1960s to the 1980s Downer was a working-class suburb, with its own primary school and a busy shopping centre.  The original owners or tenants of government housing have raised their families and moved on. Their children that remain in the suburb are old enough to be retiring. New families are moving into the area, but like the rest of North Canberra it has become too expensive for young people to afford to live in Downer.  Densification with good design to develop three story townhouses is my preferred model. So, people can still have a pet, a small vegetable garden, a bee hive. But live close to the Dickson Pool, close to the Dickson Library and the shops.  In summary, it is time to take the opportunity to enable the renewal of housing stock suitable for the city’s growing population and visitors on the Northbourne/Federal Highway border of our suburb. |
| 11 | Geoff Francis | I do not believe the National Capital Authority’s current Draft Amendment 91 should be passed in its current form due to my very strong concerns about the likely adverse impacts and consequences of (DA91) and the associated City and Gateway Urban Design Framework.  Significant further investigation needs to be undertaken, including consultation with those most affected. The claim that the majority of Canberra’s population may support the plan is dubious at best and largely irrelevant, as the majority of Canberrans will not be directly affected by the plan. For example, constituents of Tuggeranong, Woden, South Canberra, Belconnen, Weston Creek and Gungahlin will not be affected by the densification of the inner North and would, in any event, likely favour it so as to limit densification in their own regions. A greater weighting needs to be given to the views of those who currently live in the inner North and particularly those close to the Northbourne corridor.  I would encourage you to publish all public submissions on DA 91 so that there is full transparency of community views about it, including those most affected, and to address current perceptions that the NCA and ACT Government are pushing this plan despite community opposition.  The plan involves a narrow architectural focus on the 'designated approach route', which has produced a situation where important planning decisions affecting the national capital as a whole and its future functioning are being led and directed by a one off set of design rules for a single main road.  The current draft amendment relies on a flimsy set of what are principally visual design controls, and applies solely to the blocks of land that immediately front on to Northbourne Avenue and the Federal Highway. It nevertheless has sweeping implications for what the ACT Government is seeking to do next in terms of modifying the zoning and planning policies for a very large percentage of suburban land to trigger significantly higher rates of redevelopment and increased density than has been the case to date, with laxer and much more permissive controls.  The end effect is intended to produce a series of increasingly dense and rising apartment buildings, with reducing setbacks to create a sense of visual compression and densification as one gets closer to Civic. It is questionable that this would produce a unique Australian entrance to the capital, as it simply replicates the aesthetic of most high density capitals designed with high degree of central government control – almost an anathema to Australian ideas and values. Further, it overturns Walter Burley Griffin’s vision of an open and spacious garden city.  Canberra had a unique, visually impressive and very Australian entrance to the city, which has since been lost. The corridor of tall eucalypts separating the north and southbound lanes of Northbourne Avenue was both impressive and quite successful in conveying the sense of an open bush capital.  I am concerned that building height limits are still far too high. While a token number of intended heights building have been slightly reduced following initial consultations, it is not clear on why a mix of 12 and 18 meter, rising up to 27.5 meter, high density apartment buildings are considered optimal as a design aesthetic for a single approach to Canberra.  According to the plan, 12 meter buildings are intended to be three stories, but the standard floor spacing for residential buildings is 3 meters, implying that the rules will allow four and six story buildings with minor variations, and developers can be expected to maximise the number of apartments within the available limits. If it is determined that three and five story buildings are intended within these limits then the number of floors should be specified.  The construction of medium and high density units along the Watson and Downer sections of the Federal Highway and Northbourne corridors will give visitors to the city the impression that Canberra is dominated by medium and high density units. All they will see from Antill Street in North Watson to Civic will be some medium but mostly high density condominiums. It would be better to retain the single and double story detached housing in the Watson and Downer areas of the Federal Highway and Northbourne Avenue to show visitors to the city that Canberra has a variety of housing options, including family-friendly houses with gardens and backyards.  Visitors are likely to question why, having presumably travelled for hundreds of kilometres through mostly cleared farmland on the Hume/Barton and Hume/Federal Highway approaches, they are immediately confronted with medium and high density residential development, which is more likely to create the impression of Canberra being a low income dormitory city, atypical of most Australian cities.  Will planning controls stipulate that balconies facing Northbourne Ave not be used for airing washing, storing bicycles, BBQs, excess furniture, etc? Will planning controls stipulate sufficient parking so that nearby streets are not parked out by second cars, visitors’ and trades’ vehicles, trailers and boats?  The garden suburbs of Watson and Downer including the areas adjacent to Northbourne Avenue and the Federal Highway represent fine examples of Australian 1960s affordable urban design and should be retained for their heritage value and the sense of Canberra’s history they convey from the formative decades of the 1950s to 1970s, when Canberra was first really developing as a capital. This would preserve another distinct era of Canberra’s development in same way that the Tocumwals of O’Conner and Federation architecture in Reid and Ainslie have been preserved.  In particular, the series of bed and breakfast duplexes in Downer on Northbourne Avenue should be retained due to their unique character and heritage value. This is all the more important following the demolition of government owned flats in Lyneham and Turner as there are now virtually no pre-1990s buildings left on the Northbourne corridor, and the sense of Canberra’s development that one could get from travelling the corridor is now almost entirely lost.  The essentially non-existent parking and turnoff ability, combined with heavy traffic on Northbourne Avenue and the Federal Highway will preclude most of it from being suitable for mixed commercial use. That is, as is the case currently, there will be no retail shopping, restaurants, cafes, theatres, or petrol stations/convenience stores for most of the length of Northbourne Ave and the Federal Highway. This will make for an extremely sterile and lifeless entrance to the city. A corridor of mostly bland symmetrical high rise apartment and office buildings with little open space or mixed activity at ground level will add to the perceptions of Canberra being soulless and lacking vibrancy.  There appears to be no sound planning analysis or traffic modelling to back up or mitigate the myriad effects of the changes, which are likely to be major. The immediate implications for at least 20,000 residents of the inner North in terms of potential displacement, disrupted social networks, inflated rates and land taxes, essential infrastructure upgrades, loss of vegetation and tree canopy cover, increased noise and traffic volumes, heat island effects, stormwater and staging, have not been adequately explained.  The plan is based on the dubious assumption that the inner north of Canberra, already the most congested of Canberra’s urban regions, can accommodate an additional 35 000 predominantly (or entirely) unit based dwellings and doubtful modelling that light rail will have such a significant take-up so as to not add to congestion on Northbourne Ave.  Evidence from around the world suggests light rail as best can make a minor contribution to traffic alleviation and substantially less than dedicated bus lanes or even a non-dedicated addition traffic lane, see for example, <https://ti.org/antiplanner/?p=78>.  Most trips by residents along the corridor, except possibly commuting to work, are unlikely to be undertaken by light rail. For example, grocery and retail shopping, eating out, dropping and picking up children from school, childcare and sports will mostly be undertaken by car. Particularly as these activities appear not to be catered for close to the Northbourne corridor.  As typically occurs everywhere where population density increases, traffic congestion can be expected to increase, which may make Northbourne Ave congested most of the day and on weekends instead of just the weekday morning and afternoon peaks.  Far from being a significant gateway to the national capital, visitors to Canberra may well choose to access Canberra’s attractions via the Majura Parkway and Gungahlin Drive Extension, with Northbourne Ave potentially becoming somewhat of a national joke.  I have written to the ACT Government and the Federal Minister with responsibilities for the NCA on similar terms. |
| 12 | Rebecca Gallagher | Thank you for the opportunity to comment on Draft Amendment 91 (DA91). I am the crown lessee and occupant of a block on Banfield Street, located within the corridor between Paton Street and Phillip Avenue.  My interests relate to the development potential of my block in Downer. DA91, as it currently stands, will constrain development on my block to less than that facilitated by the current RZ1 land use zone. I suspect this is because DA91 assumes all future development in this area will be for apartment stock across consolidated sites. In doing so it also hinders other residential development opportunities including dual occupancy and town house development on existing sites. This has multiple implications; at the policy level it will compromise residential intensification in a location proximate to a light rail station. At a personal level it will preclude my ability to redevelop my block to meet my family needs. Ultimately, it will stymie (or at least delay) improvements to the design quality of this part of the corridor as individual crown lessees ‘make do’ with their existing residential homes rather than bringing forward development.  I would also preface my commentary with the following observations:-  While DA91 applies to the NCP, it does not propose integrating either my block or any other site along the northern fringe of Downer within the designated area. This means that its interpretation and application will fall largely to EPSDD through its DA process. It is therefore essential for the NCA to be as clear as possible when devising policy, and particularly where there is flexibility, and where and under what circumstances that flexibility might be exercised. Deferring this to the Design Review Panel stage will not provide adequate certainty to individual lessees as they consider their options.  Generally speaking I have found Amendment 91 confusing in its application to the northern fringe of Downer, largely stemming from terminology associated with Federal Highway. The northern fringe is separated from the Federal Highway road reserve by Block 41 Section 51 Downer. However the fringe has been referred to in relation to Federal Highway in several locations. This relationship, and applicable controls associated with it, should be clarified.  The following provides context for further discussion:  My block is 694m2 in area with dimensions of circa 20m x 35m. Its size/dimensions are typical of many other blocks within the northern fringe of Downer.  The crown lease permits residential uses. A lease variation would be required if any additional residential dwellings were contemplated (other than a secondary dwelling). This has (now significant) LVC implications that will affect feasibility modelling.  The site is occupied by an aging 1960’s single dwelling that either needs to be extended or knocked down/rebuilt in the next 2-3 years to accommodate our growing family.  The alternative is for us to relocate however we specifically purchased in Downer for the location, its accessibility, the size of the block, and community. Housing prices would mean we would be forced to take on a larger mortgage or accept a smaller site/lower quality dwelling requiring further upgrading to relocate within our existing community. None of these outcomes are desirable.  The site is currently zoned RZ1 under the Territory Plan. Headline Territory Plan Single Residential Development Code controls affecting development potential are as follows:  Height – two storeys and 8.5m  Front setback (to both Banfield and Block 41 Section 51 Downer (which is considered to be a front boundary by virtue of its Pe overlay) - 6m rule compliant, with reduced setbacks achievable where specified criteria are met.  Side setbacks – between 1.5m and 3m are required at ground level and 3m and 6m at upper levels as rule compliant, with reduced setbacks achievable where specified criteria are met. Garages can be set hard against a boundary.  Plot ratio - 50%.  Adjacent sites have been redeveloped:  One neighbouring block was redeveloped in the last 6 months to accommodate a two storey dwelling. The dwelling maintains a circa 4m setback to the common boundary and integrates habitable room windows at both ground and first floor level, however those at first floor level are high level windows to prevent overlooking.  Another neighbouring block was redeveloped circa 10 years ago as a single storey dwelling. It maintains a 3m setback to the common boundary, reducing to 1.0m for the garage. There are no known habitable room windows facing the common boundary.  Adjacent sites illustrate the type of development achievable under current planning controls, and consequently what we could reasonably expect to achieve on my block.  Given the relatively recent nature of both these developments, it is unlikely that either will be available for redevelopment in the next 10-20 years. Of further note, an electricity easement runs down the eastern boundary of my block, suggesting that future consolidation with a neighbouring block for the purpose of cross boundary development is unlikely to be feasible.  DA91 significantly alters the development potential of my block though the combination of proposed building setback and separation controls. Specifically:  It requires a 70m building setback from the centreline of the Federal Highway. This translates to a roughly 10m1 setback to be accommodated on my block.  It goes onto state that rear and side setbacks must be in accordance with the Territory Plan, but does not offer any guidance on front setbacks to roads other than the Federal Highway (ie, Banfield Street). For the purpose of this discussion I have assumed the intention is to adhere to the existing Territory Plan control (6m front setback).  It sets out building separation requirements for buildings up to 4 storeys in height. In the absence of a statement to the contrary, this requirements applies one, two and three storey buildings. That is, it does not differentiate the required separation distances based on scale or impact.  The building separation requirements present a number of interpretive issues:-  They do not distinguish between upper or lower floor levels, habitable *rooms* at upper and lower levels, primary or secondary habitable room windows, orhabitable room windows that do not create any overlooking by reason of cillheight.  The statement “When applying building separation distances to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary where possible” is unclear. What happens if it is not possible to achieve the minimum building separation distance through a 50/50 application either side of the boundary as existing adjacent site development is closer to the boundary? Must the entire residual distance be accommodated on the development site? A strict interpretation would require, for example, any development on my block to be setback 11m from the common boundary with a neighbouring block. Equally, what happens if there is no building on that part of the adjacent site – does this mean that the building separation distance does not apply at all?  While DA91 specifically contemplates greater setback requirements to achieve better amenity outcomes, it does not contemplate the opportunity for reduced setbacks to achieve better on site design and streetscene outcomes.  Under the heading ‘Building separation’ DA91 reads ‘where a building abuts a lower density zone, *building setbacks* (*my emphasis*) to the boundary of sites zoned for lower density should be increased by three metres’. Does this apply to building setbacks or building separation distances?  In respect of the same clause (and I appreciate that this one is a little facetious, but goes to my earlier comments about the need for clarity in policy particularly when it will be used for statutory purposes by other parties) – Banfield Street and sites opposite are located within the RZ1 zone. This is unlikely to change, whereas the northern fringe will be rezoned to something other than RZ1. Does this mean that the Banfield Street boundary setback should be increased to 9m? Does this have a similar implication for the boundary with Block 41 (being a PRZ1 zone)?  The net implications of these controls as they relate to my block is summarised in the following table.   |  |  |  |  | | --- | --- | --- | --- | |  | Setback/building  separation2 | Length of  boundary | Area | | Site Area | | | 694m2 | | Front (Federal Highway) | 10m3 | 20m | 200m2 | | Front (Banfield Street) | 6m | 20m | 120m2 | | Side (Western) | 7.5m4 | 35m | 262.5m | | Side (Eastern) | 5m5 | 35m | 175m2 | | Total area absorbed by setbacks/separations (this exceeds site area  due to overlaps of side and front boundaries at each corner) | | | 757m2 | | Deduction to account for overlaps of side and front boundaries 6 | | | 200m2 | | Site area subject to setback/building separation requirements and  which cannot be used as building footprint | | | 557m2 | | Site area that can accommodate a ground floor building footprint  in accordance with Amendment 91 | | | 137m2 |   The combined impact of these requirements is to create a small, centrally located, linear area, equivalent to 19% of the total site area of my block, on which a building footprint could be located. This clearly limits the opportunity for redevelopment of the site for any useful residential outcome - be it single dwelling, dual occupancy, townhouse or multi unit/apartments. In fact, the combination of these controls effectively precludes us from either extending along our current building setbacks, or rebuilding our existing dwelling to meet our family requirements. It also means that any development outcome will be arbitrarily prevented from designing for amenity outcomes (passive solar design and the like).  This outcome is not outweighed by the greater height contemplated by DA91. Achieving heights of up to 12m is not feasible over such a small building footprint, and would result in a visually odd outcome inconsistent with the existing character of the locality or the design quality sought by the NCA. This concern applies irrespective of the type of residential option progressed. With regard to height, I also note:-  Height is to ‘be measured from the level of the block boundary closest and directly adjacent the Federal Highway’. I assume that this refers to the common boundary of Block 41 Section 51 Downer and the Federal Highway. In the absence of cross sections, it is unclear how this control will impact development on my site (or indeed any others within the northern fringe).  DA91 requires 3.3m and 2.7m internal floor to ceiling heights (ground and upper floors respectively) along Federal Highway.  It is unclear if this control applies to the northern fringe given that it is separated from the Federal Highway by Block 41.  It is unclear what a 3.3m ground floor to ceiling height will deliver, particularly if the ground level of the site is set below that of the Federal Highway, and is separated by Block 41 which is heavily vegetated.  If applicable, these requirements plus the prohibition on flat roofs suggest that a maximum of three storeys (potentially plus an attic) will be able to be accommodated within the 12m height control. This is only one storey more than can be achieved under current RZ1 controls.  (Notwithstanding concerns about building setbacks/separations) It is unlikely that the market will support a three storey single dwelling or townhouse style of residential development. Equally, the cost of installing a lift presumes against the delivery of a three storey plus apartment building (unless the development comprises a garden flat with a duplex above, which is an usual configuration).  For all of these reasons, the likelihood of any development in excess of two storeys occurring on my block (or any single site located between Paton Street and Phillip Avenue) is slim. This is a wasted opportunity for urban intensification in a highly accessible location.  Please note that discussion above has deliberately excluded consideration of onsite car parking, which would either need to be accommodated in a basement or at grade. I doubt basement excavation would be financially feasible given the available building footprint, financially viable heights and resultant yields. While internal garages would provide a better visual outcome, these would impact on available ground floor area for habitable rooms. Consequently it is possible that these controls will inadvertently incentivise carports or other similar structures, potentially in front and side setbacks.  It may be that building separation distances as per DA91 are appropriate where site consolidation to facilitate apartment development is proposed. However this is not achievable on every site – my block being case in point. There is a need for DA91 to be more nuanced to allow alternative (dual occupancy/town house) development outcomes that are still appropriate to the locality. More importantly there is a need for DA91 to be restructured to avoid sterilising sites such as my block from all further, reasonable RZ1 style development.  Other general comments  Balconies and Balustrades - DA91 requires that ‘balconies must be incorporated into the design of all residential dwellings’. This may not be practical/feasible where single dwelling, dual occupancy or townhouse development is proposed.  Landscape – DA91 requirements in this regard need to be further qualified. To what extent is it appropriate to deliver ‘substantial tree planting’ or ‘private and public areas of open space’. Does Block 41 constitute adjacent road verge? Would single residential redevelopment on my block trigger the need for upgrades to the Banfield Street verge? Does ‘all development include residential extensions?  Fencing – DA91 states that ‘for sites fronting the Federal Highway’…. ‘the use of precoloured metal…is not permitted and must not be visible from the approach route’. Does this apply to my block (refer to earlier comments regarding the role of Block 41)? Irrespective, does this clause prohibit such fences outright, or only where they are visible from the approach route?  Plot ratio - DA91 does not specify a plot ratio control. There is no conflict between the NCP and TP controls in respect of plot ratio if the NCP does not contain a control or otherwise comment on this. Can you please consider whether DA91 needs to include a specific statement voiding the application of TP plot ratio controls (or otherwise ensure that the ultimate TP control is appropriate to the outcomes sought here)?  I would be grateful for the opportunity to discuss this representation. Please feel free to contact me. |
| 13 | Sarah Martin | Thank you for the opportunity to comment on amendment 91.  I am a Lyneham resident and wish to specifically comment on the Macarthur intersection. I am glad you have identified some green space at each corner but do not believe this is big enough to be anything more than small green patches. Likewise with the urban village concept for this intersection (of which I am reasonably supportive due to the proximity to the tram stop) there simply does not appear to be enough green space. It is a very long way from here to any children’s play space (noting Lyneham Primary School play area is all fenced off and there is only a very very basic play area at DeBurgh Street - so the only other play space is close to O’Connor shops).  From the plans, it seems like the Macarthur Urban Village is more like a concrete jungle. There is absolutely nothing in the spreading unit based developments across Turner and O’Connor to suggest that the liveability of this area is really a priority. In particular the newest unit development adjacent to/at right angles to the Mantra Hotel does not have any green space bar the bare minimum facing the Wattle St - Macarthur intersection with a bit of artificial grass and 3 small trees. All the other trees at this development are in plant pots - hardly likely to produce effective or sustainable green or cooling impact. I understand that quite a lot of the currently vacant land in front of the Manta is zoned for yet more units and really despair at the carving up of a patch of land that could be used as a small park.  I drive over Commonwealth Bridge every day. The West basis foreshore development by the side of Commonwealth bridge is always busy and demonstrates that if you build recreational space, people will socialise and use it.  There is only one opportunity to get this Northbourne corridor right. PLEASE revise the amount of green space in this area, and consider the needs of children too. |
| 14 | Fran Parker | In relation to impacts of DA91 on the suburb or Downer:  1. I am not in principle opposed to increased urban intensification (even in my own suburb), and I appreciate the issues the ACT Government and the NCA are facing in relation to expected population growth and the need for effective planning. I attended all the Strategic Planning Refresh sessions, and was impressed with that effort, but see little evidence of any of that thinking in the current Gateway/DA91 proposals.  2. It would be optimal if the planning was conducted in a totally transparent and comprehensive manner with all issues on the table from the start. This is not entirely true of the current process in regards to Downer.  3. The building heights (18 metres and 12 metres) proposed in DA19 from Mouat to Phillip Ave appear to be somewhat higher than those discussed with any real support at the community consultations in Downer (which I attended).  4. A primary objection to the higher buildings was the likelihood that corridors of unbroken concrete buildings, with little green spaces (especially in light of the impact of trees on temperatures), would be constructed between Mouat Street and Phillip Avenue. Not only would this impact on the nature of Downer, but a Flemington Road-like “corridor of concrete” was not thought optimal for the entrance to the national capital.  5. There was considerable concern about significantly higher buildings immediately adjacent to single storey homes – for issues such as sun shadowing, additional traffic, noise etc. Also of concern were the potential impacts on the rest of the suburb, socially, environmentally and economically.  6. There was NO discussion of what a transition would look like between 18 and 12 storey buildings, and the rest of the suburb and the current DA91 (or the Gateway Plan) does not address this either. The current DA91 would mean that the west side of Atherton and Bradfield would have buildings of 12 metres height, facing single storey houses. It appears that this is not the end of the matter however. When the Gateway Plan was released late last year, it appeared (for the first time) that a significant proportion of Downer was earmarked for “urban intensification”. As there is very little information on what this actually means, it is only possible to assume that DA91 is only the first of a number of planned changes for the intensification of the suburb, which has not been the subject of consultation or even information.  7. As the rest of the suburb is not of particular interest to the NCA, it is hard to believe that the ACT Government planners are actually intending to bring the residents of Downer into any meaningful discussion about the future of this suburb. What zoning changes are actually being planned without any discussion with residents? I would prefer not to think this way, but the process recently makes it fairly unavoidable.  As a resident generally in favour of the intent of the Gateway to City Plan, a participant in many of the consultations, and one with an open mind about the need for higher density living, I am somewhat alarmed at the lack of any apparent planning going into the impact on the suburb of the changes proposed in DA91 for Downer. In particular because the proposed changes appear to have taken no direction at all from the community concerns. This feels like a pre-determined first step along a road where the details of the next footfalls are being assiduously ignored. With 80% of the suburb suddenly subject to (previously undisclosed) “urban intensification”, and with the impact of the changes proposed in DA91 totally unclear, it is not possible to support those changes.  As my concern Is primarily about the lack of forward planning about the impacts of DA91, I will also send this to the relevant ACT Government Minister. |
| 15 | Department of Finance | We note that DA91 will impact the site formally known as Fenner Hall (now known as Gowrie Hall) and will negate the need for a Development Control Plan to be prepared in the future. The Gowrie Hall site, also known as Block l Section 3 Braddon, is also the subject of a National Land Crown Lease which is administered by Finance.  We understand that under DA91 future development of the site will be subject to the same planning and design provisions as other land flanking the Northboume Avenue corridor. After careful review and consideration of the DA9 l documentation, Finance is able to advise that it has no objection or comment in regard to the proposed variation.  Thank you for the opportunity to provide comment in regard to this matter. |
| 16 | Suzanne Pitson | I write with regard to DA91.  The NCA may seek to limit itself to visual design controls applied to the blocks of land that immediately front and back on to Northbourne Avenue and the Federal Highway (including Blacket, Atherton and Atherton Streets in Downer), however, the City and Urban Gateway Framework has sweeping implications for what the ACT Government is seeking to do next in terms of modifying the zoning and planning policies for a very large percentage of suburban land, with the potential to trigger significantly higher rates of redevelopment than has been the case to date, with laxer and much more permissive controls.  This is already being seen in the ACT Government’s Planning Strategy 2018, which notionally tags large parts of Downer for ‘urban intensification’  In this context, the NCA cannot abrogate its responsibilities by effectively arguing ‘but that is not us, that’s for the ACT Government to decide.’  The reality is that DA91, if enacted, has the capacity to shape the hitherto unbridled enthusiasm of the ACT Government in its poor planning and high density developments.  The reality is that the ACT Government has offered no sound planning analysis or traffic modelling to back up or mitigate the myriad effects of the changes, which are likely to be major. The immediate implications for at least 10,000 residents of the inner north in terms of potential displacement, disrupted social networks, inflated rates and land taxes, essential infrastructure upgrades, loss of vegetation and tree canopy cover, increased noise and traffic volumes, heat island effects, stormwater and staging, has not been adequately explored, explained or examined.  Given the NCA has the capacity to set a framework which the ACT Government must adhere to along the northern corridor, and given the consistent lack of planning, analysis and engagement demonstrated by the ACT Government, the NCA should adopt a more modest proposal for the City and Urban Gateway Framework/DA91:  Maximum of two-storey buildings on Blacket, Atherton and Banfield Streets in Downer (as opposed to the 3 to 4 storey as proposed)  Maximum of four-storey buildings on Panton Street (east side of Northbourne Avenue, backing Blacket and Atherton Streets)  Maximum of six-storey buildings at Yowani Golf Club site (west side of Northbourne Avenue – reflecting the notion of sibling building heights along Northbourne Ave, and not twinning building heights)  The site opposite Southwell Park (Lyneham playing fields) to be retained as open space and/or public use, with maximum heights of any such space to be no more than four-storey buildings  The west side of the Federal Highway north of Barton Highway is currently proposed as 12 metre building heights (Racecourse/Kamberra Wines) – this could be left unchanged, or increased to six storey, to facilitate greater density at those locations where there is not an existing suburban population. This may also be an elegant solution for both Downer residents and developers, as existing Downer residents to the east of Northbourne Ave want less density than currently proposed and developers to the west of Northbourne Avenue want greater density than currently proposed.  Downer is a unique suburb in its fundamentals, inasmuch as it was intentionally designed to be a ‘workers suburb’ in the 1960’s, with affordable housing for low wage workers. One of the ways that low cost housing was achieved was to have smaller block sizes, narrow streets (7 metres, not 10 metres) and fewer footpaths, all of which reduced the cost. In this way, Downer is unique from many other inner north suburbs which have much wider streetscapes and setbacks in which to support taller, denser housing. The lower building heights suggested above are justifiable and appropriate given the fundamentals of the suburb.  The notion in the City and Urban Gateway Framework of a ‘northern corridor’ that blankets land on both sides for up to 800m in each direction is a bit like saying that residents in those locations are collateral damage because they happened to be sitting in the flight path of some indiscriminate force. The early garden city suburbs that lie on either side of a corridor contain diverse communities.  It is incumbent upon the ACT Government to ensure that urban renewal is done well, which includes partnering with those diverse communities to deliver higher densities whilst also addressing real needs – and in the meantime, the NCA should not hand the ACT Government a loaded gun in the form of the existing draft DA91 which allows the ACT Government to ignore the views of residents and the community. |
| 17 | Greg Fraser | I have two major concerns with Draft Amendment 91:   * The proposed development of apartments along the Gateway Corridor (Federal Highway/Northbourne Avenue to Antill Street) lacks vision and imagination and totally fails to advance one of the key strategic goals for the City and Gateway Corridor - create an identifiable approach….which clearly signifies the symbolic and functional roles of the National Capital.” * The proposed development of Southwell Park is an absurd proposition. The significant increase in population along the Gateway Corridor through apartment developments surely requires ensuring that these people have access to adequate open space nearby their residences. Rather than reducing open space, consideration should be given to increasing it along what will be a heavily populated corridor. As a very heavily used sportsground, the removal of Southwell Park would also detract significantly from the emerging sports hub in this area. The amendment is silent on how these needs will be met in the future if Southwell Park is developed as proposed in Draft Amendment 91.   1. Enhancing Recognition of the Special Symbolic and functional Roles of the National Capital  The first goal of the City and Gateway Urban Design Framework is to provide:  “An identifiable approach which increases in formality as it gets closer to the city centre and Central National Area, and which clearly signifies the symbolic and functional role of the National Capital”  Pages 10 and 11 of the draft amendment reinforces and seeks to give effect to this strategic goal in the following statements:  “A traveller’s first perception of a city’s character is gained upon approach and arrival. When arriving in Canberra it is important that the traveller is aware of the special symbolic and functional significance of the National Capital.  “Design and development of the corridor should heighten the traveller’s first perception of the national capital, and enhance recognition of the special symbolic and functional significance of the National Capital.”  The first objective for the City and Gateway Corridor seeks to “create an identifiable approach….which clearly signifies the symbolic and functional roles of the National Capital.”  However, the draft amendment’s proposals fall well short of achieving this objective. There is a total lack of vision and imagination in how to give effect to this very admirable and appropriate goal to signify the symbolic and functional roles of the National Capital. This is very disappointing and requires a complete overhaul from what is proposed.  I fail to see how a phalanx of likely poorly designed 3 and 5 storey apartment buildings on the eastern side of the Federal Highway/Northbourne Avenue does anything to demonstrate the significance of Canberra as the National Capital. Based on the poor urban design and architecture for the apartments being developed on Northbourne Avenue south of Mouat and Antill Streets it is highly likely that this proposed rezoning will have precisely the opposite effect.  Another reason my confidence in the ACT Government achieving design excellence along this corridor is very low is the recent development of a low cost accommodation village adjacent to EPIC on the Federal Highway. The architecture and design that greets the traveller to Canberra as represented by this development is only a few rungs higher than what one experiences in visiting a Nazi concentration camp like Dachau. It is far removed, or at least I hope it is, from representing the “special symbolic sense of the national capital.”  A long row of 3 and 5 storey apartment buildings does not represent a “special symbolic sense of the national capital” nor provide the traveller with a heightened perception that they are entering a national capital. The proposed developments will ensure that travellers see Canberra as just another large Australian city with apartments – probably poorly designed and laid out.  I would have thought that if both governments were serious about creating an identifiable approach….which clearly signifies the symbolic and functional roles of the National Capital there would have been an opportunity to grace the approach with suitable memorials and monuments reflecting the history of Australia and recognising significant Australians who have contributed to that history.  Canberra is lacking in suitable monuments, symbols, non-military memorials, statues, and buildings reinforcing and drawing attention to the role of Canberra as he National Capital and the Gateway Corridor would be an excellent place to start rectifying this deficit.  As it stands, it is clear that the real objective is to intensify population density in North Canberra to facilitate the ACT Government increasing its revenues from urban development and the consequent increase in rating income and to also improve the viability of the light rail development.  I am not opposed to increasing the population density of Canberra generally and North Canberra specifically. Indeed, it is required for a whole host of reasons – including environmental and fiscal sustainability for the Territory. However, it needs to be done well – good architecture and design, adequate spacing between apartment complexes, and located in the right places. The Gateway Corridor along the Federal Highway and Northbourne Avenue is not the right place for apartment development if we are serious about creating an identifiable approach….which clearly signifies the symbolic and functional roles of the National Capital.  Draft Amendment 91 should be discarded and multi-storey apartment buildings should not be permitted along the Federal Highway and Northbourne Avenue through to Antill Street. The two planning authorities need to go back to the drawing board and look for alternative approaches which will truly signify the symbolic and functional roles of the National Capital and ensure that travellers to Canberra will really have a heightened sense of entering the national capital of Australia.  2. The Potential Loss of Southwell Park  There appears to be a conflict between the City and Gateway Urban Design Framework and Draft Amendment 91 in relation to the status of Southwell Park as indicated below:   |  |  | | --- | --- | | City and Gateway Urban Design Framework | Draft Amendment 91 | | Map 8 on page 30, which deals with building heights along the corridor, indicates that there is to be no development of Southwell Park:  IMG_5167  **Southwell Park shown as having no development and remaining as open space** | Figure 147 on page 13 indicates that most of the current Southwell Park would be developed with buildings with a height of 18 metres:  IMG_5168  **Southwell Park shown as available for development of 18 metres in height** |   There is an urgent need for both the NCA and the ACT Planning Authority to clarify the apparent conflict between these two documents – is it proposed to preserve the current open space at Southwell Park as implied in the City and Gateway Urban Design Framework or permit development of as implied in Draft Amendment 91?  As a former, longstanding Director of ACT Environment and Conservation who worked hard to protect both urban and rural open space for the benefit of the community and the natural environment, I am outraged if we are proposing to alienate public land and reduce the associated community amenity so that developers and governments can profiteer from land development associated with these proposals.  I am particularly concerned about the loss of the community amenity provided by Southwell Park which will occur if these proposals are approved. This is alarming given that there is projected to be a significant increase in the population of the following areas:   | Area of Corridor Adjacent to the Gateway[[1]](#footnote-1) | Estimated Population | | | | --- | --- | --- | --- | | 2016 | 2031 | Net Increase | | Corridor along Braddon, Turner, O’Connor, Lyneham, Dickson | 13,100 | 16,500 | 3,400 | | Corridor along Downer, Watson, Lyneham, Mitchell | 7,500 | 11,600 | 4,100 | | Surrounding areas of Inner North adjacent to these areas | 24,500 | 28,000 | 3,500 | | Total Increase in Population | | | 11,000 |   As the Framework acknowledges “As the Corridor’s population and demographic mix grow, so too will the importance of, and pressure on, the open space network. Convenient access to high quality, well maintained open space will be critical to supporting the physical, psychological and social wellbeing of future residents.”  The removal of Southwell Park would significantly lessen the amount of open space available for recreational pursuits in this area with detrimental impacts on the urban amenity of existing and future local residents and their physical, psychological and social wellbeing.  If Draft Amendment 91 is agreed to, most of the increased population will be housed in apartments along Northbourne Avenue and the Federal Highway. These people and the nature of their housing would significantly increase the need for open space nearby their residences as they are unlikely to have open space for recreation, etc. within their building envelopes. Because of this, the potential loss of Southwell Park as a major area of open space in the neighbourhood cannot be justified on any grounds. Indeed, rather than potentially reducing open space provision, consideration should be given to increasing the amount of open space along and adjacent to the Gateway Corridor.  Removing Southwell Park will also detract from the evolving and well used sports hub that has been created in this area in recent years (hockey, tennis, netball, golf and a whole range of field sports, including soccer, Aus Touch, rugby, cricket, etc.). Southwell Park and its environs is a sporting and recreation hub which serves not only the local community but the Canberra metropolitan area, the region and further field because it is used for local, regional, national and international sporting events.  Southwell Park is heavily used for sporting and recreational purposes most days of the week. The loss of this space will have a severe impact on all of those users – where are they going to go to?? The proposed rezoning appears to be silent on this important question.  The vistas across Southwell Park are significant for showing Canberra’s undulating plain to ridges and mountains topography. The developments permitted by Amendment 91 would further damage and detract from these vistas which are an important element of the National Capital’s layout and ambience. We need to be more mindful and protective of these considerations in creating the future Canberra.  Recommendations to Improve Amendment 91  I suggest the NCA make the following changes to the proposed amendment  1. Given that Draft Amendment 91 does not achieve one of the key objectives of the City and Gateway Urban Design Corridor Framework to create “an identifiable approach….which clearly signifies the symbolic and functional roles of the National Capital”, do not permit multi-storey apartment buildings along the Federal Highway and Northbourne Avenue through to Antill Street and go back to the drawing board and look for alternative approaches which will signify the symbolic and functional roles of the National Capital, e.g., take the opportunity to grace the approach to the City with suitable memorials and monuments reflecting the history of Australia and recognising significant Australians who have contributed to that history.  2. Given that there will be a significant increase in population in North Canberra, largely housed in apartment buildings, preserve Southwell Park as an open space for sport and recreation so that there is adequate open space to cater for the needs of the existing and future residents along the Corridor, maintain the area as a significant local, metropolitan, regional and national sports hub for a range of sports, and protect some important vistas important to the National Capital’s layout and ambience .  I would be very happy to enlarge on these views if necessary. |
| 18 | City Renewal Authority | **Introduction**  The City Renewal Authority’s mission is to lead and deliver urban renewal within the City Renewal Precinct that is people focused, design led and sustainable. The Northbourne Avenue corridor – from City Hill in the south to Mouat Street, Dickson in the north, is part of this precinct.  Northbourne Avenue has the potential to become Australia’s premier street: an exemplar of how good urban design can transform a vehicle-dominated transit route into a boulevard recognized around the world. It could offer an impressive arrival experience for visitors and a safe, enjoyable experience for the growing number of residents who will use it as a transit route and a destination. This requires a fundamental shift in its function and design which currently prioritises cars over people.  The City and Gateway Urban Design Framework (‘the Framework’) provides a starting point for this evolution. The City Renewal Authority (‘the Authority’) is developing a Northbourne Avenue Design Strategy that will complement the Framework by providing a more detailed set of design principles and typologies. These are predominantly focused on the public realm, but are supplemented by design principles for landscape in the nominated set-back zone. The National Capital Authority has been consulted in the development of this guiding document which will promote a high quality landscape and active travel experience that reflects its status as the gateway to the nation’s capital.  **General Comments**  The Authority is pleased the draft amendment aligns with many of the design principles for the set-back zone proposed in the draft Northbourne Avenue Design Strategy. These include:   * No underground structures within the set-back, to support deep soil zones; * Primary ground floor building entries must be flush with the footpath level; * Service cabinets must not be visually prominent; and, * Prohibiting porte-cocheres along Northbourne Avenue.   The Authority believes, however, the proposed conditions may be too prescriptive and could inadvertently stifle innovation, for example, by precluding creative solutions not envisaged at the time that the Framework was developed. There is also a risk they may impede urban renewal by imposing constraints that render it economically unviable. Two alternative approaches to consider are:  Focusing on desired outcomes rather than stipulating the physical form in such detail. This would require greater interpretation from developers and the National Capital Authority (NCA). In addition to potentially resulting in better design outcomes, this could provide impetus for industry to increase engagement with the NCA from the early stages of development.  The revised National Capital Plan (‘the Plan’) could include a provision that gives the NCA flexibility in approving developments that may not conform to all requirements but results in a superior outcome.  The draft amendment should make a stronger statement about amenity, safety and prioritisation of pedestrians, cyclists and public transport users. The only reference to this in the draft amendment is, ‘Create a landscape setting…to provide amenity, assist with climate control and create comfort for pedestrians’ (under ‘Objectives for City and Gateway Corridor’, page 11). A stronger statement would ensure it aligns with both the Framework and best practice in urban design.  Apart from this, the draft amendment appears to be line with the City and Gateway Urban Design Framework. Suggestions that might further improve urban design outcomes are outlined below.  A typical streetscape in the draft Northbourne Avenue Design Strategy is provided at Attachment A.  Specific Comments  **Macarthur Node**  The Authority recommends the revised Plan provide clearer guidance on the intended function and design of the landscape plazas within the Macarthur Node to ensure they are developed in a way that achieves a unified sense of place. This will be challenging and will depend on a degree of consistency in the design and materiality. If, however, the suggestion of a less prescriptive, more outcomes-focused approach mentioned above is adopted, the revised Plan could state that these sites must be designed with similar materials and other features. The NCA will then need to give close attention to the development of the first plaza to ensure it sets an appropriate benchmark.  **Building heights**  The Authority recommends there be flexibility to increase maximum building heights on the western side of the corridor between Antill Street and Flemington Road (see image below). As the only location along the corridor not constrained by existing residences and close to light rail stops, this is a valuable opportunity for transit oriented development. To incentivise high quality design, this should be permitted only for developments that demonstrate excellence in design, community benefits and environmental performance. To maintain the appearance of symmetry from the corridor, the height of developments facing the corridor could be consistent on both sides and stepped-up toward the rear.    Source: National Capital Authority, *Draft Amendment 91: City and Gateway Urban Design Provisions*, p. 13.  The proposal that maximum building heights along Northbourne Avenue can be increased from 25m to 27.5m if developments include one 2 storey apartment at ground level lacks ambition. Maximum building height increases are one of the few levers available to encourage developments that exceed minimum standards, and other conditions could be included to raise the urban design outcomes. At a minimum, this increase should be conditional on at least 10 per cent of apartments being 2 storey, which would encourage greater diversity of housing and would be consistent with the proposed Northbourne Avenue Corridor Precinct Code which is expected to come into effect in 2019.  **‘Snorkel’ arrangement for bedrooms**  The Authority does not support the proposed ‘snorkel’ arrangement in the internal plan for bedrooms. This would facilitate an increase in narrow, long apartment layouts that have low amenity, particularly in terms of reduced solar access and natural ventilation. Recent experience in the ACT suggests the ‘snorkel’ is being used increasingly to increase apartment number yields at the expense of amenity.  **Landscape**  The Authority recommends the revised NCP encourage the use of deciduous exotic trees in the set-back zones south of Antill Street. This would provide seasonal colour variation that contributes to a high impact arrival experience for interstate visitors, mark the beginning of the Formal Landscape Avenue identified under the Framework, and enhance solar access into dwellings during winter. This would also provide an appealing contrast to the Eucalyptus mannifera within the verges and median.  The proposal that no fencing is permitted in setback zones should be broadened to apply to all continuous barriers, for example, hedges. Those at, or below 450mm, could be permissible if they can incorporate seating. This would be consistent with the design principles in the draft Northbourne Avenue Design Strategy.  **Environmental sustainability**  The Northbourne Avenue Design Strategy recommends that environmental sustainability be supported through the following requirements for building set-back zones along Northbourne Avenue:   * Tree canopy cover of 75 per cent in the setback zone (based on 10 year tree growth). * At least 70 per cent of the setback zone covered with permeable surfaces.   These requirements would assist with combatting the urban heat island effect, reduce storm water run-off and contribute to the national capital’s resilience to climate change.  **Explanatory diagrams**  The Authority encourages greater use of diagrams and other visual tools to support the text. This will reduce ambiguity, aiding developers in interpreting the requirements and will establish a methodology for more clearly explaining complex planning conditions.  **Conclusion**  The draft amendment appears generally in line with the City to Gateway Urban Design Framework. As noted in the comments provided in this submission, the Authority believes there are opportunities to further improve urban design outcomes. In summary, these are:   * Ensuring the revised National Capital Plan gives the required emphasis to amenity, safety and prioritisation of pedestrians, cyclists and public transport users. * Striking the right balance so that the revised National Capital Plan guides development of the gateway in a way that is consistent with the Framework but without precluding creative design solutions. Other options include shifting toward a more outcome focused rather than prescriptive approach, or ensuring there is flexibility to permit developments that may not comply with all of the standard requirements provided they can demonstrate it would achieve a superior outcome. * Ensuring the landscape plazas of the Macarthur Node achieve a unified sense of place at this important intersection. * Making the most of opportunities to use maximum building height increases as a lever to drive design excellence, particularly where this would have minimal impact on existing residences, as is the case on the western side of the corridor between Mouat Street and Flemington Road. * Not permitting ‘snorkels’ in internal floorplan arrangements as they facilitate deep, narrow dwellings with low amenity. * Taking advantage of the landscape in the setback zones to contribute to a high-impact arrival experience, environmental sustainability and amenity for residents and passers-by. * Providing diagrams to minimise the risk of misinterpretation.   Getting the revised National Capital Plan right will support development that stands the test of time and be a place that residents will be proud of and visitors will remember    **Aspirational section of Northbourne Avenue (conceptual only)**  Source: Taylor Cullity and Lethlean Pty Ltd (2018) *Northbourne Avenue Design Strategy (Draft*), prepared for the City Renewal Authority. |
| 19 | Brett Odgers | I make this submission as a member of the Walter Burley Griffin Society and as a concerned and interested lifelong citizen of Canberra.  The objectives of DA 91 are of the first importance.   I think there are serious weaknesses and limitations.  Firstly,  an old and continuing problem casts serious doubt on the prospects of the City and Gateway Urban Design policy and provisions.  The document states at the beginning that the NCA and the ACT administration ‘share planning responsibility.’   At the Public Information Session on 6 February 2019 at Regatta Point Chief Executive Sally Barnes said ‘ NCA is late to ACT government’s planning.’  The dual planning system should be joint and integrated, not shared.   Currently, the future of Canberra as the National Capital, at least through its land use planning, is largely in the hands and at the pace of the ACT Government.  In reality, the ACT and other Commonwealth authorities have allowed alienation of national capital land, privatisation of buildings and redevelopment of the land and a development pipeline and momentum that is already compromising DA 91.  Canberra has already lost, for the most part, the Majura Valley as a prime Gateway to the national capital through poor intergovernmental relations, neglect by NCA and failure of vision and responsibility.  Similar issues are at play with the Federal Highway/Northbourne Avenue/City potential Gateway:   * maintain the full values of Canberra as the ‘Bush Capital’ and ‘Garden City’ * maximise the experience of central Canberra unfolding * enrich the corridor with landscape, buildings, monuments and memorials which show Canberra as a representative, symbolic and functional national capital * demonstrate excellence and stimulating diversity * keep lands for future national capital options.   Another example is City Hill where development is going ahead without the benefit of adequate guidelines based on NCA and ACT planning collaboration.  According to DA 91 documentation, City Hill is within the Framework, along with West Basin, but you have contrived the omit them.  It is clear that Civic, City Hill and the Lake and vistas to the mountains provide a beautiful, representational and symbolic climax to the long, straight Gateway.  Current developments leave much to be desired and major opportunities for national capital enhancement have been and are being  forsaken.  Regarding the provisions of DA 91, in line with the issues listed above, there are:   * inordinate provision for residential development * risks of losing open space and vistas, for the gateway experience, Canberra as the ‘Bush Capital’ and ‘Garden City’ and both formal and informal recreational and sporting activities (which in the hub of Southwell Park encompass metropolitan and regional catchments) * no positive initiatives and land banking for national capital symbolism, functions, ceremony and representation. * A need for Canberra to look less like a military town and more representative of Australia’s character and Canberra’s achievements in particular.  Thus in the first lay-by section of the corridor just over the border, the military memorials should be balanced by more appropriate symbols.   Regarding City Hill, the ANU and West Basin, the claim in the DA 91 documentation that City and Gateway Urban Design is already covered, so omitted from DA 91, is patently false and in need of policy review, restoration and fresh statutory provisions.  Consider the current over-development in the SW and NE sectors of City Hill (Law Courts, Barracks and a second Constitution Place for Canberra).  Consider the ANU’s degradation of University Avenue, one of Griffin’s great axes, vital to the ANU campus and to the vista from City Hill to Black Mountain.  West Basin development plans, of course, threaten to degrade Griffin’s geometry and Water Axis, vistas over the Lake to the mountains and recreational and national capital open space.  It will be appreciated if consideration could be given to this submission.   DA 91 at present appears unduly limited in scope, lacking vision and too late. |
| 20 | Tanja Reuter | Thank you for your time over the last month in clarifying issues regarding the DA91. Please find below my final comments/concerns for submission:  **DA91 unfairly disadvantages homeowners on the Federal Highway side of Banfield St Downer.**  1. As the DA91 stands currently, homeowners on this side of the street would in future be limited to:   * Extend their properties only up to the proposed 70m from centreline of Federal Hwy at the rear of the block as well as losing an additional 3m at the front of the block due to the step down to the RZ1 across the street (from p15). This means losing up to 25% of our block sizes on Banfield St, whereas all other blocks on the gateway have either the 70m centreline behind their blocks, or fall under the proposed rule of only 6m from the road edge for the Watson stretch of the Federal Hwy. * Renovate their single residences with enormous additional cost to ensure meets the requirements in DA91 such as a pitched roof (p17) and high quality fencing (p24). My home has a flat roof and a colorbond fence, so I would need to change both the roof for the entire house and the fence if any extension was conducted.   I have no issue with having high quality standards for the look of future developments that are invoking the advantages of the new rezoning (ie three storeys (RZ4 provisions?)), as this will hopefully ensure that the Gateway is not an eyesore for all Canberrans and visitors. But I do believe it is unreasonable for homeowners that want to make minor changes that would have been approved under the existing RZ1 rules to be expected to incur such additional cost. Perhaps a provision can be made for this scenario?  2. Our blocks may not be as attractive to developers due to the above mentioned 70m setback rule.  Homeowners who may want the option of selling up to developers may find their properties not as attractive to developers as there is far less usable land at the rear of the Banfield blocks as opposed to the Atherton St blocks due to the 70m setback rule. And as Banfield St is in the **single** block section of Downer, there is not the option selling together like blocks backing onto each other on Panton and Blacket Sts. This could also delay realising the aesthetic appeal of the Gateway plan if particular blocks are not redeveloped in a timely fashion with other parts of the Gateway. Please note however that I am in favour of the proposed increased 3m setback at the front of the block for the benefit of residents across the street from future large developments.  **Other impacts of the proposed redevelopment on Downer residents**  **Roads** (not mentioned in detail in DA91) – Is there a plan for a service road to run parallel with the Federal Hwy behind Banfield St blocks? I cannot see how apartments could be built here without one, as Banfield St is already very narrow and has no foot paths.  **Footpaths** (only mentioned for Northbourne Ave in DA91) – will something be added for footpaths along Federal Hwy section? I cannot see how you could build higher density housing next to light rail stops and not have substantial pedestrian paths.  **Facilities** – There is no supermarket or Primary School etc in Downer. I believe that Watson facilities would be getting towards full capacity with current Downer residents, North Watson residents and the expected new residents from the three substantial new developments in Watson. Will infrastructure be in place in Downer by the time this Gateway plan is realised?  **Rates –** Downer residents already pay substantial Rates. If the 70m setback issue is not addressed, I would at the very least hope that this disadvantage is reflected in the Rates for the Banfield St blocks and we are not charged the same amount as those who can fully utilise the land on their blocks under the proposed DA91.  **Lack of transparency in the process:**  Homeowners affected by these proposed significant changes were not formally advised of these changes to their land use. If the object of the NCA was genuine consultation, a letter should have been sent out to homeowners at the bare minimum, if not all residents in the areas affected. The Downer Community Association does an excellent job, but it should not be left to a community organisation (however good they are) to educate every resident of a suburb regarding government issues that may impact them. |
| 21 | Lyneham Community Association | **Executive Summary**  In March 2018 the ACT Government and the National Capital Authority (NCA) released the City and Gateway Draft Urban Design Framework setting out principles and design controls for land adjacent the Federal Highway and Northbourne Avenue including the city centre. An eleven-week period of public consultation followed.  A final City and Gateway Urban Design Framework was released around the 20th December 2018. On the 21st January 2019 a draft amendment to the National Capital Plan, Draft Amendment 91 (DA91) was released.  There was a substantial difference between the Draft Corridor Framework and Draft Amendment 91. Public consultation for the Draft Amendment closes on the 4th March, providing a six-week consultation period. Only one public meeting has been held which was on the 6th February 2019.  Regardless of intent, the consequence is that the ability for the community to respond has been limited.  The sceptics among us would believe that timing of the release of the final Framework and the amendment to the National Capital Plan over the Christmas holiday period, combined with only a single public meeting would be to limit the ability for the community to provide thorough feedback and/or achieve to approval before the Federal election.  Furthermore, all Downer residents were mailed an invitation to attend a workshop on the Draft Framework in April 2018 which included Design Studio activities and an alternative proposal regarding building heights and nodes within Downer, Lyneham and Watson.  Lyneham is the suburb most significantly impacted by the Corridor Framework with 4km of frontage (equal to Dickson, Downer and half of Watson) and Sullivans Creek.  The Lyneham Community Association (LCA) has reviewed all of the published documentation and provided a detailed response.  **Process**  The LCA:   * Supports the period of public consultation on the Draft Corridor Framework completed between the 1 March and 16 May 2018 * Supports the workshop opportunity and direct mail invitations offered to Downer residents * Objects to Lyneham, Watson and Dickson residents not being afforded the same opportunity extended to Downer residents for a workshop to educate residents on the proposal, participate in Design Studio activities, have access to amended proposals and to provide detailed feedback * Objects to the release of the Final Framework and DA91 during the holiday period, particularly when the amendments between the draft Framework and DA91 are substantial * Objects to only a single workshop being conducted for DA91 on the 6th February (coinciding with the first week of school) particularly given the significant amendments compared to the Draft Framework.   **Design**  The LCA:   * Strongly objects to proposed development over the entire Netball ACT facilities (all indoor and outdoor courts) and Lyneham playing fields, for purposes not in keeping with a sporting venue. Development of this seven-hectare area was NOT proposed in either the draft or final framework or at the Downer workshop. It has not been part of the public consultation process at all and appears for the first time in DA91 (refer Figure 147). * Objects to the omission of the enhancement of Sullivans Creek as a natural waterway and landscaped pedestrian and cycle corridor from DA91. This is a major objective of the LCA, and the Framework and this opportunity must not be lost. * Support 18m building heights in Lyneham as proposed in the Draft Framework and the revised building height proposal presented at the Downer Workshop. * Questions the need for symmetry of building heights each side of the corridor. This is not reflected in the draft or final Framework (eg playing fields opposite three 32m high buildings) and was not part of the revised building height proposal at the Downer Workshop. What does this achieve? Fixation on this objective will severely impact on the Lyneham playing fields and netball facilities, will impact on existing Downer residents, diminish opportunities on developable sites and likely impact on Sullivans Creek being naturalised * Supports Flemington Road as the start of the increased height given this is where the new light rail is introduced to the City Gateway corridor * Supports the introduction of a Design Review Panel * Supports introduction of environmental initiatives, however these should be objectives and not prescriptive. An agnostic approach to environmental solutions must be adopted to allow proponents to innovate and accommodate advancements in technology and lifestyle over the life of this policy. The Design Review Panel/EPSDD should be charged with determining whether the objectives are being met. * Objects to building setbacks being defined north of Flemington Road (Figure 148) without any understanding of what the building height will be (Figure 147)   **1. Background**  The Lyneham Community Association’s aim is *“to protect, promote and enhance the wellbeing of the Lyneham community”*.  Lyneham has the largest frontage of all suburbs in the Corridor framework study area. It encapsulates the entire length of the Informal Park Boulevard section of the corridor study area extending from Macarthur Avenue to Stirling Avenue South, a distance of 4km (Refer Figure 1). Lyneham shares this frontage with the suburbs of Dickson, Downer and Watson (in part).    *Figure 1: Lyneham Corridor Context*  2. Consultation  The consultation process has not been consistent with respect to timeframes, time of year or most importantly engagement with impacted suburbs. This has no doubt resulted in “skewed” or biased feedback where the interests of a particular suburb are given greater consideration purely based on the increased engagement with that suburb compared to others along the corridor.  The scale and detail of responses to DA91 is also likely to be lower given it was released during the Christmas holiday period. The Final Framework report was issued on the 19th December 2018 promptly followed by release of the Draft Amendment on the 21st January 2019.  There has been only one public meeting on Wednesday 6th February. This meeting coincided with the first week of school.  Had the changes between the draft Corridor Framework and DA91 not been so substantial, the above would not such a concern.  At the single public meeting on DA91, there were requests from the community for the following to be published on the NCA website:  1. NCA meeting presentation  2. A transcript of the meeting and Q and A session  3. A document showing the differences between the draft and final framework to allow comparisons to be more easily made.  At the time of writing (one week prior to closing date for submissions) item 3 was not available on the website.  Downer residents have been engaged with extensively compared to other suburbs along the corridor. In particular all Downer residents received an invitation in the mail to attend a workshop on the 9th April which included “Design Studio activities” and a Revised building height proposal. The revised proposal was only made available to those attending the workshop. All other stakeholders had no knowledge or access to this information within the consultation period. The information was later published in a report titled Downer Community Workshop Outcomes City and Gateway Draft Urban Design Framework 2018. This report appears to be no longer available on the NCA or ACT Government websites.  It is acknowledged that there are existing homes in Downer within and immediately adjacent the areas proposed for increased building height. However, invitations were posted to ALL Downer residents. There are also similar impacted homes in Watson and Dickson.    *Figure 2: Revised building height proposal presented at Downer Workshop for consideration and discussion (not*  *made available to other stakeholders during the public consultation period)*  **3. Development of the Lyneham Playing Fields and Netball ACT sites**  In the Draft Framework no buildings were proposed within the Lyneham Playing fields or the ACT Netball site (refer Map 6 of the Draft Framework report). The Final Framework report also did not contemplate any development in these areas (refer Map 8 of the Final Framework report). Furthermore, drawings presented to the Downer Community workshop did not show any development in this area (refer Figure 3 and Figure 6 of the Downer Community Workshop Report). The first time development is shown in these areas is in Draft Amendment 91 Figure 147 (refer Figure 3 below).  The area involved is substantial, being greater than 7 hectares in size. It includes the entire ACT Netball Centre capturing all of the outdoor courts and the indoor courts. Within the Lyneham playing fields the area impacted currently accommodates three football fields, a cricket field and six touch football/Oztag fields. There will be a massive impact and loss of community sporting facilities and yet there is no discussion on where these facilities would be relocated. An aerial photo showing the extent of this proposal is shown in Figure 4.  How is it that such a dramatic change is able to be incorporated into the draft amendment without any community consultation?  Why did the ACT Government and the NCA not incorporate this into the draft and final reports?    *Figure 3: DA91 Figure 147 Permitted building heights*    *Figure 4: 7ha area of Lyneham Playing Fields and ACT Netball Centre that can now be developed*    *Figure 5: Section of Corridor presented to the Downer Community Workshop showing no buildings at Lyneham*  *Playing Fields/Southwell Park*  **4. Sullivans Creek**  Community engagement on the Draft Framework showed strong support for naturalising Sullivans Creek and for active travel improvements along this corridor. In the Final Framework this is supported in both the Strategic Goal and Urban Renewal Principles.  A “Park Building Edge” is proposed for buildings in Yowani and Kamberra facing Sullivans Creek (refer Map 10 of the Final Framework). Park Edge is defined in the Final Framework (page 35) as:  PARK EDGE: The park building edge seeks to establish a relationship between residential development and green spaces. The intent is to provide connection, activity and surveillance from the building while balancing privacy for the occupants, ensuring the building edge is activated through frequent use. Examples of this building edge are found along Sullivans Creek and parts of Haig Park, and the Informal Park Boulevard Edge.  There is nothing in Draft Amendment 91 requiring the above.  In the Access and Movement chapter of the Draft and Final Framework, Sullivans Creek is identified as a community route and being part of a Garden City Cycle Route. The Final Framework notes *“In the six months from December 2017 to May 2018 over 250,000 people* *cycled along the route.”*  The intent stated in the Final Framework is *“There are opportunities to extend this popular route to the north and south and progress improvements to existing facilities such as continued path widening and road crossing safety improvements.”*  The Better Places and Streets chapter of both the Draft and Final Framework include an entire section titled “Connect and enhance Sullivans Creek”. This section notes that *“Sullivans Creek can become the backbone of a network of green open spaces offering high* *quality recreation to urban and suburban commuters along the corridor.”*  The design intent notes Sullivans Creek can provide safe active travel connections, protect and enhance environmental values and improve ecological connectivity.  The LCA believes the NCA and ACT government must place equal weight on ensuring the vision for Sullivans Creek is realised as it does on urban form along the corridor. There are clear opportunities to enhance this corridor where it fronts the proposed Yowani and Kamberra developments. The length of Sullivans Creek adjacent just these two sites is 1.7km.    *Photo 1: Existing Sullivans Creek adjacent Kamberra and Thoroughbred Park*  **5. Buildings**  LCA is supportive of urban intensification. Particularly where there are opportunities to do so with no impact on existing homes and where improvements to the urban form and public realm can be facilitated.  The LCA is supportive of the building heights proposed for Lyneham in the Draft Framework and as proposed in the Downer Community Workshop, i.e. 18m buildings for the Yowani and Kamberra sites. We note the constructive community consultation held by the Kamberra developers where varied building heights, open plazas and the naturalization of Sullivans creek were featured and supported by the LCA.  Consistent with the Draft and Final Framework, the LCA does not support any buildings within the Lyneham Playing fields or the Netball ACT sites. We note this is inconsistent with DA91. Apart from there being no consultation in relation to such development, we believe too much focus is being placed on urban symmetry at the expense of community facilities and without any regard to the existing character of the corridor or quality urban environments for the recreational and sporting enjoyment of Canberra’s people. |
| 22 | Tracy Vickers | I would just like to put forward my support of the proposed changes as outlined in the Draft Amendment 91. Far to long the entrance to Canberra has been less than that befitting the Nation’s capital. What has been outlined is a well thought out plan and looks quite visually pleasing, particularly with the landscaping and proposed plantings. I am directly affected by the changes and welcome the increased height amendments with the stepped down approach to those streets behind Northbourne Avenue.  This stepped down approach promotes a subtle change with the least affect on existing homes and street appeal. With the introduction of the light rail, we will need to increase the potential housing and dwellings along the light rail route. Any decision not to go ahead with the draft amendment will see the light rail stand as a white elephant.  Bring on the beautification of Canberra’s entrance and suburbs. |
| 23 | Stephen Vickers | Just a short note of support for the proposed changes. As a born and bred Canberran, I am keen to see the vision of Burley Griffin come to fruition. The proposed staged approach to the city will be something we can be proud of, not only as Canberran's, but as a nation. |
| 24 | Anthony Burnham | I have significant concerns about traffic flow in the future. Although I acknowledge the Record of Meeting (6 Feb 2019) as stating that modelling has demonstrated adequate capacity to accommodate further development, I find it impossible to have any confidence in this modelling. Although details were not provided, I submit that this modelling must inevitably rely on unfounded assumptions about the uptake of the light rail by residents and furthermore must fail to reflect the enormous relative expansion of housing provision adjacent to the intersection of Northbourne/Macarthur/Wakefield. Was the effect of the light rail on the traffic flow at the junction also considered? As I show below, there have been significant increases in the number of dwellings in the area already but with as-yet unknown consequences for the junction. I am also concerned abut the visual amenity and impact on the neighbourhoods, as explained further down my comments.  I live in the Monarch apartment complex adjacent to the intersection of Northbourne/Macarthur/Wakefield. This complex is 8 storeys on the Northbourne Avenue side and 7 on the David St side. This area in north Turner has seen significant expansion of its housing capacity in the past four years. Two houses on the corner of Forbes St/Wedge Cr were converted to 13 units ("Zara Apartments"). 5 and 7 David St were converted to 7 units. The Department of Defence office block on Macarthur Ave was converted to the Mantra Hotel with the addition of the Edgeworth apartment complex (26 units of two to four bedrooms). Construction House was replaced with The Art on Forbes development (not yet completed), which will contain 200 units - in contrast to its former status as an office block that had low numbers of vehicle movements, mostly at restricted hours on week days. Four houses on the corner of Forbes St/David St are due to be replaced with 22 units this year. This represents a total gain of 270 units within 350 m of the Northbourne/Macarthur intersection in the southwest quadrant of the intersection in the past four years. Additional units have been added in O’Connor/Lyneham in Berrigan Crescent and DeBurgh St at similar distances from this junction. DA91 proposes up to four 15-storey buildings, which I estimate will equate to an additional 1000 - 1200 dwellings. And, of course, there are many other houses that could easily be converted to two-storey apartment complexes closely adjacent to this busy road junction. It simply beggars belief to claim that no adverse impact on traffic flow is anticipated from an increase of >1000 units when the effects of the additional 270 units is not yet known. In summary: there is already significant densification of housing occurring adjacent to the Midtown junction at Northbourne/Macarthur/Wakefield. Although it is claimed that modelling of traffic flow has been performed, the performance of the model must be tested in order for it to be credible. These existing major changes to the local area are too recent to be reflected in any traffic surveys performed to date and add significant uncertainty to any modelling performed. Rezoning to RL617 without allowing time to evaluate the combined effects of the existing recent developments and the light rail would be to rush in blindly.  The plan provides no justification for the proposal for RL617 at the junction at Northbourne/Macarthur/Wakefield. This junction is a considerable way from the city centre, and the intervening area consists predominantly of lower-rise buildings and Haig Park. It seems disjointed to have such large buildings so far out from the city centre followed by a conspicuous gap. Furthermore it is hard to see how these will have any distinctive character, and being developed separately by different private companies there is little ability for the planning authorities to ensure a harmonious design: any refusal of permission on these grounds would be easily appealed. DA91 includes a provision "Clothes drying, storage units, or plant and equipment (including air conditioning plant) are not permitted on balconies." This will surely be impossible to enforce. The idea that the "city gateway" could be some unremarkable residential buildings with bicycles, air-conditioning units, clothes dryers and assorted bric-a-brac on the balconies is hardly inspired or world-leading.  It seems that no consideration has been given to how these developments will affect the local area in terms of noise and reduced view of the skyline. Where I live we have suffered continuous building work on one side or the other due to developments for the past three and a half years, with noise (including unlawful out-of-hours works, sometimes as early as 6 am) and horrendous dust pollution. We have also had two years of light rail construction on the third side. If the Mantra site is rezoned it has already been reported as likely that the owners will take advantage of the new regulations and convert from the current 10-storey building to a 15-storey building. This will cause further intrusions into our quality of life.  Finally, there are very few retail units within Turner, and no grocery stores at all. To put four 15-storey buildings at a junction that is at least 10 minutes walk from any convenience store completely lacks practicality. |
| 25 | Lake Burley Griffin Guardians | Lake Burley Griffin Guardians (the Guardians) are aware that Amendment 91 is proposed to cover only the development precinct between Downer and Barry Drive. However we believe there are wider implications and considerations for this amendment.  It is obvious to the Guardians that the piecemeal approach to planning —that is precinct by precinct without adjustments to national and overarching considerations should be met in each of these amendment proposals.  We are unhappy that a last minute inclusion of West Basin Intent in the final report of the City and Gateway Urban Design Study report process as we have noted.  We also note that there has been damaging development to key Griffin vistas during the last 12 months and that this aspect requires strengthening of the National Capital Plan (NCP). The University Avenue Vista extending from the avenue to City Hill has been destroyed by the Vernon Circle development. Griffin's Water Axis has been damaged by the intrusion of the Henry Rolland park jetty and seat cutting across the water plane of the axis —visible from the point where the Water Axis enters West Basin.  Amendment 91 rather than being rushed through needs to be delayed and extended with more time given to aspects of National Capital Planning that respect and promote national significance.  **1 Lack of Integrity in the planning process for City and Gateway Urban Design Study that formed the basis for the amendment.**  Page 43 inserted in the final draft of the *City and Gateway Urban Design Study* report released on the 18 December 2018 outlines the Intent for West Basin. This page was not present in previous report drafts, or in the consultation reports. At the consultation meetings participants were informed West Basin was not part of the study. West Basin is not mentioned in the index of the report.  This underhand skewing of the report falsely implying that consultation was undertaken for West Basin in the *City and Gateway Urban Design Study* process when it was not. Amendment 91 should not be based on a planning process that lacks integrity.  **2 Introduction — misleading wording**  The points referred to in the following notes relate to wording of the Amendment 91 also present in the NCP under Key Objectives pages 9 and 10  **Ninth dot point**  'Respect the geometry and intent of Walter Burley Griffin’s formally adopted plan for Canberra.'  'Geometry' is misleading as it is an abstract concept. Although the framework that Griffin used to establish his plan is geometric, it is the vistas resulting from the geometric framework that are the key elements of Griffin's 3 dimensional City. The wording of the  dot point should be changed to:  'Respect the vistas and vision inherent from Walter Burley Griffin’s formally adopted plan for Canberra.'  **New Dot point needed**  Lake Burley Griffin is within the designated area and is an iconic feature like the Canberra hilltops. A new dot point is needed:  'Protect Lake Burley Griffin and its lakeshore landscapes which provides a green heart to the centre of Canberra that respects Griffin's lake composition and the 1963 *Lake Burley Griffin Foreshore Development* masterplan that delineated the working Lake system.  This dot point should be included with Amendment 91 and the relevant text of the National Capital Plan Objectives.  The wording of key guiding concepts in the Amendment (eg symbolic and formal) is vague and requires further explanation so there is no misunderstanding of intent amongst developers in their approach to design.  **3 Context, Item 1.2**  *'The NCA considers the policy for these areas (ANU, City Hill and West Basin) is robust and it is not proposed to change these policies at this time.'*  LBGG does not believe the policies for West Basin and City Hill are robust. They damage the acclaimed urban form based on Griffin's vistas, Griffin's lake composition and its parklands, the lake shape and waters of the successful constructed Lake system, the City's environmental health, Lake Burley Griffin's Commonwealth heritage and demonstrate little respect for public recreaton. They destroy the concepts held dear by Canberrans and Canberra visitors— that of the *City Beautiful*, the *Garden City* and the *Bush Capital*.  The planning for *City Hill and West Basin* areas is to push in as much development in the form of medium to high density apartments, as possible. There will be apartments lining the route into the National Capital from the City entry to Commonwealth Avenue Bridge which will be the first glimpse vista of the lake and mountain ranges. There is no social, visual amenity, aesthetic or heritage understanding in the planning and it is doubtful there have been any impact assessments on these topics.  The Guardians recommend that in the light of climate change, community distress and urban heritage, these precincts that are claimed as having 'robust' planning policy desperately need a well considered review with planning set within the context of a masterplan, rather than continuing with piecemeal planning that is 14 years old and excessively damaging.  **4 Landscaping of the proposed development area**  The ‘Bush Capital’ concept and ‘Canberra as a city in a landscape’ is apparently to be accorded appropriate respect in landscaping but where are the new public and well vegetated parks in the corridor, establishment of long views outside of the corridor to confirm this as a genuine planning principle?  Also, the landscape character component of the City and Gateway Design Provisions is written vaguely so that there are no clear parameters for landscaping such as establishing a theme of street tree planting on the verges and retaining a theme when road verge trees are replaced. There are no defined public landscape spaces between the groups of blocks of privately owned buildings that can break up the continual stream of blocks of apartments let alone give residents some landscape relief. There is no clarity in defining the frontage of apartments as to what percentage is to be landscaped nor is there a maximum area for concrete surfacing to enable landscaping.  **5 Entry to Canberra**  Guidance to planners and developers is suggested through comparisons invited with other national and international significant urban boulevards. None are mentioned. The comparisons are not obvious and so examples with reasons are required given we are only supposedly dealing with private residential and commercial developments and expected to be expressed in a uniquely Australian formal idiom (see 4.28).  How is the entry to Canberra clearly defined without a welcome and a sensibly located public information centre? Having the information facility now located at Regatta Point was a thoughtless decision. Visitors need an information facility on the City outskirts so they can find out the location of camping grounds, routes to suburbs, with public toilets and free short term parking, without having to travel through the City, cross the heavily trafficked area of the central City and possibly return to northern suburbs. Now is the chance to get the planning for an information facility in the right place.  A themed City welcome is also needed on other major entries to the City.  **6 Design Review Panel**  This Panel needs to be independent and include external, relevant experts and community representatives as voting members rather than comprising only government members.  **7 Extending the Amendment 91 for national interests**  The Chief planner stated in the public review session on 6 February —that provisions of the National Capital Plan are ‘law’ and cannot be set aside by any politician or DRP. The Guardians would like clarification on how some planning proposals set into the NCP can be changed when the planning becomes out-dated and contrary to current environmental standards and heritage concerns. For example the West Basin Precinct Plan that was based on the Griffin Legacy report prepared in 2004.  As the City and Gateway Report was changed in the final edition to include a page on the intended development of West Basin, Amendment 91 needs to be revised to counteract the unfeasible, anti-environment and anti-heritage plan for the West Basin Precinct. |
| 26 | Doug Brown and Julie Edwards | Thank you for the invitation to comment on Draft Amendment 91 to the National Capital Plan. We have a number of concerns regarding elements of the draft which we wish to bring to your attention.  The first stated objective of the draft amendment is to *create an identifiable approach, which increases in formality as it gets closer to the city centre and Central National Area, and which clearly signifies the* ***symbolic and functional roles*** *of the National Capital* (Proposed Policy, page 5). We argue that this objective is fundamentally flawed in that no development along this corridor, either in the past or the present and unlikely in the future, is home to any institutions or buildings that have functions unique to a national capital and which are symbolic of the nation.  Even if this objective were to stand, the document fails to adequately demonstrate how it would be met. In particular, references to development of a world class boulevard symbolic of the national capital and to use of excellence in design are presented without any substantial information about how these twin objectives are to be achieved. A road flanked by increasingly tall and largely residential buildings lined by trees could be an entry to any city or town. This does not introduce travellers to our nation’s capital. It makes no reference to Australia’s states and territories or to the important functions of the capital.  Of additional concern to us is that the document uses terms such as ‘must’ and ‘should’ almost interchangeably. The former suggests that the document provides only guidelines while the latter implies it is an enforceable direction. The example (page 19) below shows how these words seem to be used inconsistently:  *Operable screening such as louvres, sliding, folding or retractable elements* ***should*** *be designed to provide shade and protection from natural elements. Operable screening elements* ***must*** *be integrated with building design ….*  Similarly, the terms ‘permitted’ and ‘not permitted’ appear frequently without it being made clear whether they items to which they refer are the subject of a formal grant-of-permit process. The draft amendment needs to be carefully worded to avoid debates and potential litigation as to the precise meaning of its prescriptions.  While as it is clear from the above that we do not support an avenue of multi-storey buildings as providing an entry of suitable gravitas to our Nation’s Capital, if this must be the approach we would like to make the following points.  Notwithstanding changes made to the Gateway Plan in response to community feedback, we feel there remains room to better match the size of proposed developments with the prevailing scale of their adjoining suburbs. For example, the proposed amendment allows for up to 18 metre developments that would loom over single family dwellings that characterise the suburb of Downer. We ask that the proposed scale of developments in the draft amendment be further reviewed with the character of the adjacent suburb as the foremost consideration.  Land  currently in community-use on the corner of Mouat Street and Northbourne Avenue is earmarked in the draft amendment for multi-storey private development. We are firmly against this change of use and assert that this area should remain as playing fields/related public amenity.  Currently in the document building height limits are variously expressed in metres and as storeys. The NCA Chief Planner at a public meeting on 6 February agreed that it would be possible to describe proposed building height limits in storeys with meterage equivalents in each case, a move which we strongly support.  A stated policy objective of the draft amendment is to support high quality building design. The proposed design provisions provide for 15 per cent of apartments in a building to receive no direct sunlight between 9am and 3pm on the winter solstice. Also, some habitable rooms will only receive natural light via a ‘snorkel’. Neither of these provisions demonstrate leadership in building design excellence and should be amended to ensure that all habitable rooms have access to reasonable light. In addition, the ACT Government has a stated objective of increasing the number of three-bedroom apartments in residential developments. This document provides an opportunity to clearly support this ambition and the requirement for a certain percentage of family-sized apartments should be incorporated.  On page 21 under the heading ‘landscape character’ the document states:  *Planting within setback areas should consist primarily of trees, as opposed to shrubs or other low vegetation. A minimum of 30 per cent of new plantings within setback areas should be capable of achieving at least 15 metres in height.*  The requirement for extensive plantings of trees of a minimum height is strongly supported as a means of softening the visual impact of multi-storey developments as well as for their biodiversity benefits, however the present wording suggests these should be at the expense of shrubs and low vegetation. The latter are important in providing shelter and other resources for a range of small birds and other native wildlife that large trees do not necessarily provide. A diversity of native plantings is desirable and the draft document should require that expert ecological advice is sought in landscape developments to ensure both visual amenity and biodiversity benefits are maximised.  We very much appreciate the opportunity to comment on the draft amendment however we reiterate that this document as it stands is unlikely to contribute to an avenue worthy of an entry to the National Capital. |
| 27 | Patti and Michael Kendall | We write as long term residents of Downer concerned about the NCA’s draft amendment 91(DA91). As all this activity seems to be rushed it appears that little consideration has been given to current residents as:   * long term residents do not want be displaced or rated out of the suburb * newer residents have invested in new family homes and do not want the value and amenity of these to be devalued.   A number of important issues have been ignored:   * no plans for residents to age in place * no proposed traffic surveys * no plans for improved infrastructure * no transition plans.   **Gateway**  Should reflect the garden city aspect of Canberra. This does not mean wall to wall buildings on both sides of Nortbourne Avenue. This is particularly relevant to the section between Antill Street and the Barton highway as this section is narrower than other sections of the gateway. A narrow concrete and glass canyon at this part of the gateway would not be attractive. Buildings should be of good design and should be interspaced with green spaces and trees.  **Downer**  The suburb of Downer is changing. It is evolving as new residents move in and build family homes. It is subject to growth through plans for development at Kamberra Wines, Yowani and the former Downer school site.  To a lesser extent the developments around Dickson shops (Nova and Malabar) already impact the suburb. Further proposed developments (section 72 Dickson) in that suburb will also impact on Downer.  Downer was not designed for high density developments as it has narrow streets (7 metres rather than 10 metres), small block sizes and few footpaths. Urban development proposals should not be considered in isolation. For this reason the ACT planning Strategy 2018 should be considered alongside the Framework and DA19.  There should be an overall plan for Downer as rapid change and growth as proposed will endanger the suburban garden character of the suburb. More importantly it threatens the existing strong sense of community that has been built over many years.  **Northbourne Avenue**  Currently on Northbourne Avenue north of Antill Street there are 2 storey buildings. Consideration could be given to 3 or 4 storey buildings, but no higher. More than 4 storeys would disadvantage residents in the streets behind Northbourne Avenue (eg Blacket street) and lower the amenity of these residents. Again green spaces and trees should be part of any development. The proximity of any development to the light rail makes it ideal to include affordable and public housing.  The suggestion that the area of Southwell Park opposite Downer be zoned for development would result in the loss of more public and green space. Southwell Park should be designated as open/community space.  **Streets behind Northbourne Avenue**  The suggested heights of buildings for Northbourne Avenue and streets backing it such as Blacket, Swinden, Atherton and Banfield lends itself to narrow , sunless places. The consolidation of current blocks would only exacerbate this problem.  In the streets backing Northbourne Avenue the heights of new town houses are 2 storeys (eg Blacket street). This height should prevail as it is already part of change in the suburb.  There is an opportunity for small clusters of single level town houses to be part of this development (eg Grayson Street in Hackett). This would allow ageing in place opportunities for current and new residents. It would also provide the best chance of maintaining the mature street trees.  **Trees**  Downer has already lost many mature trees because of the light rail development. Recent articles have suggested that more trees are needed in Canberra to prevent heat islands. The preservation of mature trees should be a consideration in any overall plan for Downer. |
| 28 | Neil Hardy | Thank you for the opportunity to comment on your draft Amendment 91 to the National Capital Plan, including the presentation of 6 February this year, which I attended. Please find my comments below:  I do not approve of the overall design of rapidly increasing building heights lining the approach to the City Centre: it does not reflect our position as the Bush Capital.  I am greatly concerned at the proposal to allow (which effectively means encourage) building on current common sporting space in Southwell Park in Lyneham, including green playing fields. The NCA comment is that this is to provide symmetry along Northbourne Avenue, and will allow new sports facility buildings to accommodate an increase in population. I find this justification specious at best:  Leaving aside the perhaps unjustified assumption of the requirements of any population increases, Canberra has a shortage of green playing spaces, rather than sports facility buildings as such. The current Basketball courts and green playing spaces are indeed, very heavily used at the moment; removing these for buildings (which may or may not be sports facilities) will impact heavily and negatively on sports in North Canberra. Indeed the current playing fields are not long in place, and were developed in recognition of the need for such open facilities.  It is difficult to see symmetry in the proposal – the area to be allowed for development along the western side of Northbourne Ave is much wider than along the eastern, Downer side, and has no 12 m transition zone.  I am also concerned that Downer will be impacted by three to four storey buildings along its Northbourne Ave side – this will at the least increase traffic and make travel within, and egress and ingress to Downer more difficult, as it will increase parking difficulties for local people – the streets in Downer are generally quite narrow.  Downer is already subject to some high density housing, with a large, 300 dwelling development currently under construction at the site of the former Downer School. The scale of the changes allowed in the Draft Amendment will add unwelcome pressure to our suburb and its infrastructure. |
| 29 | Name withheld | Thank you for the opportunity to provide feedback on the City and Gateway Urban Design Provisions. I have attended both your public presentations in Downer, and found them to be informative and well-presented, and have sympathy for the people who need to front up to what is sometimes a hostile audience!  After having looked at the plans online, I would like to make the following comments:   1. I would ask that the NCA seriously consider residents' views. I can understand the charge of NIMBYism being laid against recalcitrant residents forever opposed to change, but the points that have been raised at the public hearings bear some considered reflection. Sitting down with people one-on-one would allow you to realise that people aren't unreasonable, they just don't want ugly buildings that block their sun or make them feel cut off. Many are supportive of the benefit in amenity that well-done increased densification provides. While the NCA may well be concerned with how the city looks to interstate visitors driving in from Sydney and surrounds (let's face it, most anyone else would fly in, and would not approach Canberra from the Federal Highway - perhaps the approach the NCA should be looking at is Morshead Drive?), the area covered by DA91 is quite large, and to the people in it (and to those of the wider community, please see my next comment) the impacts will be felt every day. Some of you reading this email may well live in the area. 2. The first thing I noticed was the addition, since the Framework was presented to the public last year, of an 18 m building height allowance at Southwell Park (between the Barton Highway and Mouat st). I understand the desire for symmetry across Northbourne Ave, but encroaching on the netball centre and the sport fields removes assets which are both already heavily used and will only be moreso as the city and the Inner North increase in population. These sporting facilities are used not just by people in the corridor, but by all Canberrans, and would be hard to locate elsewhere (creating community space is getting harder and harder with increasing development). Allowing development at Southwell Park is a decision that will be permanent, and Canberra will have forever lost something valuable. 3. What kind of oversight will there be on what is built? At the first meeting I attended in Downer last year (when the Framework was out for public comment) I recall there being talk of a design committee that would approve developments. There needs to be a high degree of public faith in the decisions made by the committee, and that it won't be bullied or pressured into approving terrible designs. Case in point: the three monstrosities on the southwest corner of Mouat and Northbourne. They don't really fit into what I understand the NCA's vision to be for the approach into the city, yet there they will be, for decades to come. If the Gateway approach is to "enhance recognition of the special symbolic and functional significance of the National Capital", it needs to have nationally significant architecture, and not whatever developers are flogging. I note you have laid out building requirements in the Urban Design Provisions, but nonetheless have little faith that, left to their own devices, developers would build something that isn't tacky or cheap and nasty. 4. With regards to the densification of the west side of Downer, are there plans to increase the width of Panton st (what Google Maps calls Northbourne Ave Service Road)? With several hundred people moving in along that narrow strip, one would assume that the skinny little road there would be undersized. This is a question that may be more relevant to your colleagues at the ACT Government (I'm not so clear on where the lines of responsibility lie), but zoning for high density will require a concomitant investment in public infrastructure, which DA91 does not really seem to address.   I wish you luck in completing the plan, and trust that you understand the importance and permanence of the decisions you are making. |
| 30 | Valonia Executive Committee | This submission is made on behalf of the Executive Committee of the private residential ‘Valonia’ complex in response to your invitation for submissions concerning “Draft Amendment 91 - City and Gateway Urban Design Provisions” (DA91).  **Our Interest**  The Valonia complex is located on the land shown below between Wakefield Avenue, Dooring Street and Lowanna street, seen here in the lower right sector of Figure 146 (as provided on page 12 of DA91), immediately adjacent the 220 Northbourne Avenue site.    Figure 146: Development requirements, including permitted building heights, at the intersection of Northbourne Avenue with Macarthur/Wakefield Avenues.  We note that the changes proposed by DA91 deal principally with the land immediately flanking the Main Avenue of Northbourne Avenue (see Figure 1 on page 4 of DA91). However the land upon which our building is located nevertheless falls within the broader Framework and is in any case immediately adjacent to the area subject to DA91.  We are therefore uniquely placed to comment on the likely impact of the proposed DA91, particularly on the residents of our building, on whom the impacts of DA91 are our primary focus in this submission. We are concerned to ensure that the NCA considers the broader implications of the proposed changes on surrounding residents and buildings.  However we note that the proposed changes are also likely to impact on visitors, commercial (both public and private) tenants and employees in surrounding buildings, local traffic and the substantial general public traffic that passes through the intersection of Northbourne and Wakefield/Macarthur on a daily basis. We therefore request you also consider the concerns we raise in this submission with a view to also minimising disruption and any negative effects on those interested parties.  Background  The NCA Plan provides the future development framework and we understand it aims to,  among other things:   * enhance Canberra as the centre and symbol of Australian life and values; * conserve landscape features; * respect the original plan for Canberra; * protect the undeveloped hill tops and the open spaces; and * promote environmentally responsible urban development practices.   We understand that DA91 was originally put out for consultation in March 2017 and that feedback included:   * positive feedback about use of design excellence, travel improvements, diversity of housing types, good solar access and upholding “Bush Capital” and “Garden City” principles; * mixed feedback on building heights and on the Northbourne and Wakefield/Macarthur intersection development plan and reducing Northbourne Avenue to two lanes; and * key concerns raised were around poor design outcomes, increased traffic congestion and particularly, increased building heights in Downer.   We understand that the amended version of DA91 to which this submission relates has been updated to take into account the feedback received from the previous consultation periods, including reducing building heights along the Federal Highway (from 18m to 12m), strengthened design quality and no proposal to reduce Northbourne Avenue to two lanes. We welcome these updates to DA91.  However we are concerned to note that the public consultation session did not include detailed discussion about how the amended DA91 addresses the concerns previously raised about the Northbourne and Wakefield/Macarthur intersection, or traffic congestion more generally. We have nevertheless reviewed DA91 and particularly as it relates to the Northbourne and Wakefield/Macarthur intersection and its impact on Valonia.  For ease of reference, we have addressed a number of key concerns about DA91 by reference to subject matter and these are discussed in turn below.  **A. Understanding proposed building heights and their relationship to Valonia**  We wish to note at the outset that, in preparing this submission and assessing the likely impacts of changes proposed in DA91 on Valonia, we found it difficult to compare in a meaningful way the new heights proposed in Figure 146 (as provided on page 12 of  DA91). Figure 146 includes various development zones of differing heights including a mixture of “RL” values (blue and orange zones) and metre values (yellow and purple zones), with no definitional assistance or ground level measurements provided to assist a lay reader to understand how each of these measurements relate to each other.  After searching through the NCA website we managed to locate a definition which explained that RL617 is defined as being 617m above sea level, or equal to the base of the Parliament House flagpole, and that it is the absolute maximum height that any buildings in the city centre can be built to under the National Capital Plan. In the absence of a ground level RL being specified, this definition was nevertheless of limited value in providing immediate context to how the blue and orange zones related to the yellow and purple zones set out in Figure 146.  On 16 February 2019 the Executive Committee sought clarification from NCA as to how best to compare the various proposed new building heights depicted in Figure 146. Advice received from the NCA on Monday 18 February 2019 and extracted below confirmed that:   * Mantra Hotel site (bottom left sector): ground level RL569, maximum permitted building height 48 metres * Macarthur House site (top left sector): ground level RL571, maximum permitted building height 46 metres * ABC site (top right sector): ground level RL574, maximum permitted building height 43 metres * 220 Northbourne Avenue (bottom right sector, including Valonia): ground level RL572, maximum permitted building height 45 metres   We thank the NCA for their assistance with this, however we respectfully recommend the NCA consider providing information of this nature alongside similar figures in any future public consultation documents. This would greatly assist members of the public to understand and meaningfully compare such measurements referred in the future.  Separately, we understand that the Valonia complex is, at its full height of 9 storeys, approximately RL600 with a ground level RL573. Valonia also has smaller wings on the Dooring and Lowanna Street elevations which are approximately RL584. We also understand from the NCA advice that the number of storeys can differ depending on whether a particular building has a mix of residential or commercial uses.  We therefore understand that for comparison purposes, assuming a ground level RL572, the maximum relative heights of the zones set out at the 220 Northbourne Avenue site in the lower right sector of Figure 146 are:   * Valonia at its peak height RL600 or 28m and at RL584 or 12m for the Dooring and Lowanna Street elevations; * Blue zone: RL617 or 45m (we note this is 17m taller than Valonia’s tallest point); * Orange zone: RL596 or 24m; * Yellow zone: RL590 or 18m; and * Purple zone: RL597/RL600 or 25/27.5m (approximately the same as Valonia).   **Recommendation 1: the NCA give consideration to ensuring future public consultation documents include meaningful comparisons and explanations of measurement terms.**  **B. Impact of proposed building heights on Valonia residents**  Given the immediate proximity to Valonia of the location of the new blue zone at the 220 Northbourne Avenue site, we are concerned that the proposal to substantially increase the permissible height in the blue zone to the absolute maximum allowable presents a number of serious impacts to Valonia residents should a development taking advantage of that maximum height proceed in the future. We consider that the issues discussed in further detail below present a real loss of amenity, privacy, increased costs and may potentially impact on property values within the Valonia complex.  The first concern that this aspect of DA91 presents is the loss of amenity to residents resulting from the overpowering presence of such a large building so close to Valonia. We consider that such a building would potentially encroach on solar access of Valonia residents, particularly from the mid to late afternoon and would be particularly exacerbated in winter when daylight hours are precious.  As well as a loss of amenity due to reduced solar access for residents, we are concerned that such a development could impact on solar gain levels for a solar installation that the Executive Committee is currently actively considering for Valonia, and could negatively affect the amount of useable roof space that could be utilised for solar panels.  This could render certain solar panel placement locations redundant and reduce the overall effectiveness and value of such an installation to the Valonia complex. This could result in a real financial impact resulting from solar gain foregone as a result of such a development, as well as resulting in a real environmental impact in terms of resulting non-renewable energy consumed to make up for the solar gain shortfall.  Such a development would likely overlook Valonia, including potentially providing vantage points into private residential apartments, balconies and courtyards. This could infringe on the privacy of residents and may result in a reduction in use of outside spaces such as courtyards and balconies resulting in a loss of amenity for Valonia residents.  The proposed blue zones at each of the sectors of the Northbourne and Wakefield/Macarthur intersection would permit new development projects that would significantly obscure views for Valonia residents, particularly for the western and north-facing residents of the complex. The presence of such large buildings would detract from the tree-scape currently available to Valonia residents, including views of hilltops.  Additionally, we are aware of owners who have purchased units at Valonia, partly because of the large amount of sunlight access and magnificent views and consider the proposed new building height could reduce the desirability of units within the complex.  **Objection 1: excessive building heights proposed will reduce access to sunlight leading to a loss of amenity for surrounding residents.**  **Objection 2: excessive building heights will allow future developments to overshadow Valonia and may reduce any solar gain on proposed solar installation on the roof of Valonia, reductions in environmental efficiency and financial loss to Valonia residents through reduced energy savings.**  **Objection 3: excessive building heights proposed will allow new developments to overlook nearby buildings, courtyards and balconies, leading to a loss of privacy and amenity for surrounding residents.**  **Objection 4: excessive building heights and lengths will result in obstructed views and detract from the treescape currently available, leading to a loss of amenity for surrounding residents and may impact on the desirability and value of properties within the Valonia complex.**  **C. Impact of proposed development on traffic congestion and parking**  We note the measures included in DA91 that are designed to manage the impact of traffic congestion as a result of the changes proposed. In particular, we support the rejection of the earlier proposal to reduce traffic lanes on Northbourne Avenue from three to two lanes.  We confirm that currently, residents of Valonia are frequently impacted by heavy traffic congestion on the local roads around the complex, particularly during peak hour traffic and when large events are held in Haig Park, Braddon or the City Centre. Additionally, visitor car parking set aside for use by guests of Valonia residents is frequently used by nearby office workers, while on-street parking on Lowanna Street often experiences overflow from nearby commercial and government buildings and the Braddon restaurant precinct.  Given the potential size of the developments proposed for the Northbourne and Wakefield/ Macarthur intersection, we are concerned that DA91 does not adequately consider the impact, particularly on local traffic, of the overall increase in traffic that would result from any new developments once tenanted.  **Objection 5: DA91 does not adequately provide for the management of the anticipated increase in traffic congestion and parking needs arising from the future development of potentially much larger buildings at the Northbourne and Wakefield/Macarthur intersection.**  **D. Detraction from the design aims and principles**  We understand that one of the principal aims of the proposed future development of the Northbourne and Wakefield/Macarthur intersection is to contribute to the increasingly formal procession into Canberra from the highway from the north towards the City Centre.  We also understand that an aim of the design is to maintain some level of symmetry specifically at the Northbourne and Wakefield/Macarthur intersection, starting with green vegetation spaces on the inner corners of the intersection and leading to progressively taller buildings. We welcome those aspects of DA91 that seek to ensure quality design, landscaping and the maintenance of green spaces. However, from a design perspective, we consider that the proposal to raise the permissible building heights at the Northbourne and Wakefield/Macarthur intersection to RL617 is inconsistent with these aims.  Firstly we understand, from the definition of RL617 provided previously, that RL617 is the absolute maximum height permitted to be built anywhere within the City Centre. It would therefore seem inconsistent with the aim to provide a graduating entryway into the City Centre in circumstances where the Northbourne and Wakefield/Macarthur intersection is located approximately half way between the beginning of Northbourne Avenue and the City Centre.  That is, if the maximum permissible building height of RL617 were to be permitted at ‘our intersection’, in order for the consistency with the principle of increasing building heights and formality, then all land between Northbourne and Wakefield/Macarthur and the City Centre would also need to be permitted to build to that height. We would not support such a notion. Otherwise, the resulting design impact would be a climax reached halfway down Northbourne Avenue. Therefore, this does not appear to fit with the overall desired effect.  Secondly, having regard to the proposed blue zones as set out in Figure 146, we consider that the aim of symmetry would not be achieved. We consider that the lack of symmetry as depicted in Figure 146 would only be further exacerbated by the excessive height proposed or the so-called ‘landmark’ buildings.  Instead we consider that it would be consistent with the overall aim of DA91 and the vision for the entryway to Canberra that the maximum building heights at the intersection of Northbourne and Wakefield/Macarthur should not exceed RL600, and certainly must not be increased to RL617. Retention of the more sensible RL600 maximum height at the intersection of Northbourne and Wakefield/Macarthur would allow for parts of Northbourne Avenue closer to the City Centre to gradually increase in height (as they currently do) to reach a final maximum height of RL617 in the City Centre itself, achieving the desired effect of gradual movement from informal entry-way towards a more formal City Centre.  Retaining a limit of RL600 at the Northbourne and Wakefield/Macarthur would have the added benefit of ensuring that any difficulty in managing symmetry could be managed by only allowing the maximum building heights to match the heights of buildings already constructed along this part of the corridor rather than an awkward or unbalanced effect that would appear to be created should buildings at RL617 were to proceed in the blue zones as set out in Figure 146.  Additionally, we consider that the issues identified in Section B concerning loss of amenity, privacy, the environmental and potentially financial impacts of the proposed building heights go against the overall design principles related to good quality design, consideration of impact of new developments on existing neighbours, environmental sustainability, retaining the ‘Bush Capital’ feel and views of the surrounding hills.  **Objection 6: proposed buildings heights of up to RL617 at the intersection of Northbourne and Wakefield/Macarthur is inconsistent with the design principles concerning the gradual procession from informal to formal spaces along with Main Avenue of Northbourne toward the City Centre.**  **Objection 7: DA91 does not adequately provide for the consideration of the impact on amenity, environmental sustainability and for neighbouring properties not falling strictly within the Main Avenue of Northbourne.**  **Objection 8: excessive building heights would detract from design principles to uphold the ‘Bush Capital’ feel by obstructing and overpowering the existing treescape.**  **Objection 9: excessive building heights would detract from design principles to protect views of the undeveloped surrounding hills.**  **Objection 10: excessive building heights resulting in overshadowing of solar installations of neighboring properties is inconsistent with the desire to ensure environmental credentials of new developments.**  We look forward to receiving your response to our concerns and objections to DA91 outlined above. Please do not hesitate to contact Sarah Henderson in the first instance if you have any questions or would like to discuss any of the issues raised in this submission. |
| 31 | Combined Community Councils of the ACT | The Combined Community Councils of the ACT (CCCACT) welcome the opportunity to comment on this Draft Amendment. The CCCACT particularly support the following overarching principle that guides planning in the National Capital:  The pre-eminence of the role of Canberra and the Territory as the centre of National Capital functions, and as the symbol of Australian national life and values.  The CCCACT also support the five objectives designed to guide the policy in the Draft Amendment and the statement on page 11 that “Northbourne Avenue should be distinguished by a formality that is uniquely Australian”. In particular, the CCCACT welcome the introduction of Special Requirements applicable to both Territory land and National land, along with compulsory consideration of redevelopment proposals by the Design Review Panel to ensure the desired outcome along the northern entrance to our National Capital.  It is understood that DA 91 applies only to the main access avenue comprising the Federal Highway and Northbourne Avenue north of its intersection with Barry Drive and Cooyong Street, as well as to adjoining land that is not more than 200 metres from the middle lines of these roads.  The use of the term “boulevard” to describe the desired standard of this access is also noted in Section 4.28. The CCCACT wish to emphasise that this term originated in nineteenth-century Paris in the era of the architect, Georges-Eugene Haussman. The resulting character was of buildings with a uniform height, continuous frontages and no setback from the street, an example being Rue de Rivoli, a character which is not the desired outcome described in DA 91. It is important to avoid creating an urban canyon with an unbroken facade, as in many older cities. Canberra is a new city and should not replicate the patterns of the past but move on into the 21st century acknowledging its challenges, including global warming.  **Landscape setting**  There is nothing that exemplifies Australia more than the natural landscape and flora. The removal of the avenue of gum trees to make way for the light rail has seriously undermined this ethos. It is yet to be shown whether any decent-sized tree can co-exist with rail tracks which need to be kept clear of twigs and other debris, especially given the reduction in width of the area available to trees along the Northbourne Avenue median strip.  **Building heights**  Building height is critical in ensuring that the landscape setting of Canberra is appreciated upon entry. Tall buildings obscure the view of the surrounding hills, the more so the bulkier they are, especially to pedestrians and passengers at street level.  **North of Antill/Mouatt Streets**  Building height has been designed to increase from the NSW border with a height of 8.5 metres (two storeys) to Flemington Road, 12 metres (three storeys) to Panton St, Downer and 18 metres (five storeys) to the Antill/Mouatt Streets intersection. The CCCACT recommend that the 12 and 18 metre heights be accompanied by a specified limit of three and five storeys respectively in the NCP.  **Between Antill/Mouatt Streets and Cooyong Street/Barry Drive.**  There is no logical reason for allowing an increase in height where “*a building includes a residential apartment that incorporates a two story or mezzanine unit”.* The height should beheld at 25 metres with no exceptions to maintain the significance of the entry corridor. Buildingdesign should be within the allowed parameters, not at the architect’s whim. Within the 25 metrelimit there could be articulation in setback, height and bulk in order to add interest and counterthe potential canyon effect.  Figure 146 applies to the intersection of Macarthur/Wakefield Avenues with Northbourne Avenue. It uses two separate measures for building height (RL617, RL596 and 18 m, 27.5 m being cited) but does not give any indication of exactly how tall the first two buildings might be. The tallest original buildings on those sites were ten storeys. As they were commercial buildings, it is possible they were roughly 32 metres tall including rooftop installations. This is the permitted current limit and is proposed for the intersection of Antill and Mouat Streets. Since RL pertains to height above sea level, it is to be hoped that any buildings in the latter area will be under RL617.  In this context, it is noted that the Q&A paper for DA 91states that:  Macarthur/Wakefield Avenues and Northbourne Avenue intersection - permitted building heights are proposed to increase from 32 metres (approximately ten storeys) to 48 metres (approximately 15 storeys) in specified locations.  There is no specific mention of 48 metres in the Draft Amendment and the CCCACT can see no justification for such a height other than as a revenue raiser.  The RL617 measure applies to the Parliamentary Triangle and there have been suggestions that it is unnecessary for the rest of Canberra. The CCCACT disagree with this opinion. Taller buildings, especially when there are many, will simply make Canberra look like any other city around the world, except much smaller and without the landscape setting readily visible to provide a special perspective. It would be an inferior outcome and certainly not produce “a formality that is uniquely Australian”.  **Building setbacks**  The proposed 10 metre setback along Northbourne Avenue is a reduction on the current 25 m setback around the Macarthur Avenue intersection. This will reduce the viewing tunnel down the avenue to Parliament House. It is not clear what the current setbacks are for the rest of this section from Antill/Mouat Streets to Barry Drive and Cooyong Street.  The proposed rear setbacks around the Macarthur/Wakefield Avenue intersection are only six metres despite the buildings backing onto minor roads of quite narrow width – Lowanna and Dooring Streets in particular. Given the increase in traffic from the proposed increase in building number, height and size, these roads might need to be widened in the near future. The extra building coverage of these sites will be imposing on the neighbours across the road. This will also apply in the suburbs of Downer and Watson where taller buildings of 12 and 18 metres will be permitted fronting the Main Access Avenue.  Given the severe reduction in side and rear setbacks in the ACT Territory Plan over the past decade, the CCCACT are concerned by the following statement on page 14:  Rear and side setbacks must be in accordance with the relevant provisions of the Territory Plan.  If privacy is to be ensured, along with provision for shade trees on residential properties, it is desirable that the Special Requirements also specify minimum setbacks, where this is not covered adequately by the Building Separation provisions on page 15.  **Deep soil zones**  A planting zone of five metres for deep soil planting will restrict the varieties of trees that can be successfully used. Most large trees require wider areas, especially if tree roots are not to cause problems with damage to and uplift of footpaths, thus presenting a pedestrian hazard. This is an important consideration as maintenance of footpaths in the ACT is notoriously lacking.  **Access and parking**  Vehicular access and parking is a major issue along this route. Access to buildings from Northbourne Avenue is impractical as it will inevitably be a considerably more congested road, exacerbated by priority to light rail at intersections. ‘Left in, left out’ vehicle arrangements for buildings on Northbourne Avenue will be hazardous in busy periods, potentially delay traffic and risk rear-end collisions.  Access from Northbourne Avenue to buildings has always been restricted to avoid conflict and holdups on the main avenue. Resident vehicle access has typically been provided from the rear. Loading all of the traffic onto narrow streets at the rear of buildings which were not designed for this level of densification, however, will cause numerous problems as traffic volumes increase with more and larger buildings. The residents of dwellings facing onto these roads will be subjected to greatly increased traffic flows with accompanying noise and pollution.  Parking has become a problem over much of Canberra. The lower price of vehicles relative to the cost of housing has resulted in many dwellings with single-car accommodation now having three or more vehicles. These end up being parked on front yards and nature strips, eventually destroying the grass cover and killing trees. In an area like the Northbourne Avenue corridor, the tendency to assume many residents will not have vehicles and, therefore, it is not necessary to provide sufficient multi-car parking, has resulted in the narrow streets being filled with parked cars, thus interrupting the traffic flow and exasperating the neighbours.  Whilst use of petrol-driven vehicles must be phased out, there is no guarantee of how long this will take nor of whether it will reduce the demand for independent vehicles. Careful, realistic consideration must be given to the amount of parking provision needed as this corridor becomes more crowded. The solution to access and parking issues is not obvious but this problem is an unsatisfactory by-product of Light Rail Stage 1 and related development which needs to be considered in depth before it becomes a practical issue generating major dissatisfaction.  **Conclusion**  The vision of Canberra established over early decades is rapidly being undone by a drive to build over as much land as possible and as high as possible. This leaves less open green space to contribute to the character of the Bush Capital. More emphasis seems to be placed on economic values than on aesthetic and environmental values. Apart from these issues, the CCCACT appreciate the effort and thought that is displayed by this proposed amendment. |
| 32 | TP Dynamics / Yowani Country Club | TP Dynamics (TPD) is representing Yowani Golf Club as developer for a mixed-use residential and commercial project, together with new Club facilities on part Block 7 (previously Block 4) Section 67 and Block 14 Section 64 Lyneham respectively.  The proposed development once completed is strategically located with a substantial frontage to the Northbourne corridor. The development will add approximately 1240 apartments and terraced residential units as well as 17,000sqm commercial space and basement parking to the site, a new golf course club house and a public access road, as well as improvements to Sullivans Creek and services infrastructure. Funds from the development will enable the Club to remain viable and to make upgrades and continued maintenance to the course.  At present the development site is partially covered by DCP 15/05 but this instrument does not cover the full development site area or facilitate the proposed land use or intended scale of development. As such, a substantial revision of the DCP would be required to address the proposed development. A Territory plan Variation will also be required to amend the land use zone.  Accordingly, we welcome the initiative by NCA to amend the National Capital Plan (DA91) concurrently with a variation to the Territory Plan to implement the Gateway Framework by facilitating good quality development along the Northbourne corridor including part of the Federal Highway.  However, whilst supporting the objectives and design principles in DA91, we are concerned that some of the urban design guidelines and development conditions may not enable Yowani to reach its full redevelopment potential to the twin objective of financial and other benefits to the Club as well as enhancing an appropriate development density along the light rail corridor with a high quality design that is in keeping with the National Capital approach and consistent with Territory objectives for the light rail route.  TPD has reviewed the draft Amendment and makes the following comments for consideration by NCA:   * Extend the coverage of the draft Amendment to ensure all of the land east of Sullivans Creek is included in the Plan. This action would simplify the application of planning controls for the subject site which currently extends from the Federal highway (Northbourne Ave) to Sullivans Creek. * Building height along the Yowani frontage should be adjusted to permit six storey structures. DA91 restricts building height to 18m but requires a 3.6m commercial height at ground level and 2.7m floor to ceiling for residential. We recommend consideration of increasing building height to 20m (to match expected tree height) along this frontage. This height would enable a viable development and a built form that was consistent with a gradual increase in development intensity moving towards the city centre. At 20m the building height would still be substantially lower than new development at the intersection of Mouat/Northbourne/Antill intersection and would not overshadow adjacent development because of the relatively isolated nature of the site. * Consider the inclusion of an 8 storey building at the intersection of Federal Highway and Barton Highway to act as a marker point for introduction to “urban” Canberra * Clarify the application of Building height datum with ground level to be measured from the adjoining Northbourne Avenue verge boundary, noting the minimum 2% fall from ground floor to verge (non-residential) and for up to 450mm above verge for residential use. We suggest the height datum should be measured from the resultant ground floor level as determined by the use relative to the adjoining Northbourne Ave verge. * Clarify the datum point for the definition of “median centre line” for the determination of building setbacks to the Yowani frontage and blocks in the Section 44 frontage. At present we understand NCA deems the centre line between the Northbourne Ave road carriageways is the median centre line for set-out purposes of building separation of 90m. We have undertaken further detailed investigation around this matter (refer set out survey plan) and there are 3 potential set-out scenarios along this portion of the corridor as outlined below:  1. Using the NCA set-out definition reveals building setbacks relative to the front boundary on blocks within Section 44 (Downer) ranging from 1.5m at the southern (Swinden St) end to approximately 0.5m at the northern (Barton Highway) end. This analysis suggests the building setback is 0.5m over the boundary in this part of the corridor. The building setbacks relative to Block 7 (Lyneham) boundary varies from 21m to 27 to 23m due to the irregular shape of the boundary. 2. Using the centre line of the new Light rail carriageways produces a more consistent arc but reveals similar building setbacks relative to front boundaries as noted in 1 above. 3. Using the existing 6m building setback from the front boundary of blocks in Section 44 Downer as the set-out line for the 90m building separation to buildings on Block 7 Lyneham preserves the current Section 44 Downer zoning setbacks and incurs no building encroachments to these block boundaries. The resultant building setbacks relative to the block 7 Lyneham boundary vary from 17 – 22m due to the irregular shape of the boundary. Although reduced, the Block 7 building setbacks allow sufficient room to meet the objectives of the Informal Park Boulevard including a slip road in Block 7 replicating the existing conditions on the Section 44 frontage. This is the preferred interpretation for Yowani Grounds.   We support the 90m building to building separation in this portion of the Northbourne corridor and recommend option 3 above as this preserves the intent of DA 91 whilst not diminishing the developable rights of blocks in Section 44 Downer and slightly improving the developable rights for Block 7 (Yowani Grounds).  In addition to the building setback and height criteria DA 91 includes a range of specific design criteria to be met in DA submissions. We are led to believe that EPSDD will be preparing an Apartment Code to be included in the TPV to ensure building and design quality is upheld in the Northbourne corridor. We believe the Apartment Code will include and potentially duplicate the design criteria included in DA91. We therefore recommend DA 91 is amended to reflect performance-based criteria upon which assessment can be made via the Territory Plan to avoid potential inconsistencies between the planning documents.  Barton Highway setback – We note DA 91 is silent on building setbacks to the Barton Highway relative to Block 7 Section 67 Lyneham and Block 417 Canberra Central. We recommend NCA amend DA 91 to reflect a 10m building setback to front boundaries of blocks on both sides of the Barton Highway in this corridor zone.  Ensure that the Plan includes the range of land uses proposed on the Yowani site, namely residential, commercial, retail and community land uses. In the event that DA91 is approved well prior to a Territory Plan variation, the current wording in DA91 would not permit redevelopment of Yowani to proceed until the latter was gazetted for the subject site.  We are seeking an early resolution of the Amendment (DA91) to ensure that a timely and coordinated development can occur on the Yowani site.  In the event that other geographic areas (e.g. land east of the light rail corridor) covered by the Plan Amendment generate a delayed timetable for gazettal, we recommend that NCA revisit the current DCP for Yowani as a temporary measure to facilitate the proposed development footprint at Yowani. In our view this approach could include all of the key attributes in the current DA91 and could be done without further consultation (or minimum consultation) given the lack of public objection to the Yowani project and the now extensive public consultation over several years of the Gateway Framework and the light rail project.  We would welcome the opportunity to provide further information as required and to discuss this submission with the NCA at your earliest opportunity. |
| 33 | Downer Community association | Thank you for providing Downer Community Association (DCA) with an opportunity to provide comment on the above draft amendment currently being publicly exhibited. The DCA acknowledges the National Capital Authority (NCA) for its engagement and separate briefing with the DCA on 19 February 2019.  While the DCA supports the **intent** of DA91 as a means by which to ensure the ACT Government and developers adhere to high quality design, building and landscaping requirements along the Gateway corridor, the City and Gateway Urban Design Framework (the Framework) itself requires further amendment, which should also be reflected in DA91. Outlined below are the DCA's suggested amendments. Without amendment, particularly with reference to building heights, the DCA does not support the DA91 in its current form.  We acknowledge the NCA's involvement outside the designated area along Northbourne Avenue is limited under provisions of the National Capital Plan. However, it is the view of the DCA that changes proposed in the Framework will have such significant ramifications for the entire suburb that it is critical for the NCA to take a wider perspective and at least there is strong coordination with ACT Planning to ensure these concerns are thoroughly considered and addressed.  We urge the NCA to take into consideration:   * The *ACT Planning Strategy 2018* that indicates 80 per cent of Downer is to be investigated for 'urban intensification'. The full meaning of this term is yet to be fully articulated by the ACT Government, it is considered a major planning failure that this will be considered in isolation of the City and Gateway provisions. Planning on an ad hoc basis without any commitment to commensurate expansion in social infrastructure throughout suburb is highlighted as key factor of what not to do in planning policy. It will again short change the existing local community as each of the previous higher density Draft Variations to Territory Plan has resulted in the suburb. Therefore, if the Framework permits development of the scale of 12 metre and 18 metre buildings, over a 10-hectare area in the suburb will have major ramifications for all of Downer. * The current Old Downer Primary School CHC project underway is already set to increase the population of Downer by 20 per cent in the one development (300 increase from current 1500 dwellings) with zero contributions provided back for any community or public services. The Framework, as it currently stands, could increase the population in Northern Area - Downer, Watson and Mitchell by up to 4,100 - if not more. Downer has become purely a dormitory residential area as the ACT Government has divested itself public community facilities and land since the period of self-government. So is already significantly lacking in social and physical infrastructure, no traffic management plans to counter being a major target of rat-runs, small block sizes and narrow streets. The unknown impact of further changes is a major concern.   Recommendation 1: Pending an assessment of the cumulative impacts of multiple developments in Downer, a more modest approach to building heights should be adopted (and reflected in DA91).  **Height Increase**  The DCA's primary concern with the Framework is the increase in building height. Downer was originally developed for low cost housing on smaller blocks. The current footprint of Downer reflects that original design concept - compared to the older and more established suburbs of Ainslie and Braddon, Downer has narrow streets (7 metres, not 10 metres), small block sizes (generally less than 700 sq. m) and few footpaths. It also has a number of large and well-established trees. That is, it lacks the fundamentals for ease of urban intensification without major disruption to existing residents.  The DCA is concerned the increase in building heights will lead to overdevelopment and negative impacts of the established suburb. We believe the introduction of 18 metre and 12 metre developments will establish a precedent in building heights that may be extended by the ACT Government to the rest of the suburb, therefore permanently changing suburb and making it less liveable.  The majority of residents in Downer do not want 12 metre or 18 metre buildings next to their house or down their street as it is will fundamentally change the suburb, making it less liveable for the following reasons:   * Overshadowing of established houses causing reduced solar gain, lack of privacy, increase noise levels, and an inhospitable urban environment for current residents. * Increase in traffic pressure. Currently morning peak hour traffic is often at a standstill taking Downer residents up to 20 minutes to leave the suburb along exists in Northbourne Ave and Antill Street (turning into Phillip Ave near Dickson College or Cowper Street). The traffic problems are caused by the sheer volume of traffic and nearby schools (particularly Daramalan College). How the suburb will cope with increased traffic is a major concern. * Increase in the number of cars parking in the streets due to inadequate underground car parking in proposed new developments. This is already a problem in Blacket Street. It is also an issue along Atherton, Cotton and Durack Street however this is due to the Barnardos centre in Atherton Street having insufficient parking for clients and staff. The 'no parking' signage in these areas just serves to move the problem further down the road. * The DCA notes that DA91 mandates that car parking at developments alongside Northbourne Ave should be basement parking. The DCA strongly suggests that this requirement also be extended to any development adjacent to the Federal Highway.   **Panton Street/Northbourne Ave**  The proposed height increase to 18 metres in Panton Street is a radical change from the current 8.5 metre building height. Presently Panton Street is a fairly quiet street that is used as an entry and exit to the suburb. It is also a major cycling road for Watson and Downer residents, including children riding to school in Lyneham - a priority enrolment area for Downer. Increasing building height to 18 metres  would turn Panton Street into a busy street with repercussions for traffic flow in and out the suburb, and impact on cyclists including children riding to school.  Ensuring children can safely travel to schools needs to be a high priority for the Framework. The pedestrian crossing that crosses the tram line at the intersection of Antill Street and Northbourne Ave is inadequate for bikes due to its sharp right angle design, narrow width and small scale. It is particularly unsuitable for tag-a-long bikes or bike trailers that are frequently used to transport primary aged children to school.  Recommendation 2: Change the design and size of the pedestrian crossing that crosses the tram line at the intersection of Antill Street and Northbourne Avenue so it is safer for bikes, including tag-a-Jong bikes or bike t railers.  The Framework states the gateway in Downer should have "buildings generally sitting below tree height" (p.9). However, trees heights along Panton Street, and the adjacent Northbourne Ave, fall significantly below 18 meters - with only about five eucalyptus trees reaching 18 metres and remaining trees, many more, being closer to 12 metres in height.  Moreover, it is unreasonable to expect those residents backing onto Panton Street (Blacket Street and Atherton Street) to be overshadowed by 18 metre buildings.  Recommendation 3: Restrict Panton Street building height (facing Northbourne Ave) to no higher than 12 metres to ensure buildings are in-keeping with the current tree height.  There exists a perception that Yowani Country Club has been driving the height of buildings along the corridor. The DCA believes it should be the community, not a golf course that determines building heights along the corridor.  The DCA notes that it does not seek 'symmetry' or 'twinning' of the Gateway corridor at the site opposite the Yowani Country Club. i.e. it does not seek to reduce the 18 metre building height currently contemplated at Yowani in DA91, however it does seek to reduce the maximum heights on Panton Street to not more than 12 metres.  **Blacket Street**  Blacket Street has a heavy Pinoak tree canopy coupled with a narrow street (7 metres), making it unsuitable for three or four storey buildings due to the closeted aesthetic impact it would have on the street. In addition, Blacket Street already has two storey apartment complexes that demonstrate the closed, overshadowing effect and congestion created in parts of the street as many residents from the complexes parking in the narrow street. This has made a significant part of the street difficult to drive along and less safe due to reduced visibility.  Recommendation 4: Restrict Blacket Street bui lding height to not more than two storeys.  **Atherton Street and Banfield Street**  The Framework states the gateway in Downer should have "buildings generally sitting below tree height" (p.9). However, tree heights along the Northbourne Ave edge of Atherton Street and Banfield Street do not meet this criteria. Most of the trees along Atherton Street are approximately 10 metre in height, and this is more variable in Banfield Street with many trees reaching approximately 8 metres.  As above, it is also unreasonable to expect those Atherton Street residents backing onto Panton Street to be overshadowed by 18 metre buildings.  Recommendation 5:Restrict building heights to allow for not more than two storeys along Atherton Street and Banfield St reet, which is in keeping with the current tree height.  **Setbacks**  The current Framework needs to consider the proposed setbacks further. Currently, it is drafted in such a way that **it** could lead to perverse outcomes. As presently proposed, the setbacks from the centre line of Northbourne Avenue/Federal Highway are 70 metres at the northern end of Downer, but just six metres in Watson. The proposed setbacks encroach on extant dwellings, which could significantly impact on residents by preventing them from renovating their homes. It could also make sale of their homes - including to a developer - highly problematic by only allowing for an impractically narrow building envelope. As the Framework failed to address this issue, DA91 needs to establish rules so that no existing house **in** Downer is adversely affected by proposed setbacks on existing blocks and the proposed setbacks do not push new buildings closer to existing residential buildings.  Recommendation 6:Further detailed analysis be undertaken to ensure that the proposed setbacks do not adversely affect upon existing residents. Setbacks should be designed so that any new developments are not forced to encroach further onto existing residential streets.  **Loss of community and public space**  With the sale of the Downer Primary School site in 2017, and the intended construction of more than 300 dwellings on the former space, there has already been a significant loss of public land in Downer and surrounds. This has put additional pressure on existing public space such as ovals and parks that are heavily used by sporting groups, dog walkers and the community. The DCA does not want more public space sold to developers as this would seem to open the door to allow.  Recommendation 7:Designate the area opposite Southwell Park for open space rather than allowing development of 18 met res in height.  **Ageing in place**  Ageing in place has consistently been a strong community concern expressed to the DCA. The DCA urges the NCA to consider designating certain areas along the corridor for dwellings that facilitate 'ageing in place'. This reflects the demographic of Downer-with many residents having purchased their houses in the 1960's and 70's, who may not be able to afford the dramatic increase in house prices in the suburb as they seek to downsize. The proximity to the light rail is important to this cohort. Ageing in place is more important in Downer now as the commitment by community housing provider, CHC, to include affordable housing in its development on the former Downer school site is uncertain.  Recommendation 8: Designate areas along the along the corridor for dwellings that facilitate 'ageing in place'. |
| 34 | Barry Cundy | Essentially the National Capital Plan Amendment is aimed at setting the groundwork for the transformation of an industrial transport corridor bordering suburban and urban spaces into a national space. The practical difficulty of achieving this some 100 plus years after the establishment of the city will need to be addressed.  Summary:   1. The amendment is oriented to national and immediate construction values. As such it is, in places, not strongly related to the impacts on the suburban spaces it is addressing, More detailed consideration is needed of the specific impacts on existing residential properties. 2. The potential design conflicts between the Northbourne Ave corridor, as an increasingly industrial space, with the NCA's desire for a national space, with the ACT Government's desire for an urban high density space, with the local community's desire for the retention of it suburban character will need to be addressed. The proposed developments will affect the operation of what is a weak transport corridor, especially north of Anthill Street, while adding little to the existing character of the suburbs. 3. The effect of a ribbon development on the existing character of the suburbs, therefore, needs further consideration and an appropriate design framework. This may require a conceptual separation from the Avenue as a National Symbol from the avenue as suburban road serving suburbs already undergoing suburban renewal. Or greater integration of the two approaches. 4. On purely aesthetic grounds the plan to line Northbourne Ave with residential accommodation seems unusually limited with the distinct potential (given the history of poor design and longer-term decline in the social and aesthetic value of existing unit construction in Australia) of producing an outcome which is the complete opposite to the one envisioned by the proposal - a grand entrance dominated by traffic lights, lined with poorly designed crumbling buildings. While the “new“ has appeal it shouldn't be the immediate criterion - a grand avenue lined with long-term parks and major public buildings would seem a more suitable vision.   General comments   1. **The Background:** Although it is somewhat surprising that, after 100 plus years of Canberra as the national capital and the strict planning which that has entailed and the 50 years of benign neglect that the northern section of the Northbourne Avenue corridor has enjoyed the NCA is now interested in the corridor as an area of national interest. The recent ACT Government proposal to redevelop the area with up to 6 plus story buildings as part of a wider framework for the development of the Northbourne Ave corridor is by necessity a preliminary document and as such not as well developed as it might and should be. The following comments relate specifically to the application of the framework to the suburb of Downer and Watson (designated as the zone of Informal Park Boulevard in the framework). The devils, as always, are in the detail. 2. **Conceptual Framework:** While the ACT Government's Framework document is highly geared to the conception of the inner north as an urban space the National Capital Plan Draft Amendment is also concerned with the space a national statement**.** Although this can be true for the areas close to the city centre for much of the region the spaces are suburban and will require the inclusion of frameworks which address the differences between, national, urban, suburban and industrial spaces. These appear, judging from the Framework's and the Amendment's orientation, to centre around the relative value of the home as a centre of dwelling focus vs maximising accommodation and at the same time developing a national space. Both documents' concentration on the external requirements of “place making” is necessary as an initial focus but a wider conceptual framework including the prior existence of “places” would appear necessary as planning becomes more focused. The potential for conflict between the various aims of the residents, local government and the NCA are immediately evident. 3. **Problem of Northbourne Ave as a Residential and National site:** As a long term resident for the avenue (for over 50 years) I can attest that Northbourne Ave is convenient and central but it is not a desirable place to live. It is noisy, dirty (presumably polluted) and exposed to strong westerly winds and strong sun in the summer months. As a transport corridor it is over taxed; dominated by 17 sets of traffic lights, increasing east west traffic flows while also supporting a light rail system which is yet to be proven. As a marginal space it does not enjoy the protections of inner suburban environments nor the pleasurable vistas of a grand avenue. The road is also increasingly congested in peak hours and capacity of the light rail will alleviate that problem is yet to be demonstrated in practice. The orientation of the occupation is by necessity towards the road not the body of the suburb and with the light rail's construction the road's landscape, especially north of Anthill St is moving from suburban to industrial in content. Consequently the proposal to incorporate the new spaces envisioned by the amendment will have a significant impact on the fabric of surrounding suburbs (see below). 4. **The problem of Ribbon Development:** The traditional role of ribbon development as a village or local shopping high street has appropriate value as does the development of along Northbourne Ave closer to the city where it is supported by the Civic and Braddon precincts. However, when applied to suburban settings it is a transport planner's solution to road construction costs and makes little sense in terms of place making as residents are located on a corridor which is primarily transport infrastructure.   In the documents the extension of a Northbourne development to the suburban settings of Downer and Watson represents a ribbon which does not relate strongly with the suburb as a whole. The prospect of placing more people on the route which is already less than optimal as a suburban environment is, therefore, questionable in terms of the the wider sense of community character which the framework wishes to foster. Beyond the proposed urban villages there will be little distinction to living in one section of the corridor to another except in terms of distance and travel times.   1. **Suburban Character :** The problem of increased residential density along the Northbourne Ave corridor north of Anthill Street will certainly mirror the sense of the inner city in terms of noise and pollution exposure but runs the risk of reproducing a series of dormitories which do not relate to the wider suburban precincts well and will operate somewhat like walls.   While the impressions of driving into Canberra are important it is more important to ensure that Canberra is a desirable place to live. Only in the last 10-20 years, some 50 plus years into its existence, is the inner north beginning to develop sufficient regional diversity around shopping centres and distinctive suburban character to make the place an interesting and desirable place to live. It is important to maintain the momentum towards these suburban village communities which we see particularly in around Lynham, Ainslie and Watson. This is not acknowledged as a valuable process in the Framework or the Amendment. This is especially urgent for Downer because it has through past planning decisions, which have not been optimal, lost its school and shops. Both of which have significantly affected its character. The loss of the schools constituted a major blow because their absence created a sense of Downer as a provisional place without a valued viability; a sense that seems to perpetually stalk the suburb as a place. The presence of major roads on the margins and dead shops at the heart of the suburb for many years exacerbated this sense. The suburb doesn't need more damage to its fabric.  *Connection to the existing Character*: Equally important, but not acknowledged in the documents, is the concept of the suburban space as a place of dwelling through the development of a sense of 'caring' for residence, place and community. There is nothing in the framework about how the the proposal will contribute to the existing sense of 'sustainable communities and urban [suburban] culture'. In effect, the implications of the framework which are aimed at developing the urban character of the corridor don't appear to take the impact on the wider suburbs as a whole into consideration.   1. **Transition Zones:** With any major thoroughfare there will be by necessity a zone which transitions between the functionality of the road and the residential amenity of the suburb. At present the Northbourne Ave service road (Panton St), Swinden St and Atherton St perform the important function of safely transporting residents of Downer and Watson on to the major transport routs at the Northbourne Ave and Anthill St intersection. The Framework and Amendment documents do not take the importance of these zones into consideration and in fact the proposals if taken at face value threatens to disrupt the existing function. (See 7b below) 2. **Specific Problems:**   a) *The Canyon Effect:* The issue of proposed building height and their subsequent overshadowing of residents has been canvased in public meeting held by the Downer Community Association. An aspect which was not discussed is that given the existing width of the median strip between the avenue and the service road the impact of the proposed heights of 6 plus stories on the feel of the space will be much greater, mirroring the proportions which are seen closer to the city. This will not achieve the spacious boulevard effect that the NCA is seeking.  b) *Traffic problems:* If the existing street configuration are retained then the impact of traffic movement will present major difficulties. The Northbourne Avenue (Panton St) service road is only 5.5m wide. It is use by cyclists as a way of moving to the Anthill street lights and the Northbourne Ave cycle way. The blocking of car access from the service road to Swinden St will divert all traffic from the development down Panton, Atherton, and Bull Streets onto Swinden and Blacket.  The development of units along the service road will have the capacity to create major parking problems on the street and significantly affect its capacity as a transition zone, as will the increased use of the road resulting from the proposed development. Prohibiting parking will simply shift the problem into the suburb, affect the functionality of the development while widening the road will cut into the separation of the development from the avenue or from the service road.  c) *Northbourne Ave Capacity:* With four lanes, the capacity of Northbourne Ave from the border to Anthill Street is no greater than, for example, Phillip Ave and Anthill St. In fact it is narrower than both. The viability of concentrating more development along that section must, therefore, be limited at some point. The increased number of traffic lights on the avenue will also slow the route down further adding further weakness to it as a major transport corridor for cars especially.   1. **Wider Strategic Context**: The degree to which the NCA's proposal to create a national space can be comfortably accommodated with the ACT Government's aims is potentailly problematic. If the dominant aim is to increase the residential density of Canberra, which appears to be a pressing necessity if the city is to accommodate a significant population growth over the next 13-30 years, then the question becomes whether it is better to concentrate the local increase in a ribbon which will not relate to the suburbs and has the potential to radically affect the fabric of the suburbs or to more carefully plan to distribute more modest developments throughout the suburbs as a whole. A more general discussion on how the Northbourne Ave development would fit with a wider strategy of urban infill and “renewal” would seem necessary.   **Specific Suggestions:**   1. That the NCA and Act Government frameworks be broadened to consider the impact of the avenue on the existing character of the inner north, specifically Downer and Watson. That would seem to require that the NCA and ACT Government plans either be conceptually separated or more adequately integrated.   If the existing street configurations are left intact then the proposed changes to Northbourne Ave are, especially north of Anthill Street, ones of suburban renewal; a process which is already underway and does not need to be linked to the high concept National Avenue aspect which is presumably the focus of the NCA's interest..  If the NCA aspects of the plan are to be implements in their totality then both the framework and the amendment needs to develop further with more detailed consideration of the impacts on specific locations and the existing character of the suburbs.   1. That provision be made for the consideration of integration with the more general plan for the future development of the inner north, especially the suburban areas which have historically not been seen as parts of a national treasure precinct. 2. In terms of the consultation process with Downer residents it would be desirable sooner rather than later to: a) create a set of well- conceived and implementable plans, and b) set up a process which directly address the concerns of those who are most immediately affected by the proposal namely the residents who will have to dispose of property, or have them resumed, to make way for the developments and secondly those who will be affected by shadow and increased and traffic flows. 3. The proposed height of 5-6 plus stories along the Avenue north of Anthill Street seems inconsistent with the plan to scale heights back as you draw away from the city centre. As noted the geometry of the existing avenue would suggest lower heights (3-4 stories with max height 3 stories) would be more aesthetically appropriate for the suburban area. 4. That further thought be given to a more general development framework for the most effected suburbs. For example, further development of varied medium density development (3-4 stories of mixed residential types with maximum heights of 3 stories above ground) throughout the Downer and Watson to try and mitigate the negative concentration of development on the fringes of the suburbs. This would require careful planning to retain and enhance existing suburban character, improve housing range and avoid the loss of entire streets to 2 bedroom units which has happened in O'Connor and Lynham. Consideration might be given to using transferable development rights as a way to effectively facilitate the process. This process requires additional planning but can potentially allow for height variation, diversity of character and dwelling types, while providing flexibility for residents and developers in redeveloping or adding value to their land. It also reduces the sense of winners and losers in rezoning decisions. |
| 35 | Weston Creek Community Council | Thank you for the opportunity to comment on Draft Amendment 91 – City and Gateway Urban Design Provisions. The Weston Creek Community Council offers the following comments.  Council agrees with the philosophy to make this entry into the National Capital to be one of great significance. However, Council does not agree with some of the proposals, significantly the heights proposed on the way in and the setbacks. We see this as a “grand entrance” showing the way to the centre of Canberra and the National Capital and showcasing the “Bush Capital” with green space along the way.  Council would like to emphasise the following points:  **From Antill/Mouatt Streets to Cooyong Street/Barry Drive**  First, a broad outline of what Council considers should make-up this grand entrance along this last part of Northbourne Avenue into the City and on to the Nations Capital Buildings.  The removal of trees and the installation of the light rail track has visually opened up the road area and this is, in some ways, quite pleasant as it now provides an open vista which hasn’t been there for years. This feeling can be built on by careful design and location of buildings and green spaces and allow a more open style more becoming of the entrance into the “Bush Capital”.  This is about the articulation of this area, both vertically and horizontally, and also about the “bulk of the buildings”. To the community, we need varying heights, varying setbacks and a variety of designs. What we do not want is a canyon down Northbourne because of a view that each block of land needs to be fully developed. That is not Canberra as we know it and it ought not to be the Canberra of the future. With a little thought and planning we can avoid the likelihood of a canyon and bring a more open, greener and yet developed and welcoming “grand entrance” to the Nations Capital.  There needs to be the insertion of public open space in terms of small parks or paved plaza areas through the whole area. This would mean that there would not be a continuous façade of just building frontages and this, combined with stepped frontages back from the minimum setback, would provide a real open entry. Indeed, Council feels that the proposal misses an opportunity along Northbourne Avenue to create feeder landscaped streets with activity pods about 400 meters from Northbourne. This creates some interest and is in stark contrast to the wall effect.  As well, there needs to be an effort made to achieve some spatial relationship between buildings. This could be achieved with some marker buildings with perhaps lower buildings having a visual linkage achieved by similar fenestration, similar colours or perhaps similar materials.  What we need is this open, green, yet well-developed welcoming entry into the Capital.  **Heights and Setbacks:**  **Heights:** At page 11 there should be no exception where “*a building includes a residential apartment incorporates a residential apartment that incorporates a two story or mezzanine unit”.* The height should be held at a maximum 25 metres with no exceptions to maintain the significance of the entry corridor. Marker buildings can be incorporated into this so that not every building is of maximum height.  Older buildings, if they are demolished, should be subject to all of these conditions.  The other measure that must be applied here is the RL617 measure which applies to the Parliamentary Triangle. Council understands that there have been suggestions that it is unnecessary for the rest of Canberra. Council totally disagrees with this opinion. And for a second one, ask the people who live in Washington D.C. who have a similar rule. No taller buildings in Washington than that Nations Capitol Building.  Taller buildings, especially when there are many, will simply make Canberra look like any other city around the world except on a much smaller scale. Do we really want this when we have gone out of our way for over 100 years to make Canberra the City that it is today only to become another version of Singapore or Hong Kong or any one of a number of cities.  To allow taller buildings here would be a very poor and inferior outcome.  **Setbacks:** Council’s view is that to make this a grand entrance, the setbacks should be what they are around the Macarthur Avenue Intersection of a minimum of 25 metres. This will allow plenty of scope for this wide, open entrance and stop a tunnel vision down the avenue to Parliament House.  **Between Antill/Mouat Streets and Panton Street/Barton Highway**  To make the Northbourne corridor more significant from Antill/Mouatt Streets to the City, heights in this Section should be kept to a maximum of 12 metres. This area backs onto residential housing and 18 metres height is not of human scale in this area. Setbacks should be at a minimum of 20 metres here.  **Between Barton Highway/Panton Street and Flemington Road/Phillip Avenue**  The heights along here should be held at a maximum of 8.5 metres – again it is within a well- established residential area and to make the height above this would again take it above “human scale”.  Council is in agreement here for the setbacks of a minimum of 70 metres from the centreline of the Federal Highway.  **Between Flemington Road/Phillip Avenue and the ACT/NSW border**  Council is comfortable with the height limit of a maximum of 8.5 metres.  **Building Separations:**  Here we need to balance minimum separation distances for buildings with the need to ensure openness. We actually need greater separation to allow for green space and openness. This is irrespective of the use of rooms and or balconies as the measure as there is no reason to change the minimum separation distances. After all, aren’t we making this a “significant entranceway” and therefore the separation distances should simply be the same and these should be those listed as *“between habitable rooms and balconies”* and a minimum*.*  **Length of Buildings**  Council has a concern with the length of buildings. Should the maximum be 55 metres or should it be less but in any event there should be no exceptions to enable an openness in the streetscape.  **Balconies and Balustrades**  Council agrees with the need for ALL residential dwellings having balcony areas and feels that the:  Studio Apartment should be 10 sq m  1 bedroom with 12 sq metres  2 bedroom with 15 sq metres, and  3+Bedrooms 30 sq metres.  Council agrees with the proposed standards for ground floor apartments.  Council also agrees with the proposals for no clothes drying, storage units or plant equipment on the balconies.  **Roof Design**  Council agrees that service elements and roof top plant must be integrated and be not visible from the streets.  **Ceiling Heights**  Council is of the opinion is that all ceiling heights above the Ground Floor, whether habitable or non-habitable should be 3 metres to allow for sufficient space for air conditioning and heating ducting. In the ACT Legislative Assembly inquiry into rates, Mr George Cassimatis of the Evri Group stated that *"If we want to develop a good quality apartment product that has ducted heating/cooling, then a floor-to-floor building height of three metres is recommended.”*  There should be no exceptions.  **Residential Apartment Design**  This is the prestigious Gateway to Canberra and accordingly the proposed dwellings should have high standards. As a consequence, Council’s opinion is that the minimal internal areas for the various dwelling types should be increased to provide this high standard.  Can we suggest the following:  Studio – 50 sq metres  One Bedroom – 70 sq metres  Two bedroom – 95 sq metres  Three bedroom – 120 sq metres  Council also considers that the minimum sizes of bedrooms need to be increased to:  Master bedroom – 14 sq metres  Other bedrooms – 11 sq metres agree with the proposals in this section.  **Street Frontage**  Council agrees with the proposals in this Section.  **Landscape Character**  Council agrees with the proposals here and with the provision of more trees than shrubs to keep with the character of Northbourne Avenue.  **Access and Parking**  Access should be on the boundary of each proposal with the delineation for pedestrians. Any ground level parking must be at the rear of the building and that car parking should be in basements.  Council would urge a higher requirement for the provision of car parks [an increase in the minimum number of car parking places to be provided] in any building on Northbourne Avenue to stop on street parking for excess vehicles. After all, this area is already overcrowded and to put hundreds more vehicles onto the local streets for parking will create a nightmare for everyone. We see this happening now in Wright and Coombs and other parts of Canberra and have real concerns that a nightmare will develop along Northbourne without additional parking being provided.  Council would also strongly recommend that access from car parking areas should be able to exit via Northbourne Avenue as many of the local streets behind Northbourne Avenue will be unable to cope with the traffic flows at peak times.  **Lighting**  Council agrees that lighting needs to be subdued.  **Signage**  There should be no changeable signs, animated or flashing signs and 3rd party advertising. |
| 36 | Richard Morrison | **Summary**  I am primarily concerned that:   * The Amendment does not provide sufficient clarity in the terminology used, eg satisfactory arrangements, formal character, symbolic, functional, high quality interfaces, and design excellence, to adequately guide developers. Is this to be clarified in further guiding documents that sit below the NCP? If so their nature with some detail should be available now otherwise more precision is required in the Amendment; * Constitution Avenue seems to have been arbitrarily demoted from its former and longstanding NCP planning status as a Main Avenue, why? Was this intentional? In any case the status of it is irrelevant to the purposes of this Amendment and should not be part of it. * Inherent in the Amendment there is confusion over the intended planning status of Haig Park. Is it intended that its detailed planning now lie within the NCP or does the DCP (or other arrangement) still determine this level of planning? * Reliance on developers to identify suitable comparable national/international significant urban boulevards is unsound -they need to be identified. Similarly, help in identifying a uniquely Australian formality is also required; * Respect for the 'Bush Capital' concept and for 'Canberra as a city in a landscape' is appropriate in landscaping but this should be taken to heart further by establishing new public green spaces in the corridor, the retention of wider, distant vistas to surrounding skylines and hills, broader spaces between (smaller), and mandatory replacement of mature trees with trees where they are to be removed, more deep soil zones and fewer hard surfaces; * Stormwater retention for recycling onto vegetation should be mandatory; * The reliance on a simple joint (NCA/ ACT Government) Design Review Panel, which would review redevelopment proposals, is an inadequate mechanism to ensure the objects of the Amendment are realised. Such a Panel should be independent, have transparency and both have community and appropriate, independent expertise on it, effectively constituted to ensure they are listened to. Its form needs to be further detailed in the Amendment; and * The misleading inclusion of a new section on the controversial West Basin Project in the recent joint NCA/ ACT final Government City and Gateway Urban Design Framework document implies that it was previously included in the exposure draft and was supported by community consultation. It was not exposed in this way and there is no demonstrated significant support for the proposal. In fact, the majority of the community that has been consulted on the proposal (by the ACT Government and the Lake Burley Griffin Guardians) does not support it.   **Detail**  4.22 Special Requirements for National Land - 4.22.2 Special Requirements  The five listed requirements are those already in the current NCP. The fifth requirement contains the phrase 'satisfactory arrangements' being made in relation to parking accommodation and vehicular access and egress. The opportunity of this Amendment could be used to improve this particularly vague wording (see below for other similar wording comments).  4.23 Main Avenues - Special Requirements for Main Avenues  One 'Main Avenue' in the present NCP, Constitution Avenue, is not listed in this Amendment along with the other Main Avenues itemised. Its removal is not foreshadowed in the introductory notes for this Amendment. So presumably the Amendment is not being used as a Trojan Horse to surreptitiously remove Constitution Avenue as a focus of the NCP and is only an inadvertent omission that should be reinstated in the Amendment. There are several other typos (including missed or inappropriate capitalisation and poor punctuation that could be corrected with proper editing which are not commented on here further).  4.23 is inadequate if the intent is to replace a DCP for Haig Park with the NCP and this Amendment. (I am unclear if there is an existing DCP as required although there is a Master Plan/Conservation Management Plan under preparation by the ACT Government.) If it isn't intended to replace the DCP in this way then this needs to be clearer in the Amendment as it appears the DCP requirement for Haig Park is negated. At least, there does appear to be a tension between the Amendment and 4.27 that, in my view, needs to be clarified.  Haig Park (Territory Land) appears to be excluded from the geographic area of the Draft Amendment (hereafter referred to as the Amendment) according to Figure 1 (provided in the Amendment's contextual statement at 1.2 The City and Gateway Corridor). However, it is an area that the City and Gateway Urban Design Framework document includes and the National Capital Plan (NCP) indicates is an area with Special Requirements (at 4.27) and for which a Development Control Plan (DCP) is required. At 1.4 one of the effects ofthe Amendment is stated to include:  '3. Maintain the application of Special Requirements for both Northbourne Avenue and the Federal Highway, however contain all policy within the Plan rather than DCPs.' (my emphasis)  Nevertheless, in the Amendment at 4.28 it sets out Special Requirements applying:  'to development on all land (not included within Designated Areas): adjacent to the Main Avenue of Northbourne between Antill/Mouatt Streets and Cooyong Street/Barry Drive ........ '  Clarification is required.  (Also, the NCAs Q&A document concerning the Amendment is in error, stating by omission, that the NCA is not interested in Haig Park although it is in the Corridor and the NCP sets out Special Requirements for it, as noted, at 4.27.)  4.24 Approach Routes - Special Requirements for Approach Routes  The Amendment states:  'As the Approach Routes enter the built up areas, the emphasis will shift to a more formal character.' (My emphasis)  This sounds good but even recourse to a dictionary does not clarify what might be actually expected or result here by this terminology eg. conformity, regularity, conventionality, ceremonial, consistent with prescribed or customary forms .... ?  Further description is required to ensure what is expected occurs. Certainly, individual, discrete, private developments, even conforming to a code of some sort unless it's a very tight code, is unlikely to produce a 'formal character' of an adjoining strip of buildings and landscapes as the character of the strip or avenue need to be assessed collectively. This may be possible if all the developments in the avenue are to be planned simultaneously but this is not a probable scenario and, in any case, to produce a variety of interesting and valued elements within a specified design envelope, a fundamental principle of vibrant urban planning, is undermined by having loose terminology in the codification. Such value-laden and fuzzy terminology allows considerable flexibility for developers to avoid the apparent intent of the codification so the key concept put forward here of 'formal character' requires definition.  4.28 City and Gateway Corridor  Further terminological issues arise here in the phrase 'special symbolic and functional significance of the national capital' as the qualities which manifest (or establish or could reinforce) this significance is not articulated. Here again we have the unhelpful, undefined suggestion that 'progressively formalising' is the way forward.  The recourse to national and international comparison with 'other significant urban boulevards' and that Northbourne Avenue should be 'distinguished by a formality that is uniquely Australian' demands that the other comparative boulevards be listed so developers don't go astray here, choosing the wrong comparisons to guide their planning, and begs the question how one developer will be able to design the boulevard. Each developer is only looking at contributing one component and won't know how it fits into a whole street that is being developed over decades. (Perhaps it is a principle for the prosed  Design Review Panel to uphold but it certainly doesn't help to guide the individual developer very much.) Also, what is a uniquely Australian urban boulevard?  Objectives for City and Gateway Corridor - gives rise to more concepts that are very important, admirable and difficult perhaps, but critical to clarify eg 'high quality interfaces' and 'design excellence'. An attempt should be made, recognising this is a policy document, but noting without guidance these important concepts may be misinterpreted and what might be achieved in this nationally significant Corridor may not be.  Building facades - why are blank walls only discouraged? They should be excluded.  Landscape - Here there is recognition of the need for landscaping to respect the 'Bush Capital' concept and of 'Canberra as a city in a landscape'. This challenges the increased number of buildings and their density, non-human scale and massiveness of the construction being encouraged in the Amendment along Northbourne Avenue and the Federal Highway, but the landscaping solution is inadequate. Greater spaces between and around new (lower) buildings, smaller footprints to allow for further and taller vegetation, larger deep soil zones and the increased encouragement of long distance, broad sight lines to vegetated hills are required. Also, some land along the Corridor needs to be found, in addition to what is currently available, for new public green space. Where existing mature trees are to be removed, trees not just vegetation, must be included as compensation.  Deep soil zones, and in circumstances of large expanses of hard surfaces, need to be combined with stormwater retention on site for recycling as groundwater for vegetation and returning indirectly to the water table. This needs to be managed and monitored, transparently into the future too as there are examples of an initial promise in this area in the Corridor not being fulfilled (such as in the Space complex where, it is understood, large underground tanks were installed along Forbes Street adjacent to the flats but have never been utilised for recycling purposes since installed, during original construction, as no pumps were provided).  Signage - The Northbourne Avenue restrictions placed on changeable message signs, animated or flashing signs and third party advertising signs should be replicated for Federal Avenue.  The reliance on a simple joint {NCA/ACT Government) Design Review Panel, which would review redevelopment proposals, is an inadequate mechanism to ensure the various ill/non-defined 'motherhood' design concepts in the Amendments are satisfied in what is proposed, approved and built. The community needs to be represented, along with external, independent, professional expertise and it should be a transparent and independent mechanism, not a creature of the two governments as both have been extensively criticised as having inappropriate or flawed motives and processes in the development space. More detail is required on the Panel in this vein.  **West Basin**  It is noted that the Amendment specifically includes no coverage of West Basin matters because this has been already covered elsewhere in the NCP. However, it is also noted that the recently produced final version of the City and Gateway Urban Design Framework (Dec 2018) document, jointly produced by the NCA and the ACT Government, now includes a section on West Basin (as one of the several  Framework Plans) whereas the draft of that document only included it incidentally (to boost the estimates increasing development in the Corridor would have on people living in the Corridor for example). This seems a major development to add to the final document at this late stage and where it previously had not been seen as part of the overall City and Gateway Project, so therefore not exposed for consultation as part of it. Public consultation on the West Basin Project has not been adequate to date compounded by many important changes in the components of the project and continuing lack of project detail, since first conceived. It was a significant lost opportunity not to have included it in the  **City and Gateway consultation**  It had previously been presented as part of the City to the Lake Project and not expressed or developed well there. Including it in the final Framework document implies that the controversial and West Basin Project has now been through the consultation process for the City and Gateway Project and it has not.  This does appear to be an attempt by both governments to mislead the community on support for the West Basin Project which appears to be quite low based on ACT Government and Lake Burley Griffin Guardians figures.  Further, to now re-align the West Basin Project with the City and Gateway Project and distance it from the City to the Lake Project suggests opportunism rather than best planning. If it has now been realised that there is no funding to provide for the actual 'city link' by bridging or lowering Parkes Way because of the high cost, perhaps this realignment with this other project around a major arterial corridor (as opposed to just an urban development) is expected to release Infrastructure funding, or similar, from the Commonwealth where it was not previously available to achieve this very expensive linking.  Perhaps this is just cynical speculation about the motives of the ACT Government and the complicity of the NCA in helping the former achieve its aims at the expense of unfortunate Lakeside development, but the inclusion of this West Basin Project in the final Framework document does seem odd and not merely contextual. |
| 37 | Marcus Hipkins | Thank you for the opportunity to comment on the National Capital Plan Draft Amendment 91.  My comments are:   1. I do not support 18m building heights on the Lyneham playing fields (Southwell Park). 2. I would like to see the landscaped areas of at the Macarthur Avenue / Northbourne Avenue intersection expanded to create more usable areas. 3. I would like to see provisions and rules regarding the incorporation of greenery and plantings into buildings themselves, rather than just landscaping around buildings. 4. I would like to see a requirement that each development proposal be accompanied by a report stating how the development meets the objectives of DA91. |
| 38 | Sam Hussey-Smith | I wish to lodge a brief submission on the NCA’s proposed DA91, affecting the Federal Highway/Northbourne corridor.  My principal concern is that setbacks from the centreline of Northbourne/Federal Highway at the northern end of Downer are, at 70 metres, excessive. Not only does that encroach on existing dwellings (making renovations very difficult or impossible) but it also makes the building envelope unattractive to a potential buyer/developer. I strongly urge the NCA to revise these setbacks and allow building much closer to the rear of those blocks along Banfield St. This makes much more sense given the very large bank of green space between the rear of those blocks and Northbourne/Federal Highway. I am concerned that the currently proposed setbacks will force any developments much closer to Banfield Street, when this is not necessary because of the large amount of vacant land at the rear of those blocks. Reducing the setback would also more closely align it with that of Watson’s, which at just six metres, is different to the northern Downer setback.  The only other suggestion I would have is to encourage the retention of the existing playing fields (Southwell Park) on the eastern side of Northbourne and to consequently not allow for buildings in that zone. It is valuable open, community land and I think it would be preferable to keep that.  Thanks for your consideration. |
| 39 | Simone Gray | **Submission to the National Capital Authority on the DA91 that implements the City and Gateway Urban Design Framework**  My vision for a gateway into Canberra is that it should showcase what makes Canberra a unique city - our open spaces, ovals, parks, natural bushland and gardens. The gateway should exemplify and be dominated by the landscape rather than buildings. The gateway should not mimic other cities, it should give visitors a taste of what Canberra really is about and what the people of Canberra value the most.  Whilst the Framework is confined to development along the gateway, changes made to this area will create flow on impacts on nearby suburbs. I urge the NCA not to engage in planning in isolation. As a resident of Downer I believe it is important for the NCA to take a holistic perspective and consider the wider ramifications the framework will have on Downer as a whole. Therefore I have included in my submission issues that the NCA need to consider carefully before undertaking changes that will have disastrous consequences for the residents of Downer.  I also urge the NCA to take into consideration:  The *ACT Planning Strategy 2018* that indicates 80% of Downer is to be zoned for ‘urban intensification’. A term the ACT Government is yet to define however I believe its definition will be heavily influenced by the framework. Therefore if the framework permits 18m and 12m buildings, this could be the ‘nail in the coffin’ for Downer.  The current development next to the Downer shops that is to increase the population of Downer by 25%. The Framework, as it currently stands, could increase the population in Downer by a further 1,000 - if not more. How these changes will impact on residents is a major concern.  Recommendation 1: NCA to undertake a cumulative assessment on the cumulative impacts of multiple developments in Downer before proceeding with the implementation of the framework.  **Height Increase**  My primary concern with the Framework is the increase in building height. Downer was originally developed for low cost housing, it has narrow streets, mature landscaping within the streetscape, few footpaths, and was not designed for intense development.  I am concerned the increase in building heights will lead to overdevelopment and negative impacts on established suburb. I believe the introduction 18m and 12m developments will establish a precedent in building heights that may be extended by the ACT Government to the rest of the suburb, therefore permanently changing the suburb and making it less liveable.  The majority of residents in Downer do not want 18m or 12 m buildings next to their house or down their street as it is will fundamentally change the suburb, making it less liveable for the following reasons:  Overshadowing of houses causing reduced solar gain, lack of privacy, increase noise levels, and a hostile urban environment for residents in established houses.  Increases pressure in traffic. Currently morning peak hour traffic is often at a standstill taking Downer residents up to 20 minutes to leave the suburb along exists in Northbourne Ave and Antill St (turning into Phillip Ave near Dickson College or Cowper St). The traffic problems are caused by the sheer volume of traffic and nearby schools (particularly Daramalan College). How the suburb will cope with increased traffic is a major concern.  Increase in cars parking in the streets due to inadequate underground car parking in proposed new developments. This is already a problem in Blacket St. It is also an issue along Atherton, Cotton and Durack St however this is due to the Barnardos centre in Atherton St having insufficient parking for clients and staff. The ‘no parking’ signage in these areas just serves to move the problem further down the road.  **Panton St**  The proposed height increase to 18m in Panton St is a radical change from the current 8.5m building height. Presently Panton St is a fairly quiet street that is used as an entry and exit to the suburb. It’s also a major cycling road for Watson and Downer residents, including children riding to school in Lyneham – a priority enrolment area for Downer. Increasing building height to 18m, would turn Panton St into a busy street with repercussions for traffic flow in and out the suburb, and impact on cyclist, including children, riding to school.  Ensuring children can safely travel to schools zoned for their suburb needs to be a high priority for the Framework. The pedestrian crossing that crosses the tram line at the intersection of Antill St and Northbourne Ave is inadequate for bikes due to its sharp right angle design, narrow width and small scale. It is particularly unsuitable for tag-a-long bikes or bike trailers that are frequently used to transport primary aged children to school.  Recommendation 2: Change the design and size of the pedestrian crossing that crosses the tram line at the intersection of Antill St and Northbourne Ave so it is safer for bikes, including tag-a-long bikes or bike trailers. Note: This may also be the case for the new crossing at Swinden St/Northbourne Ave, however this is difficult to determine as the crossing has opened as yet.  The Framework states the gateway in Downer should have “buildings generally sitting below tree height” (p.9). However tree heights along Panton St, and the adjacent Northbourne Ave, fall significantly below 18m – with only about five eucalyptus trees reaching 18m and the many remaining trees being closer to 12m in height.  Recommendation 3: Restrict building height to 12m along Panton St, which is more in keeping with the current tree height. Or include a 30 year time limit in DA91 before permitting 18m buildings, thereby giving the current trees, or new plantings, time to grow to 18m  **Blacket St**  Blacket St has a heavy tree canopy coupled with a narrow street tree, make it unsuitable for 3 or 4 storey buildings due to the closeted aesthetic impact it would have on the street. In addition Blacket St already has two story apartment complexes that are creating congestion in parts of the street as many residents from the complexes parking in the narrow street. This has made a significant part of the street difficult to drive along and has reduced visibility.  Recommendation 4: Restrict building height to 8.5m to retain the beautiful streetscape and to ensure a driveable and safer street.  **Atherton St and Banfield St**  The Framework states the gateway in Downer should have “buildings generally sitting below tree height” (p.9). However tree heights along the Northbourne Ave edge of Atherton St and Banfield St do not meet this criteria. Most of the trees along Atherton St are approximately 10m in height, and this is more variable in Banfield St with many trees reaching approximately 8m.  Recommendation 5: Restrict building height to 8.5m along Atherton St and Banfield St, which is in keeping with the current tree height. Or include a 30 year time limit in DA91 before permitting 12m buildings, thereby giving the current trees, or new plantings, time to grow to 12m. |
| 40 | Turco and Associates | INTRODUCTION  Turco and Associates for some time have been working on one of the major sites located at the Northbourne/Macarthur/Wakefield Avenue intersection for our client Evri Group. We have a good understanding of the current legislation pertaining to the site and have reviewed in detail Draft Amendment 91 to the National Capital Plan (NCP) as it applies to our client’s site and also more broadly the four sites that encompass the future light rail stop.  With this in mind we feel that many of the new setback, height and mid-block link controls on the sites in question are too rigid and restrict the potential for quality architecture on each of the corners that can respond to each site’s unique orientation and location. We believe that the outcome proposed has detrimental outcomes for the amenity on and off site for the occupants and users of the spaces and a relaxing of the planning controls will lead to a better community outcome.  CHANGES TO PROPOSED PLANNING CONTROLS  It is worth noting that in the *City and Gateway – Draft Urban Design Framework* (March 2018) there was a lot less detail regarding the potential planning controls which govern the development on these sites. Due to the limited amount of information our client had no comment to make during the public consultation period for the draft framework. It was disappointing to then see in the *City and Gateway – Urban Design Framework* (December 2018) and subsequently *Draft* *Amendment 91* to the National Capital Plan that additional controls were to be implemented or existing ones amended. A summary of major amendments/additions are as below;   |  |  | | --- | --- | | *Draft Urban Design Framework* (March 2018) | *Draft Amendment 91* (January 2019) &  *Urban Design Framework* (December 2018) | |  |  | | Requirement for an active building edge parallel to the  site boundaries | Provision for a large landscape plaza at the corners of all  four sites | | Assumed 27.5m height generally to the site where RL617  marker buildings were not to occur | Further reduction of building heights to RL596 and 18m  building height in part | | Mandated mid-block link along the Southern boundary of  the site | Mandated mid-block link running East-West through the  site | | 6m setback to Macarthur and Wakefield Avenues | 10m setback to Macarthur and Wakefield Avenues | | No discussion of any additional controls | Additional controls regarding quality of apartment design |   It is clear from above that many of the controls in the Draft Amendment are both additional or contrary to the suggested controls tabled early in the draft framework. Whilst we accept and acknowledge the intent of some of the additional controls we strongly believe with some relaxing they could greatly improve the quality of architecture on the corner sites. Had these controls be outlined in the draft framework it would have allowed a more open discussion prior to the Draft Amendment being released for public comment. It is not clear from our review of the public submissions released for public review that any of the submissions had major concerns with the proposed planning requirements and in fact many submissions were calling for increased density on these sites to see them delivered as the urban village intent. We feel that the planning requirements in Draft Amendment 91 were not generated as a response to public concern around the potential development at this intersection and as such we would request the NCA consider our alternate planning requirements below which we believe blend the best parts of the two frameworks.  RELAXING OF PLANNING CONTROLS TO ALLOW MORE RESPONSIVE DEVELOPMENT  Along with the interested parties at 219 Northbourne Avenue we have generated the below proposed planning requirement diagram for the four sites for your consideration.  The Proposed Development Requirements in Figure 2 have been generated to address the concerns that we have with the Current Planning Requirements in Figure 1. To illustrate why we believe a change to the requirements are required, below we will address each of our concerns in a series of diagrams. To do this we will compare a potential development built to Draft Amendment 91 to an alternate design on 220 Northbourne Avenue [Block 9 Section 7 Braddon]. It should be noted that whilst this may not be the scheme that may be lodged in the future it does reflect the work we had done on the site in alignment with the March 2018 Draft Urban Design Framework and we feel this scheme achieves the main intent of Draft Amendment 91 however the rigid planning controls would restrict this more responsive solution and prohibit a better outcome for the community.    Figure 1 – Current Development Requirements (from Draft Amendment 91)    Figure 2 – Proposed Development Requirements  BUILDING HEIGHTS AND MANDATORY BULDING LINES  When looking at approved and built residential development along the Avenue it is clear to see that to achieve the current solar access requirements for apartments buildings have been built in a North-South orientation to best take advantage of solar access. Requiring that the applicants on these sites build the tallest building (to RL617) in a mandated East-West orientation will make it difficult for the development on the Winter solstice to achieve 3 hours of solar access to 70% of apartments and 1 hour to 90% of apartments as the shadows cast by these buildings will prevent solar access to the Southern portion of the sites (refer Figure 3 below). Additionally, the resultant number of apartments that would be built facing South in the RL617 building not achieving 1 hour of solar access on the winter solstice would be more that 10% of the development making the development non-compliant. This is in contrast to a built form that could be built in a North-South direction and best take advantage of the solar path throughout the day. A scheme in this orientation also permits solar access into the centre of the site and to the mid-block links at desirable times in the day.  We believe the Proposed Development Requirements as shown in Figure 2 will allow the applicant to better ascertain the opportunities and constraints and create the best result for the sites and the broader community. Whilst we appreciate that the zones for built form to RL617 are increased we are certain that the additional controls regarding apartment standards will not permit the over development of these sites.    Figure 3 – Shadow Analysis Comparison (Building to Draft Amendment 91 vs Alternate Scheme)  LANDSCAPE PLAZAS  Whilst we support the intention to create plazas over the four sites which will act as a landscaped pause along the Avenue we believe the proportion of these spaces should be reconsidered. As the tram stop will be sited on the Northern side of the intersection we believe that the plazas on these sites should be larger or equal to the plazas on the Southern sites. In figure 4 below we have looked at a deepening of Northern plazas (North-South) and a thinning (East-West) to better yield spaces that are more appropriately scaled to the orientation and location of the tram stop and allow better solar infiltration throughout the day. We have then mirrored these spaces to the Northern sites to create the large urban plaza.    Figure 4 – Solar Access to Landscape Plazas (Development to Draft Amendment 91 vs Alternate Planning Requirements)  MID BLOCK LINKS  Whilst we fully support the intent of a mid-block link through the larger sites to prevent development becoming a barrier between the surrounding neighbourhood and the tram stops we request that the location of the mid-block link be determined by the lessees. We believe this to be the best result for several reasons. Referring to Figure 5 it is clear to see that the mid-block link location proposed in Draft Amendment 91 will constantly be in shadow from the building to the North. An alternate option showed on this page shows how a mid-block link could be oriented to improve solar penetration into the development and provide a more direct route to the landscape plaza and tram stop. Determination of the mid-block link location by the lessee will also result in a more appropriate location for ground floor activation of potential commercial spaces to best suit the resultant development layout.    Figure 5 – Solar Access to Mid-Block Link (Building to Draft Amendment 91 vs Alternate Scheme)  BETTER APARTMENT STANDARDS  Whilst we fully support the implementation of the standards around apartment standards, we strongly believe these should be placed within the Territory Plan to apply to all apartment developments in the ACT. Based on our experience on jobs in other jurisdictions that have introduced similar guidelines a reduction in potential yield has occurred and it would only be fair to the lessees down Northbourne Avenue not to be competing unfairly with other projects to which the guidelines wouldn’t yet apply. Until the guidelines are legislated throughout the ACT many sites on Northbourne may remain not developed to their full potential as developers concentrate on other projects or wait for a level playing field.  CONCLUSION  We thank you for the opportunity to submit our thoughts on Draft Amendment 91 and believe with some minor changes to the planning controls we can together create the vibrant node desired at this prominent intersection. To reiterate we strongly believe a relaxing of the controls will give the architects flexibility for each site to best formulate a scheme that would create a unique combined architectural language for this prominent intersection along Northbourne Avenue. This would allow a creation of private and public spaces of a quality that these unique sites demand. We would welcome the opportunity to discuss this further prior to the finalisation and approval of the Draft Amendment. |
| 41 | Sue Dyer | I submit the following comment on NCA’s Draft Amendment (DA) 91, City and Gateway Urban Design Provisions, as issued on 21 January 2019  This submission focuses on some issues linked to the NCA’s aim of requiring high standards regarding quality, design, construction, and landscaping for the Gateway corridor as well as associated matters. These may reflect less well on the NCA and the ACT Government if they are not recognised and addressed via DA91 and/or other regulatory processes.  The issues raised are linked to questions of clarification for which answers are needed, not just for the benefit of ACT residents, but for those interstate and overseas visitors who look for the significance and ‘difference’ in Australia’s national capital.  The scale and long timeframe for the Gateway redevelopment suggests that the NCA, as the Gateway enabler, and co-signatory to the ‘City and Gateway Urban Design Framework’ (December 2018), must create and maintain a strong overarching leadership role in this long term project of national significance, to ensure long-lasting, high quality outcomes, functionality, and much pride at the national as well as the local level.  Thank you  **I General application of the provisions along the Gateway:**  **clarification; additional requirements**  1. **Objectives and context underpinning changes to the legislation**  There is insufficient supporting and convincing explanation in the DA about how the Gateway **elements** and **outcomes**, as discussed and supported by DA 91, and in the context of the NCA/ACT Government ‘City and Gateway Urban Design Framework’ (the ’Framework’), December 2018, will   1. *‘reflect… the significance of Canberra as the National Capital’* (DA, p. 3) 2. *‘enhance… the role and status of the city’ (*DA, p.8) 3. *‘enhance… recognition of the special symbolic and functional significance of the National Capital’* (DA, p. 10) 4. make ‘*Northbourne Avenue… distinguished by a formality that is uniquely Australian’* (DA, p.11) 5. deliver *‘improved quality of the public domain and buildings and [the] additional employment and recreational opportunities’* and ‘an improved use experience and sense of identity’ (Framework forward by ACT Government and NCA) 6. make *‘travellers immediately aware of the special symbolic and functional significance of the National Capital’* (Framework, p.5) 7. ‘*celebrate Canberra’s unique landscape character’* (Framework, p.5) 8. ‘*place(ing) more value on public spaces that promote pedestrians, cycling, and public transport and the provision of social infrastructure required for sustainable communities’* (Framework, p.5)   There are no convincing statements to support the quotes above.  The DA’s focus is on identifying requirements for the quality, design, and materials for built forms along the corridor from Watson to the lake and associated hard infrastructure in the spaces around these forms as co-signatory to the Framework, the NCA and DA are equally responsible for ensuring the points above are also achieved.  Question 1:  How will the DA ensure that the Gateway corridor is much more than a major transport corridor (8 lanes of busy traffic – 6 vehicular and 2 light rail) flanked by many large and tall buildings (principally residential), with some overdue and improved landscaping, the likes of which can be seen readily interstate and overseas?  Question 2:  How will the DA ensure that the Gateway delivers ‘special and fundamental significance’?  overdue improvements, as described in the Framework, to the much degraded ‘bush capital’ vegetation on the current approach way to the CBD is more about regeneration and maintenance  the vegetation can become a far more significant, or even ‘unique’ element of the Gateway and national capital if it is made much more dense (II  4 refers).  Question 3:  How will the DA ensure that national or symbolic buildings and functions and other elements will be incorporated into the Gateway’s make-up?  eg employment opportunities linked to the growing knowledge and education economy and science and innovation, and the federal government’s focus on these as national objectives?  **2. Clarifying the Gateway’s existence and purpose in relation to intensive residential development**  Without a clear description of how the Gateway will clearly signify ‘the symbolic and functional roles of the National Capital’, it would seem that the NCA is aiming to co-deliver a long corridor that would be seen as somehow notable or significant just for its urban densification, that is, residential infill  if so, this needs to be acknowledged clearly ‘upfront’ in the DA and any supplementary documentation, and the Gateway focus needs to show how it will deliver ‘world class’ densification.  In order to seek national significance or symbolism, clear evidence is required in the DA, associated regulations, and other policy development guidelines about how forward-looking approaches to achieving ground-breaking design and delivery of urban infill will be explored, planned for and put in place, not only in relation to built forms, pavements, landscaping and the like, but also with regards to sustainability, mitigating climate change and ‘heat island’ impacts, plus meeting high standards of liveability and accessibility   * via such foci and criteria the NCA can seek to display a national approach to infill development which the Gateway’s form is contributing to significantly and must prove successful for decades to come * all the components must, for example, meet not only ACT Government policy and planning objectives, but also respond in guaranteed practical ways to already known research on, for example, design and impacts of high density living on the mental and physical health of adults and children and how these can be addressed in the immediate greatly urbanised surroundings (3 below also refers).   **3. ‘People’ objectives and amenity**  The DA policy objectives aim for the Gateway to ‘provide amenity, assist with climate control and create comfort for pedestrians’ and ‘encourage sustainability as a base requirement for all new buildings’ (DA, p. 5).  The DA should be worded to ensure that these aims are supported by adherence to all relevant ACT and national strategies as a means of delivering best and visionary practice for the highly concentrated kilometres-long Gateway, eg the ACT Planning Strategy, the ACT Climate Change Adaptation Strategy and the DA should require consideration and application of new technologies to meet these needs, particularly in relation to the counteracting of considerable ‘heat island effects’ that the Gateway will cause in its immediate environs and across the surrounding suburbs (the ACT Planning Strategy and the Framework refer to significant heat island effect and the growing need to reduce urban heat).  Question 4:  How will the DA ensure provision of high quality, attractive, spacious and lush welcoming public spaces and social participative infrastructure public spaces at regular intervals along the corridor?   * to counterbalance the impacts of high density living and working for many thousands along the immediate corridor * to draw others to the Gateway day and night (ie support the urban culture referred to in the Framework) * to foremost support urban health and participatory opportunities instead of what the Gateway is currently – a busy, noisy traffic corridor that is also part of key National Freight Route Tier 1 (ACT Planning Strategy, p.59) and the ACT Government’s intention to focus on further Tier 1 freight route opportunities.   Question 5:  What overarching processes will the DA notify to ensure the Gateway delivers a high quality, liveable, useable and appealing environment not only for travellers to wander around and envy but for many thousands of residents for whom the Gateway will be their permanent home and local community?  Question 6:  How will the DA ensure that the Gateway provides arriving travellers, other visitors, and local Canberrans a ‘place’ experience related to the National Capital (ACT Planning Strategy and Framework, pp. 53 ff refer)?  Question 7:  How will arriving travellers (ie by car or bus) be encouraged to stop on the Gateway and wander or participate in what the Gateway should offer, and not be deterred by the noise and bustle linked to 8 lanes of transport   * what will entice them to stop and where will their cars or buses park? * what range of built forms and other spaces will entice nearby locals and other Canberrans to visit many parts of the Gateway corridor during the day or night?   Question 8:  How will the DA ensure that the Gateway will not become a mere dormitory corridor and/or an Airbnb precinct for much of the day?   * how will accommodation, and the focus on infill (residential apartment complexes, hotels) be balanced with quality employment nodes and attractive retail opportunities (as opposed to 7-11 convenience stores and the like) in the Gateway’s urban ‘hubs’ or ‘nodes’?   Question 9:  How will the DA ensure that the Gateway provides an immediate attractive and appealing on-the-ground opportunity for people-focused activity that is not accommodation or local employment-related   * ie activities that encourage a lot of use of the Gateway during the day, not just immediately in the ‘nodes’ and the ‘hubs’, but nearby - again, to avoid the whole Gateway as presenting as a more modern model of 1960s Australian ‘ribbon’ development, or as ubiquitous dormitory or largely Airbnb precincts * the Framework’s discussion of service ‘nodes’, for example, also refers. (eg pp 44-45).   The questions above relate to the fact that ‘*placemaking*’ (Framework p. 53 ff) for the Gateway focuses primarily on spaces and land not along the corridor, but beyond it, and the DA pays little attention to this objective within the actual corridor itself.  As a joint provider and enabler of the Gateway, the NCA has a responsibility to ensure that the Gateway needs to be not just viewable. It has to also be liveable, appealing, accessible and useable for a wide range of people (ACT or non-ACT-based) day and night if it is to capture and convey any sense of national significance (eg as a vibrant urban entity).  Otherwise it will resemble the façade on a movie set – or perhaps the thin skin of a Canberra bubble   * how will this be avoided by the DA?   **Overall:**  Question 10:  How will the DA ensure that the Gateway corridor conveys a high degree of significance, attraction and appeal that will make it one of ‘the’ places to visit, stop at and experience when in Canberra, rather than just be a pass-through carriageway with mere glimpses from a car or cross border bus?   * if international and national experts can’t envisage the Gateway as ever being recommended as a ‘must see’ or ‘must do’, on the international stage, then it has failed before it starts, in its ‘national’ purpose and objectives * existing for transitory impression- making upon ‘travellers’ is insufficient grounds for the current design and focus (which strongly appears to be limited to ‘major transport corridor + residential + intermittent temporary accommodation’), particularly when most travellers will need to have their eyes firmly on their place in three lanes of solid vehicular traffic at all times * having the Gateway only accessible to fully automated cars would enable a good look around while moving along it but this may never happen; even if it does happen, ensuring a high level of amenity and attraction for people on the ground - either visiting and ‘participating’ along the Gateway in the intervening decades - should be the focus and priority for any DA and the Gateway’s completion (see II 4 5. (3) below re timeframes needed to track the whole Gateway redevelopment)   Question 11:  What would other Australians like or expect to be able to see and do along a significant symbolic ‘approach way’ to their national capital   * have they been asked? * will they be asked? * if asked, how will the results of any consultation be incorporated and managed by the DCA - via the DA, or other means?   Question 12:  Can the DA notify a more pro-active response to the many spaces to be filled in along the Gateway, eg via architecture and design competitions or similar, to help guarantee the design, quality, placement and integration of built forms and generous public spaces in the many precincts along the actual Gateway?   * if not, how will innovative design and integration of principles of sustainability, climate change mitigation and the others described in the Framework, be achieved? * how will ‘world class architecture’ be delivered, not just at the ‘nodes (Framework, p. 44), but all along the corridor, including areas that abut the 1960s garden city suburbs?   Question 13:  How will the DA ensure (p. 7) adherence to the ACT Government’s ‘putting people first’ principles along the Gateway, particularly in relation to all forms of ‘active travel’ so that quality of daily life related characteristics are met to high standards also, eg thermal comfort, shelter, direct and efficient pathways, safety from traffic noise and vehicle emissions, pedestrian priority over vehicle traffic and provision of public facilities, including toilets and water fountains?  This would also be in line with the Framework’s interpretation of the Griffin Plan to ‘provide high quality of life for all its citizens’ (Framework, p.7)   * this ‘people’ focus and requirements are needed to encourage and increase ‘people’ utilisation and visitation rather than have them discouraged by poor design and lack of vision * poor support for people ‘on the ground’ is already evident in parts of the redeveloped Gateway, along the rail tracks, eg * awkward, ugly and unprotected hard-surface crossings at Gateway intersections and between rail stops * lack of ‘soft’ landscaping around the public access ways and absence of shade protection in such weather-exposed areas * lack of adequate shade on all east-west facing rail stops along the Gateway * lack of underpass/underground passage facilities for thousands of pedestrians to move to and from the Civic and Dickson interchanges and adjacent rail stops each day, all of which will hinder smooth passenger transitioning and connecting to the next mode of transport (bus or rail) in a timely and efficient way and will simultaneously impede the flow of traffic, cyclists, walkers on Northbourne Avenue * the lack of safe underpass facilities for pedestrians and cyclists at the now more complex and exposed Antill-Mouat Streets/Northbourne Avenue intersection with the same impacts on people as at the Interchange crossings mentioned above * the minimalist and mostly hard-surfaced weather-exposed, heat-trapping and glary new Dickson Interchange on the edge of the Gateway; the clear lack of lush tree and softening landscape plantings is plain for all to see and experience   **How are these outcomes, already allowed to date, compatible with the claim of a ‘world class architecture’ approach** (Framework, p. 44)?  **4. Guarantee delivery of the Framework’s improved public amenity despite now much reduced space.**  The Gateway has had a questionable focus and history to date. While the Griffin Plan wanted to create a ‘showplace for the nation (Framework, p. 7) with, inter alia, ‘generous public open spaces’, ‘cultural institutions’, ‘grand vistas’ and ‘commemorative landmarks’, such key elements were missing from the ‘grand boulevard’ concept proposed originally in 2018.  Unfortunately, landmarks could be perceived only as even higher marker buildings to be dotted at intervals along the whole corridor, including next to 1960s garden suburb single block housing.  While some ‘landmark’ buildings or towers were reduced in height, the final Framework also retreated from the core foundation of delivering a ‘grand boulevard’ with fewer lanes of traffic, instead retaining the core 6 lanes of vehicles and 2 rail tracks as main ‘vista’ components   * the consequent loss of significant public space on both sides of the major transport gateway component suggests that the DA needs to ensure that the remaining public space is exceptionally well-designed, landscaped, and shaded to support an increasing number of pedestrians and bike traffic, including via protected cycle lanes (Framework p. 15) * all users’ interactions with the Gateway must be pleasant, comfortable, efficient and safe.   Unless the DA ensures strong design requirements and quality infrastructure at ground level that ‘puts people first’ and truly encourages the high use of public transport and pleasant walking, the corridor will   * come to resemble the uncomfortable and unappealing expanses of hard surfaced wastelands that characterise the public transport corridors that were delivered post the Second World War in European cities, particularly in the East * deter locals and visitors alike from visiting the Gateway components.   Provision of high standard public amenity (ie non-building forms) elements must be developed simultaneously with all built forms, in a coherent and coordinated way   * according to the wide range of ‘people-related’ objectives and principles referred to in DA 91 and described at length in the Framework.   **5. Achieving high quality and significant outcomes for all over along timeframe**  **1. Address DA language**  The language in the DA and other related documentation should be far stronger and consistent to ensure that the NCA’s expectations and vision for the Gateway are recognised, delivered, and maintained over time   * words like ‘encourage’, ‘may’, ‘should’, and ‘might’ are too weak and are inappropriate in an already pressured and contentious ACT planning environment that is managed and delivered by a range of government agencies in conjunction with private sector developers and the building industry.   The Gateway is to be delivered for public purposes. The public, both inside and outside the ACT, need to have faith and confidence that the claimed high quality and design Gateway parameters will be adhered to responsibly from the start or even improved upon over the next 2-3 decades of development   * the well-documented sorry history of too many major new area and infill development projects in the ACT, the associated well-recognised ‘building defects crisis’, and the ACT Government agencies’ inability to simultaneously and effectively address and deliver adequate and integrated social and community and parkland infrastructure in proactive and community-responsive ways, will require more than a few new planning processes and the continued operation of the Design Review Panel.   The ACT Government’s planning and land authorities have maintained a largely narrow focus on encouraging and supplying a swathe of residential development, with too little attention paid to the needs of current and new residents, or improving the surrounding environment in quality ways according to well established principles and directives laid down in the ACT Planning Strategy, the Framework, and other relevant strategies.  The Gateway’s long process of transition will therefore require not just strong direction, unambiguous language and timely monitoring, review, and enforcement, but also an ability by both agencies to consistently coordinate and undertake delivery and quality control and maintain continuity of approaches over a long period of time.  **2. Design Review Panel role?**  The role, responsibilities and operations of the now 5-year old Design Review Panel (DRP) should be made more transparent and may need to be utilised at far earlier stages of the planning of large built forms in the Gateway and their surrounds.  The public needs ready access to information about DRP considerations, its recommendations, and remedial follow-up by ACT Government and developers, as well as all other specific Gateway-related design control implementation in relation to specific projects.   * such information, in plain English, needs to be routinely available on-line, in public places such as libraries, on an ongoing basis * the DRP must be well-resourced to provide thorough assessment of Gateway proposals, to ensure the required follow-up is pursued, and the ACT Government agencies take responsibility for monitoring and ensuring compliance * in addition, community groups should not be left to voluntarily identify, on a currently increasingly ad-hoc basis, government planning or development oversights on inconsistencies regarding any stated NCA requirements (*Canberra Times*, 11 February 2019, “Developer told ‘to address’ issues” for $50m Constitution Ave project refers: See also 3 below about DA timeframes and reporting).   In view of the above points:  Question 14:  How will the DA ensure that the ongoing work of the Design Review Panel and other control processes will proceed, and be adhered to, in a publicly transparent and timely manner?   1. **Timelines, data and regular reporting required**   The City and Gateway corridor is expected to accommodate an additional 37,000 dwellings (Framework pp 16-17), ie not just along the immediate corridor, but in adjacent areas - the DA should roughly indicate the number of new dwellings expected to be abutting the actual corridor   * this will be an overall reminder of the extent of urban densification anticipated and why carefully coordinated planning is required over the coming decades.   Question 15:  Can the DA roughly indicate how many of the 37,000 “City and Gateway’s” new dwellings are expected to be on the Federal Highway – Northbourne Avenue corridor land?  The Framework (p. 5) mentions a broad ‘collective long-term (2030+) vision’ for the Gateway. An early 2018 ACT Government consultation with inner north residents confirmed the 20-30-year timeframe for broad implementation   * unfortunately, neither the DA nor the Framework seeks to recognise, or address, mitigation of long-term implementation inputs on residents within and near the new corridor, nor how supporting improvements to policy implementation and approaches will be committed to over time * a 20-30-year timeframe with continuing disruption over many kilometres and ‘uplift’ on edges of existing suburbs, eg Downer, leaves much scope for not assisting the timely or aesthetically pleasing completion of the Gateway as a nationally significant approach way, or be welcomed by travellers or residents: the level of light rail upheaval is a key example of negative visual impact impressions on visitors.   Question 16:  Will the DA include commitment to the provision of a long-term time-frame that shows and updates infill and re-use projects along the whole immediate Gateway corridor, including the number of dwellings involved?  Question 17:  How will the DA ensure an integrated master plan approach to the whole Gateway, so that whole street blocks or precincts are not developed in an ad-hoc piecemeal manner over many years?  Question 18:  Will the DA commit to provision of six-monthly reports on Gateway implementation and progress against key objectives, and by precinct?   * the public requires clear and easy-to-access descriptive and visual information, on an ongoing basis, about all projects and upgrades planned, current and completed, along the whole Gateway, the impacts expected and the means by which disruptions and ‘uglification’ will be minimised * regular public information sessions for inner north residents would also provide needed input into implementation procedures, issues arising, and expected ‘people’ inputs.   **4 Standards for visual impacts and site containment**  **Question 19:**  **Can the DA require that high standards of ‘site containment’ along the whole corridor over the life of the redevelopment are established, and adhered to by ACT Government agencies, developers and builders?**  DA attention to such matters is also necessary in view of the ACT Government agencies allowing development sites near the Gateway to become long-lasting eyesores   * eg demolition blocks are left vacant, weed infested and unkempt for many, many years (13 years at the Watson shops to date) * eg the large Marcus Clarke Street – Barry Drive concrete ‘wasteland’ precinct which contrasts badly with the adjacent ‘Town meets Gown” redevelopment and what is already being constructed close by along Northbourne Avenue.   The ACT Government has shown that it is quick to have buildings demolished and the sites cleared, but is far less able to monitor and ensure that developers and others take responsibility for maintenance, screening and regular cleaning up of cleared sites.  The Gateway must not be allowed to inflict two or three decades of transitional urban ugliness and other negative impacts on current and new residents and also on visitors expecting a nationally significant entrance way, and the NCA must help ensure this.  The NCA should ensure that good quality visual barriers – such as high steel fencing – are used on an ongoing basis to improve the visual impressions of travellers and ACT residents of the Gateway as it develops, and to reduce dust and noise penetration into the increasingly populated corridor and into the adjacent suburbs   * a consistent and pleasing visual environment along the nationally symbolic Gateway during its long development phase is required that will be far better than the low, flimsy, quick-to-turn-to-tatters cloth screening fencing used during the much shorter timeframe of light rail construction * many visitors and locals were not impressed by such poor screening * the early planting of a denser ‘urban forest’ from Antill Street northwards would also operate as an effective and pleasing-to-the-eye visual barrier to scores of construction sites in the years to come (II4 refers).   **II Revision of specific area applications of provisions along the Gateway,**  **particularly in relation to Downer**  **1. Renormalise the heights of new buildings along the Gateway edge of Downer**  There are a number of reasons to maintain the existing heights of residential buildings from Antill Street to Phillip Avenue, ie reduce the maximum heights of proposed new residential buildings in that area of Downer adjacent to the Federal Highway, from the stated maximum on p. 11 of the DA of 12 metres and 18 metres, down to 8.5 metres   * this would make the suburb consistent with the Gateway’s interface with Watson, the suburb adjacent to Downer and of similar character, and for which the building heights along the edge are set at 8.5 metres from Phillip Avenue westward (DA p.11) * arguments for the greater heights on the basis of symmetry are unsustainable and unnecessary if a slightly amended approach to intensify the “Bush Capital” appearance is introduced and reinforced from the ACT/NSW border and the Antill Street/ Northbourne Avenue intersection (see 4. below).   These reasons concern retaining the current level of liveability (and quality of life for residents current and newly arriving), accessibility and the retention of the well-recognised and valued character of Downer as a post-WW2 designed garden city suburb (Downer Neighbourhood Plan, 2004 refers)   * in addition, negative impacts arising from the current levels of densification in Downer and other such suburbs in other parts of Canberra have not been managed or resolved satisfactorily by the ACT Government.   traffic impacts from the proposed increased heights and density increases at Downer’s Gateway edge require recognition   * since the Framework was finalised, the function and design of both Swinden and Panton Streets – the two key Downer/Gateway interface streets (Framework >?>?>?>?) have been altered considerably the ACT Government two Panton Street entries on to Swinden Street have been closed off and those ends of Panton Street turned into cul-de-sacs. * impacts: Swinden Street, with its direct interface to Northbourne Avenue now presents as a major potential ‘rat run’, given the increased Gateway traffic expected to result from increased thousands travelling from inside and outside the ACT as new dwellings are built as part of the Gateway north of Antill Street and more development occurs in lower east Gungahlin, and east of EPIC * all occupants of new Gateway ‘approved’ buildings in the northern section of Panton Street will only be able to exit the suburb by negotiating a series of narrow loop streets to reach either Philip Avenue to the east or eastern Antill Street * it also seems that all new Gateway buildings on the southern part of Panton Street will have very limited entrance and exit access, and onto the already congested Antill Street.   On these grounds alone, limiting the number of new residents along the Gateway side of Downer by way of reduced building heights would be the best solution in terms of minimising traffic problems within and across most of the existing suburb, and its roads which were specifically designed to not carry through traffic   * thus improving the amenity for all residents.   The current physical amenity of Downer residents must be maintained and, desirably, improved by Gateway implementation, rather than be degraded and allowed to worsen over time   * neither the DA, nor the Framework, address or acknowledge the predictable range of impacts on suburbs that (like Downer) are an integral part of the Gateway project and so cannot be ignored by both Framework entities * the current and future liveability of these suburbs must not be sacrificed by the placement of unnecessary higher residential buildings on their Gateway edges north of Antill Street.   **2. Abandon the concept of western symmetry for the edges of the Gateway north of Antill Street – retain public space (Southwell Park)**  In addition to reducing negative Gateway impacts on Downer by scaling back the heights of buildings on the Downer/Gateway interface to 8.5 metres (as discussed above), there should also not be any urban infill, including the mooted 18 metres high building opposite Downer in the current public space north of Mouat Street-Antill Street (Southwell Park  This area must not be slated for development, between Mouat Street and the Yowani redevelopment   * the greater concentration of people living along the immediate Gateway, particularly from Dickson northwards, have too few spaces already to access for formal, informal or recreational and leisure activity * current public spaces such as this one must be retained, improved and upgraded for a range of public uses, including opportunities for a range of ‘free-of-charge’ activities * for equity reasons, shaded, green, welcoming and open public spaces must be provided for informal social and recreational activities * covering public spaces with only commercially-run sporting or recreational facilities and options such as those housed within large mixed-use or residential complexes will not necessarily be accessible, or appropriate for, many and will stifle exercise or healthy lifestyles for a wide range of age groups who will ultimately be living in the vicinity.   A range of southern Southwell Park offerings other than the planned high density residential or commercial developments would also be a drawcard for Gateway living in the northern end of the Gateway   * it would complement well the current uses, participation opportunities and sense of openness that is currently highly valued there * the Southwell Park public area would be easy for many to access on foot or bike, and the nearby Swinden Street rail stop and the bus stop on Mouat Street would also provide quick, convenient access for others, and so encourage its use for a wide range of outdoor activities and other interactions over the coming decades.   Improved visual and vegetation treatment of the corner of this area is described at 4 (e) below.  **3. Passive cooling requires Gateway noise reduction**  Retaining 6 lanes of traffic throughout the Gateway will encourage more traffic movement, use and noise, including heavy vehicles entering Canberra   * most freight for construction of the Gateway will pass by Downer and Watson along National Freight Route Tier 1 which is an integral part of the Gateway (Question 4 above, and 4 below refer).   In keeping with sustainable and cost-effective practices (for residents too), new dwellings on the Gateway/Downer interface must incorporate passive cooling options for use particularly at night after high daytime temperatures   * however, growing noise from cars and trucks on the Federal Highway/Northbourne Avenue and major events at EPIC already carries into the middle of Downer homes at night when windows are left open for cooling purposes   Liveability factors, including low energy costs for new dwellings for Downer, and current residents, can be improved as part of the Gateway redevelopment if   1. a dense ‘urban forest approach’ is designed for the area north of Antill Street (see 4 below) 2. efficient vertical noise baffles are also required behind the forest 3. the idea of transitory ‘travellers’ needing to have glimpses of residential buildings along the northern part of the Gateway is abandoned and 1) and 2) adopted.   Question 20:  (a) What standards and regulations will be set, and by whom, to deliver the Gateway’s ‘low carbon living’ and its energy design components?  (b) Can DA91 refer to what will occur to ensure this objective and its components area addressed?  (c) How will the DA ensure incorporation and useability of passive cooling in new dwellings on the Downer/Gateway interface?  (d) How will the DA support active noise reduction for new dwellings on the Downer/Gateway interface and across the suburbs of Downer and Watson?  **4. Retain positive visual Gateway impacts without built form for symmetry north of Antill Street - via a denser urban forest**  The Gateway vision is still predicated on the need for high density and quite tall buildings on both sides of the Federal Highway north of Antill Street   * but a recourse to ‘symmetry’ of built forms will contribute to serious longer-term negative impacts for life in an established suburb (Downer) and lead to substantial loss of land for broad community use and enjoyment.   Yet a sense of symmetry can be achieved by other means:   1. improved harmony along the northern parts of the Gateway could be achieved by a denser and well-designed urban forest along the full entrance from the ACT/NSW border to Antill Street 2. the benefits would be numerous, more appealing and wide-ranging as such an urban forest would:  * be 100% consistent with, and would promote and preserve the national capital’s ‘Bush Capital’ moniker and image * be consistent with ACT Government’s years of promotion of ‘Canberra’s ‘Urban Forest’ * provide a high level of visual appeal and public interest * be a unique approach way to a national capital – more so than the proposed one of possibly providing unnecessary glimpses of built forms through the vegetation (with associated liveability problems for residents, such as noise) * complement and the mass plantings at the Arboretum * better support key ACT Government policies regarding sustainability and climate change adaptation * better recognise ‘Canberra’s unique landscape character’ as well as pride in being the ‘bush capital’ * better help reduce noise along the Gateway for both new residents along it and those within Downer and Watson, particularly since part of the Downer/Gateway interface is the National Freight Route Tier 1 and heavy vehicle noise carries readily across the suburbs (ACT Planning Strategy, pp 58-59 refers, also Question 4 above) * reduce noise from major events at EPIC for residents of Downer, Watson and Hackett * enable further noise reduction across these suburbs if an efficient, long, soundproofing wall were installed behind the trees * enable both sides of this section of the Federal Highway-Northbourne Avenue to be considered as ‘a whole’ in a relatively short space of time * and so achieve some consistency early on at the beginning of the Gateway approach * provide and efficient and effective means of screening the lengthy construction phases that will happen at different times over 20-30 years on both sides of the Gateway * and so reduce exposure to sources of ‘uglification’ and ‘yet another construction site’ along the Gateway, plus dust and noise * hide any non-high quality commercial buildings and other facilities already of the western side of the Gateway until they are replaced * hide any recent built forms, eg the large Canberra Park student hostelry which fails to present a pleasing façade of the quality required for the Gateway, principally because both ACT Government planners and owners have not ensured investment in significant planting to soften the perimeter and other features * enable the retention of southern Southwell Park (see 2 above)  1. any changes over time to the Gateway’s built environment behind this dense urban forest would not have to be rushed and would enable a fully integrated evidence-based plan for redevelopment and thoughtful incorporation of new public use facilities 2. priority would need to be given to the forest from the ACT/NSW border to Antill Street in order to quickly counteract the extremely poor visual outlook and impacts currently experienced. These result from not only years of relative neglect and lack of vegetation ‘infill’, but also from the degrading of verges, creation of dust bowls, the loss of vegetation and its benefits, between Phillip Avenue and Antill Street, particularly on the Downer side  * current Downer residents require urgent remediation of this area and priority for a dense urban forest infill would help to re-establish thermal, noise, and dust protection  1. particularly lush, tall, and attractive plantings should also be developed on the corners of Mouat Street/Federal Highway (Southwell park), and Antill Street/Federal Highway (Downer), where the public park space has been much degraded by rail-related work (4.d above refers)  * the positive visual impact of such plantings would be mentally calming and provide an ‘oasis’ effect to those experiencing the increasing congestion, queueing and delays of cars, buses, pedestrians and cyclists alike at the Mouat Street/Northbourne Avenue/Antill Street intersection * the mass of vegetation would help to counteract the ‘heat island’ effect of the increased expanses of the heat-trapping and exposed surfaces in and around that intersection due to the light rail * and the fact that no shading has been incorporated into the intersection’s infrastructure  1. a denser urban forest-based norther Gateway would provide for a solid, contrasting, backdrop for avenues of the national flags of all the countries represented in Canberra. 2. in one place, and with great simplicity, this would strongly portray Canberra’s unique character as a ‘Bush Capital’ which hosts the world’s representatives on the nation’s behalf. 3. This approach to a Gateway is simple, visible, meaningful, affordable, easily initiated and different.   **Conclusion – NCA’s task**  The NCA’s – and the DA’s – task is not just to guarantee that the whole of the Gateway will be significant and symbolic in various ways, but also to ensure visionary layout, space and place-making occur within far more ‘lush’ approach and landscaping.  Only then will it become an attractive place for people to be in, stay in and use day and night.  The Gateway needs to be perceived and experienced as much more than a major, noisy and difficult to negotiate transport corridor.  If the Gateway works well and easily for a wide range of people it will be seen as a more liveable and attractive, thus earning wider respect as a place that is both personally and nationally significant, a draw-card, and a locale to be emulated.  If it does not work in these terms, it will be a dull, car-focused dormitory corridor, quickly perceived as dirty and noisy, of little interest and less appeal, except to those working nearby or transients returning to their apartments at night to eat and sleep.  The denser ‘urban forest’ approach to recreating the northern part of the Gateway is simple, visible, meaningful, affordable, easily initiated and would ensure that both travellers and residents were immediately aware of a ‘different’ and densely ‘green’ entrance way to the national capital. |
| 42 | Marianne Albury-Colless | Thank you for the opportunity to comment on Draft Amendment 91 City and Gateway Urban Design Provisions.  This is a most important policy and I endorse the Amendment’s stated intention to set ‘excellence’ as a design principle to underpin changes to land flanking the Federal Highway and Northbourne Avenue. It is entirely understandable, and most definitely commendable, that specifications for architectural design details: building height, setbacks, surfaces, facades, balconies balustrades etc., are set out in such detail. It is evident that much thought underpins these details. However, there is a compelling need for a greater emphasis on overarching planning principles and controls. It is highly desirable that we see greater evidence of integrated planning for the whole of the inner city, indeed all Canberra. How does this policy align and integrate with the ACT’s City Renewal vision and strategy? What appears to be piecemeal planning hardly does justice to the national capital of Australia.  **Time, engagement and consultation**  As the ‘legislative object or goal, key objectives of the Plan’ is, as stated, to signify Canberra and the Territory as Australia’s national capital, I urge the National Capital Authority (NCA) to consider extending the time frame for response to this significant policy and to have the courage to undertake comprehensive consultation.  It is of concern that the look/feel i.e. aesthetics ‘special symbolic and functional significance’ etc. are not specified in other than vague terms and that the arbiter of-taste responsibility rest with a joint National Capital Authority/ACT Government Design Review Panel. Surely a more appropriate and better option is a panel independent of government. Perhaps it is also time the Australian community/ies had a say in the approaches to their national capital. This could be effected with a national design competition.  While, ‘Canberra Bubble’ was named as the 2018 Word of the Year by Australian National Dictionary Centre, and ‘Canberra-bashing’ is a national sport, these attitudes would appear to be applied mainly to politics at the Federal level rather than at the fabric of the national city itself. As stated in the Smart Cities Plan submissions report ‘All Australians have a role in shaping the future of their  communities’ (infrastructure.gov.au/cities/smart cities/plan/files/Smart\_Cities\_Plan\_submissions\_report.pdf) and this Draft Amendment is about Australia’s capital city. It would follow, therefore, to engage with the broader Australian community on how they would like to see their national capital develop.  Further, one could assume, such community engagement would be in line with other public consultations available on the Department of Infrastructure website  infrastructure.gov.au/department/ips/consultations.aspx. I note that Draft Amendment 91 does not appear on this site.  **Planning principles**  While design principles are set out, it would be good to see real evidence of excellence of ‘detailed planning’ principles. It could be presumed that a Risk &/or Regulatory Impact Statement (RIS) would have been undertaken in conjunction with this policy change. Thus, it could be assumed that due consideration has been given by both the Australian and ACT Governments regarding impacts such as overshadowing, traffic, recreation and education facilities, community wellbeing etc. not only along the proposed corridor but also on adjacent streets and suburbs on the western & eastern sides of Northbourne Avenue.  It is also imperative, with the now generally accepted more rapid onset of climate change/global warming, that planning for resilience with increasing intensification of weather events must be properly addressed. Has this proposal been put to CSIRO’s Urban Living Lab?  *Operating as* 'innovation zones'*, Urban Living Labs bring together local community*  *knowledge with trusted scientific expertise to undertake action-based projects that*  *produce information, tools, technologies and processes for more resilient cities.*  *www.csiro.au/en/Research/LWF/Areas/Resilient-cities-21C/Urban-challenges/Urban-Living-Lab*  A policy proposing extensive high-rise built-form in this vital corridor would ideally indicate how increased energy, water demand and consumption would be addressed as well as directions for implementing the most advanced communications infrastructure. Presuming that Canberra aspiring to be a resilient ‘Smart City’ how well does this proposal align with the Smart Cities planning recommendations as outlined at infrastructure.gov.au/cities/smart-cities/plan/index.aspx?  Point 5 (p. 11) Objectives for City and Gateway Corridor needs strengthening by replacing ‘Encourage sustainability as a base requirement for all new buildings’ with ‘Sustainability is mandated as a fundamental requirement for all new buildings’. Replacing ‘shall’ with ‘must’ (pp. 19, 21, 22 24) with regards to all adaptive responses to climate change is surely essential in what obviously lies ahead in the 21st century.  Is the depth and width of the verges on either side of Northbourne Avenue extensive enough to enable survival of tree plantings and for those trees to provide a significant contribution to assist ameliorating the proposed urban heat island effects, in this case of a very long island? Is the proposed plot ratio also sufficient to make an appropriate contribution to alleviate heat bank effects?  What scientific studies have been utilised to provide relevant and robust input to this Amendment which has the potential to set standards for other Australian city street scapes? Perhaps what has been learned from CSIRO’s *Mapping Surface Urban heat in Canberra* could be applied on the Northbourne corridor as well as the other main entrances into Canberra. See [www.environment.act.gov.au/\_\_data/assets/pdf\_file/0005/1170968/CSIRO-Mapping-Surface-Urban-Heat-In-Canberra.pdf](http://www.environment.act.gov.au/__data/assets/pdf_file/0005/1170968/CSIRO-Mapping-Surface-Urban-Heat-In-Canberra.pdf)  **Monitoring, Evaluation, Adjustment and Compliance**  How is the City to Gateway Amendment 91 to be monitored, evaluated and have necessary adjustments made over time? To achieve the desired excellence in quality construction, the look and feel signifying main avenues and approach routes to Australia’s capital city, also requires compliance with the prescribed design and planning principles. Relying on powers of persuasion for those undertaking high-rise construction to comply with such design and planning principles appears patently inadequate both nationally and internationally. How will compliance be achieved? What regulatory framework will control construction, materiel selection, inspection and certification? It is quite apparent that, with Sydney’s Opal tower and the disastrous Grenfell Tower combustible cladding catastrophe in London, citizen/consumers are rightly concerned about building standards and lack of government oversight and enforcement.  Are there sufficient legal processes and robust legal requirements in place to regulate the implementation and enforcement of this policy? It is unlikely that vision setting alone will be enough if a low-bar compliance regime is considered adequate by law makers and the respective bureaucracies.  If, as stated (p.3) the ACT Government’s EPSDD will undertake to vary the Territory Plan how will Amendment 91 be actually interpreted when so much in the Amendment is rather too vague rendering its intent and objects too open to interpretation. It would seem problematic if two jurisdictional policy documents co-exist resulting, potentially, in conflict and when legal processes do not appear to have been clarified or resourced.  What processes for dealing with perceived breaches of design principles and specifics – and presumably, more specific planning principles and controls – are available for community councils, resident associations, or concerned residents? In the fullness of time, as proposed changes to the approaches to Canberra are implemented, it would be reasonable to expect, that both the ACT Administrative Appeals Tribunal and community groups, will require greater resourcing.  The table below provides additional comments adjacent to specific sections of the text.   |  |  | | --- | --- | | Draft Amendment 91 extracts | Comments | | Pre-eminence of the role of Canberra and the Territory (p. 2) | #91 lacks visual impact to effect marking the pre-eminence of the national capital. Further detail and examples are required. | | Conservation and  enhancement of  the landscape  features (p.2) | There is insufficient information as to the measures that would enable conservation & enhancement of landscape features that are deemed significant. Have these features been listed, described, mapped for the approaches under consideration? What infrastructure would be required to enhance these features or retain their capacity to be seen? | | • Respect for the key elements of the Griffins’ formally adopted plan for Canberra  • Creation, conservation and enhancement of fitting sites, approaches and backdrops for national institutions  And ceremonies as well as National Capital uses (p.2) | Presumably ‘backdrops’ etc. visible from the approaches to Canberra sum, in most cases, to vistas or some of Canberra’s few iconic buildings such as Parliament House and the Australian War Memorial. Where are the ‘sites, approaches & backdrops’ listed & images of these elements made public? Already major vistas have been lost or will be lost with proposed high-rise apartment-building on Vernon Circuit obliterating the University Avenue vista. Griffin’s water axis to West Basin is now compromised by the Henry Rolland park water inclusions. What efforts have been made to ensure that further vistas to the Brinabellas, Lake Burley Griffin, Mt Ainslie, Black Mountain & Mt Majura etc. will not be obscured? | | …development of a city which both *respects* environmental values and *reflects* national concerns with the  sustainability of Australia’s urban areas (p.2) | ‘respects’ and ‘reflects’ are too weak. Environmental values and sustainability should be the hallmark of National Capital planning and be fundamental to design & planning in Amendment 91. | | Maintain and enhance the landscape character of Canberra and the Territory as the setting for the National Capital  (p.2) | ‘landscape character’ requires defining. If it means extensive, uninterrupted vistas across Lake Burley Griffin to Black Mountain, the Brindabellas, Mt Ainslie etc. with low building heights to enable these vistas to be viewed, then this needs to be made explicit. | | Protect the undeveloped hill tops and the open spaces which divide and give form to Canberra’s urban area (p.2) | Appropriate height restrictions along the various corridors/avenues will be necessary so that hill tops can be viewed from these various approaches & so that ‘form’ can be actually determined to the naked eye. Open spaces must be given a high level of protection to act as the city’s ‘lungs’ and to provide relief from what appears, at present, to be a proposed extensive wall of built form. | | Provide a plan offering flexibility and choice to enable the  Territory government properly to fulfil its functions (p.1) | Compliance and enforcement of laws and regulations relating to building construction proposed in Amendment 91 must be an essential component of the ‘functions’ of the Territory as in any other diligent jurisdiction operating under ‘the rule of law’. | | Support and  Promote environmentally responsible urban development practices (p.2) | As cited in the Smart Cities Plan ‘Green, sustainable cities—with tree coverage and green spaces—provide significant benefits to their residents’  <http://infrastructure.gov.au/cities/smart-cities/plan/index.aspx>. Measures to improve the sustainability of buildings and communities are now even endorsed by COAG [www.coagenergycouncil.gov.au/publications/trajectory-low-energybuildings](http://www.coagenergycouncil.gov.au/publications/trajectory-low-energybuildings) so how are these initiatives to be captured in the proposed developments to Canberra’s gateways? This would be an opportunity too good to miss. | | The Framework sets out the overarching  principles for urban renewal and growth in the city centre and along the corridor to  achieve well-designed and sustainable buildings, urban infrastructure, public places and streets that is appropriate for the gateway to the National Capital (p.3) | How is ‘appropriate’ to be determined? How are the governance, compliance and enforcement arrangements to be determined to effect these principles? | | 1.1 Federal Highway and Northbourne Avenue corridor forms a key approach (.3) | Certainly, this is an important corridor but not the only one. In many instances, visitors coming from the west, south or east, may return exactly the same way they came. If this were so they would simply not experience most of the corridor. | | ACT Government’s EPSDD will undertake the process to vary the Territory Plan (p.  3) | As above, further information on this process would be welcomed. | | 1.2…other areas of NCA interest within the area subject to the Framework (for  example, ANU, City Hill, and West Basin) …policy for these areas is robust…(p.3) | ‘Robust’ would definitely not be the term used by very many Canberrans who are far from agreeing with what is happening to City Hill and deeply concerned with the proposed loss of green space at West Basin. There is general disquiet about lack of genuine consultation on planning proposals as witnessed at the public meeting held in Albert Hall 10 September ’18. | | 1.3 …sets a vision…supported by a series of strategic goals, principles and design criteria.  Re Proposed policy: a. Identifiable  approach  d. …deep root  plantings  e. ‘Encourage  sustainability’ (p.5) | How well has this ‘vision’ been genuinely road tested?  What planning criteria have been used? Has impact on the roads and blocks adjacent to the west and east of the corridor been considered?  a. Appropriate elements that signify an ‘identifiable approach’ need to be considered for use with the other major approaches to Canberra.  d. Such plantings will require infrastructure if they are to survive let alone flourish.  e. Canberra should be setting the benchmark as a planned city and therefore sustainability should be mandated. | | 1.4 DA91 Effect  (p.6) | Concerns relating to potential impacts revealed by a thorough RIS have been outlined above & include effects on suburbs either side of Northbourne Avenue, compliance, resolution of issues with potentially misinterpretation between duel jurisdictions | | 1.5 Draft Amendment process 2./3. Remove DCPs Maintain the application of Special  Requirements… 4. Territory planning authority to continue to administer Special Requirements through the Development Assessment process (p.6) | Have the effects of points 2 & 3 been subject to RIS?  Considering the extensive urban high rise proposed is there certainty that the Territory Government has sufficient resources to administer arrangements through the Development Assessment process? | | 1.6 Public  consultation (p.6) | As mentioned above, provision for more time to enable broader consultation is highly recommended. A genuine attempt to engage with an Australia-wide younger demographic would be useful – they will be living for decades with the results/consequences. | | 4.22 Special  Requirements  4.22.2 ‘Adverse environmental impacts…redressed to the extent practicable.’  (p.8) | Recommend this be strengthened to read ‘to the extent possible.’ | | 4.24 Approach routes  (p.10) | Some evidence of the desirability of integrated planning regarding appropriate design elements for these other approach routes to Canberra is mentioned above.  Constitution Avenue appears to be missing from this list. | | 4.28 ‘special symbolic  and functional significance’ (p.10) | Please see comments above. Examples of ‘significant urban boulevards both nationally and internationally’ would be useful. | | Objectives 5. (p.11) | Sustainability must be mandated as a base requirement for all new buildings. The juggernaut of population growth intensifies the need for sustainability as all services will be consumed in conjunction with the corresponding increase in population. | | Building envelope:  heights (p.11) | The gradual increase in building height is noted. However, if we are to enjoy the landscape character of Canberra and be able to view landmarks, hill tops, vistas the lower the building height the better. The higher the building the more extensive the plot ratio should be to enable intensive tree planting that is, if there is to be a genuine attempt to reduce urban heat effects. | | Building setbacks ‘…a minimum of 10  metres…’ (p.13) | Is this distance sufficient to enable the growth of wide canopied trees for effective cooling?  Is this distance also capable of displaying sculpture or other art work as is customary along national and international avenues? | | Building envelope:  Length of buildings  ‘Long buildings  that limit permeability, block views…’ (p.16) | This requirement should be strengthened. Buildings that limit permeability, block views (etc.) will not be approved. | | Building design and Architecture: Building facades  ‘Clothes drying, storage units, or plant & equipment etc. are not permitted on balconies.’ (p.17) | Most definitely but who will enforce this? | | Environmental performance: Energy efficiency ‘Development should incorporate passive solar design…’ (p.19) | This is 21st century and Canberra is, or as some see it today, was a planned city, and it is the national capital. It would be reprehensible if the national capital of Australia did not mandate energy efficiency along this corridor. Canberra should be leading the way, be an exemplar, in this fundamental tenet of good planning. The term ‘development’ could not be applied seriously to any construction that did not incorporate energy efficiency principles and practice.  Therefore, the text should read:  Development must incorporate passive solar design… | | ‘All habitable rooms should be naturally  ventilated… orientation… cross ventilation’ requirements  (p.20) | Endorse these design requirements. | | Landscape  Landscape character (p.21) | Endorse the landscape character but would like to see modelling of this proposal by CSIRO to augment their Mapping Surface Urban Heat in Canberra study  [www.environment.act.gov.au/\_\_data/assets/pdf\_file/0005/1170968/CSIRO-Mapping-Surface-Urban-Heat-In-Canberra.pdf](http://www.environment.act.gov.au/__data/assets/pdf_file/0005/1170968/CSIRO-Mapping-Surface-Urban-Heat-In-Canberra.pdf) to assess how it will contribute to amelioration to the proposed built form heat bank. It may just show that there needs to be deeper setbacks and more trees to be not only decorative but effective. | | ‘Mature trees should be retained to the maximum extent practicable…’  (p.21) | Highly recommend that these trees are listed, monitored and considerable fines levied if these trees are wilfully damaged or destroyed. Unfortunately, there does appear to be a rather cavalier approach taken to trees by those who see them as a problem. Hence, recommend that ‘should’ be changed to ‘must’. | | ‘Landscape design and planting should respond to Canberra’s blend of endemic and introduced species…’  Plant species  should be chosen for their effectiveness and adaptability…  (p.22) | Change ‘should’ to ‘must’ in both these sentences. | | Deep soil zones  (p.22) | Most definitely, but these plantings require infrastructure for provision of water. What measures should be considered? Channels, storm water diversion, underground networks? As mentioned above are the setbacks wide enough to achieve the survival of trees, and their qualities both as an adornment and for effective cooling? | | Northbourne  Avenue Access and parking ‘Car parking should be provided in  basements.’ (p.22) | Recommend ‘should’ be changed to ‘must’. | | Federal Highway ‘The visual impact of large scale car parking areas must be minimised…’(p.22–3) | Most definitely and surely there is the capacity to develop landscape solutions similar to the innovative South Lawn car park, University of Melbourne, that can fit budget requirements. | | ‘A traffic and parking assessment should accompany development proposals for any site…’ (p.23–4) | Good planning principles would surely require ‘should’ be changed to ‘must’ for the length of the corridor. | |
| 43 | Dan Watters | As residents of the suburb of Downer, I write to offer the views of my family on the National Capital Plan Draft Amendment 91.  As third generation Canberrans, we are passionate supporters of the visionary Griffin Plan, and chose to buy in Downer in large part due to the quality of it's garden city characteristics. The streets are narrow (many without footpaths) with well-established street trees and gardens.  As custodians of the Griffin Plan, we place our faith in the NCA to preserve the garden city characteristics of our city. We feel that Downer is an excellent representation of this character, and are concerned urban intensification may jeopardise this.  We are concerned that with no/few access roads from the Blacket, Banfield, Atherton &Panton streets development onto Northbourne Ave, that there will be a significant influx of vehicular traffic through the suburb's streets. Without upgrades to footpaths this poses a significant risk to our children who use the road as there is currently insufficient footpath infrastructure.  We are also concerned about the additional pressure on community infrastructure such as schools (demountables being built at our children's schools at present), playgrounds and open space, which is already highly utilised and will receive extra pressure when urban infill of the former school site occurs.  We are broadly supportive of urban intensification, but only if it is conducted in a manner that does not diminish the garden city characteristics of the suburb and is considerate of the safety and amenity of existing residents.  We welcome the opportunity to provide more input into a workable solution for all residents, and wish to remain involved and consulted in the evolution of our suburb. |
| 44 | Eric Martin & Associates Architects | We commend the intention of detailed development control for Northbourne Avenue but have some concerns. We also note that the application is restricted.  The fact that I comes after substantial development is unfortunate.  There is no overall strategy for quality open space for the apartments when there should be space with sun access free from wind on all developments and some reserved public areas with development around it.  The pressure that will be placed on Haig Park is enormous and while an endorsed Conservation Plan is still awaited the protection of heritage values does not exist with consequent potential for these to be diminished.  The loss of space in Southwell Park is also a concern as recreation space is essential for a healthy population and sustainable city.  Vistas to and from the hills and main avenues are inadequate recognised in the analyses and proposal.  The gateway at the northern end of Canberra is weak and uninviting.  The variation mentions “should” frequently which means its recommendations are not mandatory but discretionary and there is insufficient guidance on why this flexibility, and potentially poor outcomes, exists. The removal of the DCP makes this more problematic.  The detail appears to be based on inadequately developed set of visual design criteria applying to blocks on Northbourne Avenue but this has wider implications that are not discussed. The technical data and analysis to support the outcomes is lacking.  We are not convinced that the proposal will achieve the objective of “well designed sustainable buildings, urban infrastructure, public places and streets that is appropriate for the gateway to the National Capital”.  The area from the city to the lake is quite different to the rest of Northbourne Avenue and requires a totally different analysis and outcome. This area has not been separately and adequately considered (refer section 1.2).  What is meant by “increased formality”?  How can high quality interfaces be managed between different owners and timeframes?  Where are the more detailed policies?  The draft variation removes the DCP from Northbourne Avenue yet retains them for all other avenues. Northbourne Avenue is not the only gateway to Canberra so why is there not consistency for the best outcome for all entrances to Canberra?  Will current developments that have not yet commenced, but may have been approved, be required to conform to these requirements?  The setbacks may increase the space/landscape along Northbourne Avenue but they will not provide good recreational, sunny and wind sheltered places essential for the intensity of development.  The spaces between buildings is welcomed, but for user benefit these need to be carefully designed to ensure sufficient sun and wind protection for them to be useful. The Draft Amendment makes little comment about amalgamation of blocks and what rules will apply within the large blocks (other than a max 55m for a min 5m gap).  How can a key datum line of adjacent buildings be achieved within existing variations without better defined controls?  Energy efficiency and passive solar is stated as a “should” which will mean it will not be in many cases.  The illustration on p20 appears not to provide cross ventilation which “should” be provided. The illustration should illustrate best practice and not compromised situations.  What is the landscape character of Canberra that needs to be met with the landscape? Native eucalypts as along most of Northbourne Avenue or the greater diversity of Haig Park?  We suggest this initiative needs more work before adoption. |
| 45 | Graham Carter | We refer to our recent meeting about the Draft Amendment and welcome the opportunity to provide comment.  The National Trust of Australia (ACT) is a not for profit community organisation with over 1,300 members and is widely respected in the community. The Trust’s role is to foster public knowledge about places and objects that are significant to our heritage, and promote their conservation.  The Trust is supportive of properly considered high quality development. While we support the overall intent of the draft amendment we suggest tightening up of the language, restructuring the content, including clear statements of objectives for each of the detailed conditions (p11 onwards), and adding provisions that clarify certain aspects of these rules. Public art and play space within new developments and redevelopments should also be encouraged.  **Garden City is more than a Bush Capital**  At the same time we strongly believe it essential that urban design provisions are accompanied by and balanced with clear and consistent quality objectives, stringent planning controls that reward merit and reject mediocrity, and regulatory practices and enforcement that protect and enhance Canberra’s unique sense of place. The city must maintain its standing as an internationally recognised work of cultural significance that reflects and embodies the values of this nation.  The Framework notes that the Sydney and Melbourne Buildings and Haig Park are listed on the Heritage Register. It asserts “*The design of our buildings today is fundamentally important, as they will be our future heritage*”. There are various references to the symbolic and functional significance of Canberra as the Nation’s Capital and the significance of views to the city’s surrounding hills. However, there is no clear commitment to ensuring that what is considered significant will be properly protected and promoted.  Both the National Capital Authority and the ACT Government have considerable responsibilities for management of the Heritage considerations of the Framework. The Framework must fully reflect the respective Governments’ roles and responsibilities in accordance with the ACT’s Heritage Act (2004) and the Environment Protection and Biodiversity Conservation Act (1999).  Unfortunately we feel this is problematic because the ACT Government does not have a Heritage policy or a Heritage Strategy and the Commonwealth Government itself seems uncommitted to the national and local heritage interests involved in ongoing development of the National Capital.  Unfortunately the current Framework document is bereft of any meaningful consideration of either Heritage or the concept of a Garden City and how that relates to and has come to be interchangeable with its Bush Capital title (originally a pejorative that has gradually been fondly embraced):  Heritage, which is a major part of Canberra’s identity and imbues this place with layers of meaning and links to its past, helps tell the story of the national capital but is not properly addressed in the Framework and is being steadily subjected to “death by a thousand cuts”; and  the Garden City and its shorthand Bush Capital title combine to produce a unique way of thinking about landscape and how urban form can positively respond to develop safe liveable communities in harmony with nature, fostering good health outcomes, in a well planned environment.  The Draft Amendment appears to give the ACT Government a blank cheque to produce successive draft variations for the inner North that directly affect an estimated 55,000 existing residents and a multiplicity of businesses and community organisations (most of whom are unfamiliar with either document’s contents and implications).  **AREA COVERED**  The Framework purports to cover an area up to 1km east and west of Northbourne Avenue and the Federal Highway, and estimates a population increase of 17,150 (32%) by 2031. However the outline of the Study Area is irregular and was expanded following the draft in March, to now take in the whole of Watson and part of the Majura nature reserve.  The scale of transformation envisaged along Northbourne plus the Federal Highway is massive. Altering the definition of ‘corridor’ to subsume large parts of suburbs (and portions of nature reserve) on either side is concerning as it appears to be taking precedence over the Garden City concept, ignoring the network of transport corridors in place already, and adopting a crude technique for targeting areas where higher densities and redevelopment will be encouraged. In doing so the Framework fails to take into account practical walking distances to transit nodes, social infrastructure needs, or the residential amenity that currently exists and that those communities rightly value.  Urbanisation within the Study Area occurred during the 1920s – 1960s and comprises a cluster of early Griffin and postwar garden city suburbs, separated by a functional network of transport corridors. The integrity of those suburbs in terms of heritage requires sensitive planning and development to respect the key features, such as open space layout, community facility focus, streetscape quality, high levels of tree canopy and vegetation, views to hills and ridges, and low traffic volumes.  **LOCAL HERITAGE**  Local cultural heritage is important within each suburb, and for this whole area. It’s important that it be identified, protected, shared and celebrated. The rate of evolution for heritage places is often slow, because community understanding, awareness and appreciation of heritage grows over time. The area contains notable buildings, schools, churches, memorials and parks and gardens that are increasingly significant to the local community for their individual and collective social and cultural values.  Last month Lyneham High School celebrated its 60th anniversary with an assembly, open day, tours and sausage sizzle, and both the Hackett and Downer Community Associations have released books celebrating their first 50 years. Dickson marks its 61st year (Dickson Library turns 50 this December), Downer’s renovated local shops are undergoing a renaissance (the 1940 farm buildings at the core of the original CSIRO Experiment Station), and Ainslie’s shops are now 70 years old. New research and community awareness is enriching the sense of place in these postwar garden city suburbs.  **Heritage Overlay and Audit**  In other jurisdictions, planning policy requires local government to identify and protect local heritage. Places important to a local community are identified within the local planning scheme and protected through a Heritage Overlay. A similar policy and practice should be adopted as part of any precinct codes. As a first step an audit of places, buildings etc should be undertaken and be endorsed by the Framework.  ***Interpretive Signage***  The Framework should also ensure that interpretive signage is used to record and promote the history, and natural and cultural landscape of an area. This measure would be welcome and the Trust would appreciate the opportunity to be involved in the development of content.  For example, the Old Canberra Inn is one of the earliest licensed pubs in the region and pre-dates the city itself. The original slab hut was built in 1857 by Joseph Shumack and in 1876 was licensed as an inn and was a coach stop on the Yass to Queanbeyan run until 1887. Canberra's first airfield was established in March 1924 at Northbourne Aviation Ground, which lay between Dickson Library and the western playing fields of today's Dickson College, covering much of what are now suburban streets north of Majura Avenue and east of Cowper St.  **National Heritage List**  Both Governments would be aware that an emergency nomination of Lake Burley Griffin and the Lakeshore Landscape to the Commonwealth Heritage List has been lodged with the Minister for the Environment and Energy. Any new development should be undertaken with a view to minimising impacts to and promote the identified Commonwealth Heritage values of the Lake and surrounds.  **Sustainable Development**  We acknowledge the Government’s intention to encourage sustainable development but we note that sustainability is focused on new construction. We believe that the Government must also consider the embodied energy in existing buildings around the city and actively encourage sensitive adaptive reuse options wherever possible. By its nature, new development is not necessarily sustainable and efforts should be made to prioritise development options that will result in a reduced environmental impact in the long term.  It is unfortunate but true that there is currently little community confidence in the quality of new buildings in Canberra. We believe the Government should undertake measures to increase community confidence through improved regulations, sustainability incentives, the introduction of design competitions, and genuine and ongoing community consultation, both with organisations and individual residents.  **Open Space**  Open space, with a high proportion of natural bushland and landscaped tree cover, are key elements of Canberra’s urban design and one of the dramatic ways that it presents differently from any other city. The combined effects of population growth, mainly living in apartments, and climate change mean that public open space must be safeguarded effectively and incorporated into redevelopments and infill projects.  The Framework does not adequately address the immediate or long term demands for both active and passive sport and recreation space, and the draft amendment presages the loss of almost 8 hectares of open space at Southwell Park. The catchment for the recreation facilities at Southwell Park and Yowani takes in most of Canberra. Many people from other parts of Canberra and the region use these facilities both after work and on weekends. Many national events are also held here.  Southwell Park is a desirable element in the garden city and should be retained in its entirety. Views across Southwell Park to Black Mountain, O’Connor Ridge and the heritage-listed St Ninians Church are attractive and should be retained. Landscape upgrades and urban design provisions that address the interface with the main avenue and approach route and reduce the visibility of unsightly surface parking and minimise the risk of big box structures would be desirable.  **Building Heights**  The intersection of Northbourne with Wakefield and Macarthur Avenues, is where Northbourne meets the two strong diagonal axes and vistas that are intrinsic to the Griffin Plan. The primary visual connection between Black Mountain and Mt Majura would be permanently interrupted if towers to RL617 are approved in this location, as they would mask and block the views along those axes. The rationale for locating much higher buildings at this particular junction (that there is a compelling need to articulate the 25m cap that cannot be met at a different junction) is in our view weak. A reduction in height could still deliver that, and there are logical alternatives where increased height could be appropriate, such as at the junction of Barry Drive/Cooyong, where the city centre commences, or at Mouat/Antill.  It is unfortunate but true that there is currently little community confidence in the quality of design and construction of new apartment buildings in Canberra. We believe the Government should undertake measures to increase confidence through improved regulations, sustainability incentives, the introduction of design competitions, and genuine and ongoing community consultation, both with organisations and individual residents.  We would also recommend reviewing the maximum building height and considering changes for:  the Kamberra site, at the corner of Flemington Rd and the Federal Highway, as it occupies a key corner and focal point where the light rail changes direction and the visual impact of somewhat higher buildings and a corner marker would be positive;  Step backs that enable uppermost floor levels to incorporate significantly deeper balconies and potential raised communal open spaces that overlook Northbourne and capture distant views to the Brindabellas and mountain ranges to the south.  From our perspective this initial round of consultation suggests that further consultation is justified, in order to better canvass and explore the full range of issues, stimulate discussion, and consolidate the vision in the National Capital Plan. |
| 46 | Pattie Collins | The Federal Highway/Northbourne Avenue gateway corridor is an ideal location in which to reflect the status of Canberra as the national capital.  Unhappily, some suburbs along the corridor, like Downer, are being unduly effected by the rapidly increasing density and rising height of buildings both within the suburb and along its rim.  Downer was not designed for high rise and high density buildings. The blocks are small, the streets narrow and the footpaths few.  The gateway proposal, with what seems to be a ‘bowling alley’ of high rise buildings up to 18 metres high, will contribute to greater noise and air pollution in the suburb, increased traffic pressures, continued loss of mature shade trees, more surface heat and a rise in social tension, among other undesirable outcomes. This is to say nothing of the aesthetics.  Hardly an impressive entryway for visitors to Canberra.  It will look and function like any other over-developed city.  Another cause for deep concern is the proposed erection of high rise buildings on community open space and playing fields at Southwell Park in Lyneham. Why is this necessary?  The playing fields should remain public playing fields.  Can you explain to me, please, how the gateway proposal will be functionally sustainable in the long term for residents as well as visitors?  Thank you. I look forward to hearing from you. |
| 47 | Tim Evans | My vision for a gateway into Canberra is that it should showcase what makes Canberra a unique city - our open spaces, ovals, parks, natural bushland and gardens. The gateway should exemplify and be dominated by the landscape rather than buildings. The gateway should not mimic other cities, it should give visitors a taste of what Canberra really is about and what the people of Canberra value the most.  Whilst the Framework is confined to development along the gateway, changes made to this area will create flow on impacts on nearby suburbs. I urge the NCA not to engage in planning in isolation. As a resident of Downer I believe it is important for the NCA to take a holistic perspective and consider the wider ramifications the framework will have on Downer as a whole. Therefore I have included in my submission issues that the NCA need to consider carefully before undertaking changes that will have disastrous consequences for the residents of Downer.  I also urge the NCA to take into consideration:  The *ACT Planning Strategy 2018* that indicates 80% of Downer is to be zoned for ‘urban intensification’. A term the ACT Government is yet to define however I believe its definition will be heavily influenced by the framework. Therefore if the framework permits 18m and 12m buildings, this could be the ‘nail in the coffin’ for Downer.  The current development next to the Downer shops that is to increase the population of Downer by 25%. The Framework, as it currently stands, could increase the population in Downer by a further 1,000 - if not more. How these changes will impact on residents is a major concern.  **Recommendation 1:** NCA to undertake a cumulative assessment on the cumulative impacts of multiple developments in Downer before proceeding with the implementation of the framework.  **Height Increase**  My primary concern with the Framework is the increase in building height. Downer was originally developed for low cost housing, it has narrow streets, mature landscaping within the streetscape, few footpaths, and was not designed for intense development.  I am concerned the increase in building heights will lead to overdevelopment and negative impacts on established suburb. I believe the introduction 18m and 12m developments will establish a precedent in building heights that may be extended by the ACT Government to the rest of the suburb, therefore permanently changing the suburb and making it less liveable.  The majority of residents in Downer do not want 18m or 12 m buildings next to their house or down their street as it is will fundamentally change the suburb, making it less liveable for the following reasons:  Overshadowing of houses causing reduced solar gain, lack of privacy, increase noise levels, and a hostile urban environment for residents in established houses.  Increases pressure in traffic. Currently morning peak hour traffic is often at a standstill taking Downer residents up to 20 minutes to leave the suburb along exists in Northbourne Ave and Antill St (turning into Phillip Ave near Dickson College or Cowper St). The traffic problems are caused by the sheer volume of traffic and nearby schools (particularly Daramalan College). How the suburb will cope with increased traffic is a major concern.  Increase in cars parking in the streets due to inadequate underground car parking in proposed new developments. This is already a problem in Blacket St. It is also an issue along Atherton, Cotton and Durack St however this is due to the Barnardos centre in Atherton St having insufficient parking for clients and staff. The ‘no parking’ signage in these areas just serves to move the problem further down the road.  **Panton St**  The proposed height increase to 18m in Panton St is a radical change from the current 8.5m building height. Presently Panton St is a fairly quiet street that is used as an entry and exit to the suburb. It’s also a major cycling road for Watson and Downer residents, including children riding to school in Lyneham – a priority enrolment area for Downer. Increasing building height to 18m, would turn Panton St into a busy street with repercussions for traffic flow in and out the suburb, and impact on cyclist, including children, riding to school.  Ensuring children can safely travel to schools zoned for their suburb needs to be a high priority for the Framework. The pedestrian crossing that crosses the tram line at the intersection of Antill St and Northbourne Ave is inadequate for bikes due to its sharp right angle design, narrow width and small scale. It is particularly unsuitable for tag-a-long bikes or bike trailers that are frequently used to transport primary aged children to school.  **Recommendation 2:** Change the design and size of the pedestrian crossing that crosses the tram line at the intersection of Antill St and Northbourne Ave so it is safer for bikes, including tag-a-long bikes or bike trailers. Note: This may also be the case for the new crossing at Swinden St/Northbourne Ave, however this is difficult to determine as the crossing has opened as yet.  The Framework states the gateway in Downer should have “buildings generally sitting below tree height” (p.9). However tree heights along Panton St, and the adjacent Northbourne Ave, fall significantly below 18m – with only about five eucalyptus trees reaching 18m and the many remaining trees being closer to 12m in height.  **Recommendation 3:** Restrict building height to 12m along Panton St, which is more in keeping with the current tree height. Or include a 30 year time limit in DA91 before permitting 18m buildings, thereby giving the current trees, or new plantings, time to grow to 18m  **Blacket St**  Blacket St has a heavy tree canopy coupled with a narrow street tree, make it unsuitable for 3 or 4 storey buildings due to the closeted aesthetic impact it would have on the street. In addition Blacket St already has two story apartment complexes that are creating congestion in parts of the street as many residents from the complexes parking in the narrow street. This has made a significant part of the street difficult to drive along and has reduced visibility.  **Recommendation 4:** Restrict building height to 8.5m to retain the beautiful streetscape and to ensure a driveable and safer street.  **Atherton St and Banfield St**  The Framework states the gateway in Downer should have “buildings generally sitting below tree height” (p.9). However tree heights along the Northbourne Ave edge of Atherton St and Banfield St do not meet this criteria. Most of the trees along Atherton St are approximately 10m in height, and this is more variable in Banfield St with many trees reaching approximately 8m.  **Recommendation 5:** Restrict building height to 8.5m along Atherton St and Banfield St, which is in keeping with the current tree height. Or include a 30 year time limit in DA91 before permitting 12m buildings, thereby giving the current trees, or new plantings, time to grow to 12m. |
| 48 | Denis O’Brien | I below set out my submission on amendment 91 for your consideration which mainly concerns certain aspects of the *Informal Boulevard.*  I note that the area north of Antill St (North) which has the motel within it appears to be closer than the setbacks mandated for just below Antill St (North) along with building heights and presume that is a planners’ *sleight of hand* to introduce the proposed informality of the area.  At the other end of this boulevard there appears to be a formality which to my mind doesn’t suit an informal boulevard. The proposal shows buildings of equal height opposite each other in virtual mirror image and I suggest this is overkill and unwarranted. My slightly jaded memory of the area up to Panton St is that many of these blocks would not have sufficient depth for the 18 m height and setbacks proposed and should be reduced considerably.  Across Northbourne Ave at Southwell Park it is proposed to have hideously high building that appear to take so much of the space as to render the park useless for the majority of the current usage. The current visage of parking lots, playing fields, netball courts and a waste/sewage processing facility has a charm that has a certain ‘informality’ and must be kept as primarily a recreation area.  I have no problems with buildings of 18m at Yowani and suggest that they could possibly go higher in the parts where tree height is greater.  In the area north of the vets to Flemington Road on the nominal western side of the Federal Highway currently known as Kamberra shown as 12m height and with pitched rooves is a waste of a valuable resource. The buildings in this area should be a minimum of 18m and probably higher as they will mostly be screened by trees.  The 2015/2016 Statement of Planning Intent designated this area as a demonstration precinct which in a different way suits the feeling of informality that the boulevard should have I spent considerable time working with the proponents of this area and wrote to the Minister for Planning stating the support of the North Canberra Community Council in my capacity as the then chair. (attached) I believe that having this area as a demonstration precinct for highly sustainable and efficient housing would be benefit the entire ACT community and would be an appropriate introduction to visitors to Canberra of what can be done extraordinarily well in Canberra.  Marker buildings at Northbourne/Phiilp appear to have disappeared which to my mind is sad and I believe that appropriate smaller scale buildings would still be appropriate. |
| 49 | Terry Shaw | We refer to the City and Gateway Urban Design Framework released in December 2018, and write to you with great urgency in relation to the proposed planning policy changes under the recent National Capital Plan Draft Amendment 91.  Kamberra Estates have been working on a proposal to redevelop the Kamberra Winery site in Lyneham at the corner of Federal Highway and Flemington Road. The Draft Amendment would significantly impact the development opportunity at the site and we are compelled to make a submission to the Authority regarding the proposed Amendment and how the changes stand to impact the Master Plan that has been progressively prepared for the Kamberra site.  **National Capital Plan Draft Amendment 91**  The release of Draft Amendment 91 in January 2019 clearly describes the National Capital Authority’s design intentions for the Node, including our site as depicted in Figure 146 of the Amendment.  We have considered the Framework and Draft Amendment in the context of its impact on the future development opportunities for Block 17 Section 61 Lyneham and Block 8 Section 69 Lyneham.  The Authority has previously reviewed the Spatial Plan to identify the subject site as an Urban Area, and the Environment Planning and Sustainable Development Directorate are in the process of progressing a Territory Plan amendment to change the zoning of the subject site to facilitate commercial and residential uses and redevelopment of the Kamberra site.  The Kamberra Estates team has consulted with the National Capital Authority over a number of years on the development of the site, and the Authority is familiar with the Master Plan. The Draft Amendment and proposed controls were not anticipated, as the Authority did not consult with Lessees of the Node sites regarding the Amendment.  Should this amendment National Capital Plan be approved with a corresponding policy change to the Territory Plan, this would compromise the achievement of the Master Plan objectives by:   * Limiting the potential building heights and building height differentiation at the Stirling Avenue node, therefore increasing the required site coverage to achieve feasible development yields * Increased building setback requirements (no less than 70 metres from the centreline of Federal Highway), reducing the development opportunity on the sites despite the existing mature tree canopy interrupting the perceived building separation in the Federal Highway corridor cross section at this location * Restrict opportunities for raised/rooftop landscape terrace areas due to required pitched roof design outcomes * Prescriptive controls that limit opportunity for alternative innovative design outcomes for development.   It is suggested that changes to the proposed Amendment could achieve the objectives envisaged by the Authority whilst retaining the intended building design outcomes for the Kamberra site, outlined below.  Response to proposed detailed conditions of planning, design and development   |  |  |  | | --- | --- | --- | | Proposed amendment | Comment | Suggested change | | Building heights  Federal Highway  Maximum permitted building heights adjacent to the Federal Highway are:  • Between Antill/Mouat Streets and Panton Street/Barton Highway – 18 metres (refer Figure 147).  • Between Panton Street/Barton Highway and Flemington Road/Phillip Avenue – 12 metres (refer Figure 147).  • Between Flemington Road/Phillip Avenue and the ACT/NSW border – 8.5 metres.  Any minor building elements, including roof top plant, should not increase the building height as it presents to public street frontages. No habitable space is permitted above maximum prescribed height limits.  Where maximum permitted building heights are already exceeded by existing buildings, extensions or rebuilding up to the height of the existing building may be permitted, provided all other planning and design requirements are met.  Maximum building height for development shall:  • be measured from the level of the block boundary closest and directly adjacent the Federal Highway  • be measured from a line perpendicular from the road reservation. The height of the road reservation boundary may be normalised where it passes over culverts and other localised earthworks. | Figure 147 does not clarify whether building would be permitted within Federal Highway corridor and Stirling Avenue extension  Site is below road level by over 2 metres compromises achievement of design outcome as building will have appearance of two storey building.  Existing building heights do not comply with height requirements (for example, Solstice Development at Watson north of Flemington Road is higher than 12m). It would be inconsistent for development on the Kamberra site to be lower than existing development further north of Flemington Road.  Does Figure 147 take precedence over the written text? | Diagram to be updated to clarify intent.  Question the extension of the 12m building height outside of the 200m zone from the centreline of the Federal Highway.  Consider local context in relation to levels and provide opportunity to deviate from this requirement for extenuating circumstances. | | Building setbacks  Federal Highway  Minimum required building setbacks to the Federal Highway are to  be in accordance with Figures 148 and 149, and as follows:  • Between Antill/Mouat Streets and the Barton  Highway/Panton Street – 45 metres from the centreline of the Federal Highway.  • Between the Barton Highway/Panton Street and Flemington Road/Phillip Avenue – 70 metres from the centreline of the Federal Highway.  • On the northern side of the Federal Highway between Flemington Road and the ACT/NSW border – 30 metres from the Federal Highway road reservation.  • On the southern side of the Federal Highway between Phillip Avenue and Stirling Avenue – 6 metres.  • On the southern side of the Federal Highway between Stirling Avenue and the eastern boundary of Block 18  Section 75 Watson – 15 metres.  • On the southern side of the Federal Highway between the eastern boundary of Block 18 Section 75 Watson and the ACT/NSW border – 30 metres.  Rear and side setbacks must be in accordance with the relevant provisions of the Territory Plan. | Precedents- 140m corridor: appropriate?  Tree canopy Topography  Existing building setbacks do not comply with height requirements (for example, Solstice is less than 60m setback from Federal Highway centreline at some points). | Suggested updates to Figure 147. Refer attached Dwg showing revised Figure 147 | | *Building separation*  Minimum separation distances for buildings are:   |  |  |  |  | | --- | --- | --- | --- | | Building  height | Between  habitable  rooms/balconies | Between  habitable  and non-habitable  rooms | Between non-habitable  rooms | | Up to 4  storeys | 15m | 10m | 6m | | Up to 8  storeys | 20m | 15m | 10m | | 9+ storeys | 25m | 20m | 15m |   Where a building abuts a lower density zone, building setbacks to the boundary of sites zoned for lower density should be increased by three metres.  Greater building setbacks may be required by the approving authority where increased building separation may achieve better amenity outcomes.  Building separation is measured from the outer face of building envelopes which includes balconies. When applying building separation distances to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary where possible. | Opportunity to achieve development densities reduced due to the requirement for building separation.  Urban laneways and fine grain spaces – as permitted in other locations in Canberra – would not be possible with these building separation requirements. | Clarify whether building separation could be reduced where design or screening elements are introduced.  Does this apply to buildings within the same “precinct” where a building is intended to operate as an integrated development, such as a mixed use precinct? | | *Length of buildings*  Long buildings that limit permeability, block views, and disrupt a pedestrian-scaled neighbourhood system should be avoided.  New buildings are limited to a maximum length of 55 metres. Longer buildings may be permitted at lower building levels where strong design justifications is provided, such as provision of continuous, active street frontages. Where this is the case, pedestrian mid-block links between 5 and 10 metres wide must be provided at least once every 55 metres through the built form. Longer buildings may also  be permitted at the intersection of Northbourne Avenue with Macarthur/Wakefield Avenues, where the buildings run perpendicular to the Northbourne Avenue and where building design meets all relevant provisions regarding façade design, articulation, and roof design. | No comment. |  | | *Building façades*  Building façades should relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.  Façade design is to include the use of articulation and modulation to clearly express the organisational or structural grid of the buildings, and to break up the mass of longer buildings. Blank walls are discouraged.  A balance of light and shadow on the façade is to be created throughout the day through the use of balconies, deeper window reveals, integrated shading, rebates, and expression of structural elements.  Façade design should give important corner visual prominence through a change in articulation, materials or colour, roof expression or changes in height.  Façade materials must be of high quality. A use of robust, low maintenance materials in the higher parts of a building, and natural, tactile and visually interesting materials at the lower levels should be used. Pre-finished metal building materials visible from Northbourne Avenue or the Federal Highway are not permitted.  Building entries must be clearly defined and identifiable from the street. | The pre-finished metal building control limit the opportunity to introduce innovative building materials. | Clarify what prefinished materials include. | | *Balconies and balustrades*  Balconies must be incorporated into the design of all residential dwellings.  Minimum balcony areas are:  • Studio apartments – 8m² with a minimum dimension of 2 metres  • 1 bedroom apartments – 10m² with a minimum dimension of 2.5 metres  • 2 bedroom apartments – 12m² with a minimum dimension of 2.5 metres  • 3+ bedroom apartments – 24m² with a minimum dimension of 2.5 metres.  For apartments at ground level or on a podium or similar structure, a private open space must be provided instead of a balcony, of the following minimum size:  • Studio apartments – 18m² with a minimum dimension of 4 metres  • 1 bedroom apartments – 24m² with a minimum dimension of 4 metres  • 2 bedroom apartments – 24m² with a minimum dimension of 4 metres  • 3+ bedroom apartments – 36m² with a minimum  dimension of 6 metres  Clothes drying, storage units, or plant and equipment (including air conditioning plant) are not permitted on balconies.  Balconies must be designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Balconies must be designed in accordance  with the following:  • Balustrades to balconies to 12 metres above ground floor level must be solid.  • Full width and full height glass balustrades are not permitted below 20 metres.  • 60% of balustrades of any apartment 12- 20 metres above ground floor level must be solid.  To maintain visual and acoustic privacy, partitions between adjacent balconies must be constructed of masonry. Operable screens, shutters, hoods and pergolas are encouraged to control sunlight and wind. | These requirements  exceed requirements  under the Territory Plan Multi Unit Housing  Development Code.  More onerous balcony and courtyard size requirements – may impact the product mix that is offered and will impact on provision of affordable dwelling products.  Requirement to have masonry partitions between balconies is restrictive and prevents innovative design solutions that could achieve the same privacy outcome or environmental/construction efficient building design outcomes. | Suggest retaining minimum balcony size of 8m2 for all apartment types.  Suggest use of word opaque in preference to “solid”.  Control should encourage performance design outcomes that demonstrate acoustic and visual privacy. | | *Roof design*  The design of the roof should be integrated into the architecture of the building, use high quality materials, and provide a positive addition to the streetscape. Continuous, horizontal parapets extending the full length of the building are not permitted.  Service elements and roof top plant must be integrated into roof design and not be visible from public areas, including streets.  The design of roofs and parapets should be articulated and express the layout of the building.  Roof design should incorporate sustainability features to maximise solar access to internal building spaces during winter and provide shade during summer.  Communal open space areas and rooftop gardens may be considered. Fully enclosed structures on roof tops are not permitted. Structures such as pergolas must not occupy more than 10 per cent of the total roof area.  For sites between Panton Street/Barton Highway and ACT/NSW border, flat roofs or facades with wide fascias giving the impression of a flat roof are not permitted. | Question the requirement for pitched roofing on the Kamberra site.  This will limit opportunities to explore innovative design solutions or encourage environmental or landscaping outcomes that activate roof spaces.  There is already a diversity in roof forms in this part of the Corridor.  Drone delivery to MU buildings is a reality in Canberra now. This should be via rooftops rather than balcony, podium or ground level to address noise, privacy and visual impact concerns. | Clarify what constitutes a “flat roof”.  Control should encourage performance design outcomes that encourage environmental performance, landscaping or amenity. | | *Ceiling heights*  Ceiling heights should promote natural ventilation and daylight access to internal building spaces, and contribute to the flexibility of building use over the life of the building.  Federal Highway  Ground floor (residential) – 3.3 metres  Ground floor (other uses, including commercial/office use) – 3.6 metres  Residential (general) –  • 2.7 metres floor-to-ceiling minimum for all habitable rooms, and 2.4 metres for all non-habitable rooms.  • For two-storey units, 2.4 metres minimum for second storey if 50 percent or more of the apartment has 2.7 metre minimum ceiling heights.  • For two-storey units with a two-storey void living space, 2.4 metre minimum ceiling heights.  Attic spaces are permitted, with a 1.8 metre minimum wall height at edge of room with a 30 degree minimum ceiling slope. | Consistent with floor to floor heights- is the intention to permit 3 storeys or 4 storeys? The City and Gateway urban design framework suggests residential use floor to floor heights of 3m, which would indicate an intention of 4 storeys on the Kamberra site.  Include diagram of building cross section demonstrating how floor to ceiling heights would be implemented on the Kamberra site.  The proposed floor to floor ceiling heights assume concrete slab construction and do not permit alternative building technologies or materials that may have varying structural depths. |  | | *Residential apartment design*  The layout of rooms within an apartment must be functional, well organised and provide a high standard of amenity. Dwellings are required to have the following minimum internal areas:   |  |  | | --- | --- | | Dwelling type | Minimum internal area | | Studio | 40m² | | 1 bedroom | 60m² | | 2 bedroom | 80m² | | 3 bedroom | 110m² |   The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. Additional bedrooms increase the minimum internal area by 12m² each.  Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.  The following design criteria must be achieved to ensure that dwelling layouts accommodate a variety of household activities and needs:  1. Master bedrooms must have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).  2. Bedrooms must have a minimum dimension of 3m (excluding wardrobe space).  3. Living rooms or combined living/dining rooms have a minimum width of:  a. 3.6 for studio and 1 bedroom apartments  b. 4m for 2 or more bedroom apartments.  The width of cross-over or cross-through dwellings are at least 4m internally to avoid deep narrow dwelling layouts. | This imposes larger minimum apartment size requirements and minimum room widths compared to the ACT Territory Plan Multi Unit Housing Development  Code.  Larger dwelling size requirements reduces the diversity of product.  More onerous dwelling size requirements may impact the product mix that is offered and will impact on provision of affordable dwelling products. |  | | *Common circulation spaces*  The maximum number of dwellings off a circulation core on a single level should be no more than eight. Where this is not achievable, a high level of amenity for common lobbies and corridors should be demonstrated through the provision of access to ample daylight and natural ventilation, common areas for seating and gathering, and generous corridors with greater than minimum ceiling heights.  For buildings of ten storeys and over, the maximum number of dwellings sharing a single lift is 40.  Corridors longer than 12 metres from the lift core should be articulated, for example by a series of foyer areas with windows and spaces for seating, and wider areas at apartment entry doors and varied ceiling heights.  Primary living room or bedroom windows must not open directly onto common circulation spaces, whether open or closed. | No comment.  Is this consistent with SEPP 65? |  | | *Environmental performance*  Energy efficiency  Development should incorporate passive solar design to optimise heat storage in winter and reduce heat transfer in summer. Potential design options include the use of smart glass or other technologies (particularly on north and west elevations), maximising thermal mass in the floors and walls of north facing rooms, overhangs and shading devices such as awnings, blinds and screens.  Operable screening such as louvres, sliding, folding or retractable elements should be designed to provide shade and protection from natural elements. Operable screening elements must be integrated with building design.  Residential use  To optimise direct sunlight to habitable rooms and balconies, design features such as dual aspect apartments, shallow apartment layouts, two storey and mezzanine level apartments and bay windows should be used. Building design must achieve the  following:  • Living rooms and private open spaces of at least 70% of apartments in a building must receive a minimum of 3 hours direct sunlight between 9am and 3pm on the winter solstice (21 June).  • A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm on the winter solstice (21 June).  All habitable rooms must have an operable window in an external wall with a total minimum glass area of not less than 15% of the floor area of the room. Courtyards, skylights and high level windows (with sills above 1500mm) should only be used as a secondary light source in habitable rooms.  A ‘snorkel’ arrangement may be provided for bedrooms only (refer Figure 150). Where this arrangement is proposed, a window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be a minimum width of 1.2 metres, and a maximum depth of 1.5 times the width, measured from the external surface of the window.  All habitable rooms should be naturally ventilated. Building design should demonstrate consideration of the building’s orientation to maximise capture and use of prevailing breezes, depths of habitable rooms, openable windows and the use of awnings and louvres to funnel breezes. Lights wells must be the primary air source for habitable rooms.  The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents. At least 60% of apartments should be naturally cross ventilated in the first nine storeys of a building. Apartments at ten storeys or greater are deemed to be cross ventilated only if balcony enclosure allows adequate natural ventilation and cannot be fully enclosed. | Agree with principle-should not be to the exclusion of alternative technologies and building systems.  This control is prescriptive and may limit opportunity for evolving building technologies within the lifetime of this policy document.  Makes alternative design solutions more difficult to achieve. What is the intention of requiring direct sunlight access? For example, Passivhaus has a lesser reliance on building orientation and focus on energy management. The NCC is moving towards energy modelling to reduce heating/cooling demand. |  | | Street frontage  Finished ground floor levels set below the adjacent finished pavement levels on Northbourne Avenue and the Federal Highway are not permitted. The fall from the building entrance to the kerb must generally be no greater than 2%.  Where ground floor residential development is proposed, a vertical separation above the finished ground level and adjacent verge and setback area up to 450mm is permitted to assist in providing privacy for floor residences.  Where commercial uses are located on ground floors of buildings, buildings must be designed to ensure a direct connection to the adjacent verge and setback area to ensure street continuity.  Service areas must be integrated within the building design to avoid impacting the public domain. Basement car parks should not be visible from the street. | Site is below road level by over 2 metres compromises achievement of design outcome as building will have appearance of two storey building. | Condition should permit opportunity to allow departures for context specific situations.  Suggest wording to be “at level with the adjoining kerb +/- 2%” | | Landscape  *Landscape character*  Landscape design for development along the Federal Highway and Northbourne Avenue corridor is a fundamental character feature of the gateway into the city centre. It should unite development with the existing landscape character of Canberra, soften the impact of larger building form and provide visual relief to the urban condition, consistent with Canberra’s status as the bush capital. New development must provide substantial tree and understorey planting, supported by functional, safe and attractive private and public areas of open space. Development must continue to deliver Canberra as a city in a landscape.  The spaces between buildings must be landscaped to a high quality and promote green links between the private and public domain. Landscape spaces must be designed to clearly differentiate between areas intended for public and private use, maximising the functionality of both. Landscaped areas must be designed for maximise user comfort and safety.  Planting within setback areas should consist primarily of trees, as opposed to shrubs or other low vegetation. A minimum of 30 per cent of new plantings within setback areas should be capable of achieving at least 15 metres in height.  All new developments must renew the adjacent road verge in accordance with the principles outlined in this section.  Mature trees should be retained to the maximum extent practicable and integrated into landscape design. Where existing trees must be removed, they must be compensated for by planting elsewhere on site. All Landscaping within development sites must complement the landscape design themes evident in the corridor:  Border to Stirling Avenue  Development must meet the requirements for the identified landscape realms and themes for the Federal Highway at section 4.15.4 of the National Capital Plan.  South of Stirling Avenue  The scale of landscape must respond primarily to the height of adjacent buildings, ensuring the landscape is the dominant element. Built form should be screened through the use of plant material. Between Stirling Avenue and Antill/Mouat Street, an ‘informal park boulevard’ should be established. This ‘informal park boulevard’ should primarily comprise tree species endemic to the Canberra region and capable of reaching 20 metres in height. Species such as *Eucalyptus melliodora, Eucalyptus melliodora* and *Eucalyptus* *polyanthemos* are considered suitable. Spacing between trees should be no greater than 15 metre centres. | No mention of Remembrance Driveway plantings species.  Eucalyptus species are incompatible with the exotic plantings in the Remembrance Driveway verge. |  | | *Deep soil zones*  A planting zone, no less than five metres wide, should be provided within the front setback areas and be retained for deep soil planting.  Front setback areas should be retained for deep soil planting.  A minimum deep soil zone dimension of five metres should be applied where located on site.  Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Landscape and building design must demonstrate:  • the consolidation of basement and sub-basement car parks beneath building footprints  • adequate clearance around trees to ensure long term health  • co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil. | No comment |  | | *Access and parking*  Federal Highway  On- site car parking is to be in accordance with the ACT Parking and Vehicular Access General Code of the Territory Plan.  The visual impact of large car parking areas must be minimised through adequate screening and landscape treatment that appropriately considers view lines and safety.  Careful consideration should be given to the access, internal circulation and parking of service and heavy goods vehicles within the area.  A traffic and parking assessment should accompany development proposals for any site, and this will be determined in consultation with the approving authority. | No comment |  | | *Lighting*  All outdoor lighting, including security and car park lighting, must be designed and sited to minimise light pollution. All outdoor lighting (including lighting fixed to structures) must use full cut-off light fittings. Any uplighting of buildings should be carefully designed to keep night time overspill and glare to a minimum.  Specialty lighting should be used to highlight any ACT border marker. | No comment |  | | Signage  Federal Highway  Careful consideration should be given to the integration of signs with building design and landscaping to ensure they do not detract from the Federal Highway frontage. Any signage not affixed to a building must be within a landscape setting.  Signage across a site should be designed in accordance with a cohesive and coordinated theme, and respond to the scale, proportion and detailing of the development.  All signs on buildings must be below the eaves or parapet capping of a building. A maximum of one wall sign visible from the Federal Highway road frontage will be permitted per building. The maximum permitted size of a wall sign is four square metres, or 10% of all space, whichever is the lesser.  Permitted road signs are those that could reasonably be expected along a main thoroughfare, such as directional signage and street signs, and that are required by relevant traffic authorities. No commercial advertising is permitted on road signs.  A single free standing pylon/column sign is permitted for the EPIC service station site (Block 4 Section 72 Lyneham and Block 429 Gungahlin). No other free standing signage is permitted.  Temporary freestanding signage will be permitted where associated with events at EPIC. Such signage must be consistent with Territory signage policies or the Signs General Code of the National Capital Plan, depending on location. | No comment |  | | Fencing  For sites fronting the Federal Highway, fences are to be designed in a manner that is integral with the landscape design using high quality materials. The use of pre-coloured metal, chain-link, barbed or razor wire is not permitted and must not be visible from the Approach Route.  All fencing to site boundaries must not be bulky obtrusive. |  | Clarify if pre-coloured material includes powdercoated aluminium and whether this includes colorbond. | | Design Review Panel  Redevelopment proposals must be considered by a joint National Capital Authority/ACT Government Design Review Panel prior to being approved by the Territory planning authority (where a proposal is on Territory Land) or supported by the National Capital Authority (where a proposal is on National Land). | Questioning the relevance and extent of Panel sessions for the life of a development (Kamberra) given the prescriptive nature of the Amendment.  What is the expectation of Panel involvement- provide certainty on the timing and number of Panel sessions and address of outcomes to ensure development program can be achieved. | Design Review Panel should be able to review alternative design solutions and provide endorsement for departures, for example achieving “equivalent outcomes” in the City of Vancouver. | | Definitions | Whilst definition of habitable room is consistent with the Territory Plan, due to the minimum floor to ceiling heights for habitable rooms and habitable rooms including a kitchen, it will not be possible to include an s-trap for a kitchen sink within the slab. The services would need to be exposed beneath the slab of the floor above. | Amend and clarify this matter. |   **Summary**  Kamberra Estates remain committed to providing a high quality architectural and landscape outcome at the Kamberra site that enhances urban character within the City Gateway corridor.  We welcome the opportunity to discuss alternative design options that better achieve the Framework’s objectives for the  Kamberra site.  It is critical that these matters are considered promptly to ensure that the Amendment reflects a balanced outcome that both enhances Canberra’s urban form and preserves development opportunities for the Kamberra Winery site. |
| 50 | Richard Bush | Thank you for the opportunity to comment on National Capital Plan Draft Amendment 91 - City and Gateway Urban Design Provisions.  **Road Users' Hierarchy** Pedal Power urges NCA to review the draft Design Provisions associated with the Framework to ensure that they adequately cover provisions for safe and convenient cycling.  There are a number of references throughout the draft to ‘pedestrian’ matters including the page 22 reference to ensuring 'pedestrian priority’ on Northbourne Avenue.  As we said in our 2018 submission on the City and Gateway Urban Design Framework , 'cycling priority' should be added to these references.  To reinforce this point, we suggest the Design Provisions should, at the start of the document, make reference to the road users' hierarchy with pedestrians at the top followed by cycling and public transport and finally motor vehicles.  **Design Provisions**  The draft Design Provisions do not contain a detailed description of what is expected in designing the interface between buildings and the walking and cycling paths along Northbourne Avenue and/or the Federal Highway.  There is considerable detail for matters such as building heights, setbacks, lengths, façades, roof designs, common circulation spaces, environmental performance, street frontages, and landscape character, but no detail at all about how vehicles entering or exiting buildings along Northbourne Ave will interact with people walking and cycling other than general references to pedestrian priority and safety.  Pedal Power urges the Authority to include detailed design guides to cover this deficiency.  The default siting of driveways should be on back streets so as to minimise the need for vehicles crossing the paths and cycleways on Northbourne Ave.  Where an entry or exit is permitted on Northbourne Ave, driveway designs should give priority to path users and be designed to slow vehicles before crossing paths. These crossings are high-risk locations and every effort should be made to ensure the safety of path users.  The Design Provisions should also capture the important provision for cycling in the Framework, namely, that on-road cycle lanes on Northbourne Ave will be upgraded to protected bike lanes.  This is important to ensure the opportunity for such upgrading is not lost as the transformation of the corridor takes place.  The intent in the Framework for Northbourne Avenue's verge width to be increased to separate cyclists from traffic should also be incorporated in the Design Provisions.  **Northbourne as a national capital corridor**  In our 2018 submission, we supported the idea of a two-lane (each way) Northbourne Ave as recommended in the original version of the Framework.  We were disappointed that this idea was expunged from the second version of the Framework because of traffic flow concerns.  This matter should be given further consideration. From NCA's point of view, a carriageway with six lanes of traffic (three each way) would not be in keeping with your high standards of design for Northbourne Ave as a major approach to the national capital.  Moreover, the third lane is currently used by buses pulling into bus stops and this will not be necessary when the light rail is operational.  We note that the line marking north of Antill St narrows the road so, beyond the golf club, the road is one vehicle lane going north plus a turn left lane.  We note the successful re-modelling of Constitution Ave is a precedent for this treatment as it confines traffic to two lanes one of which is a bus lane for part of the way.  In summary, we suggest the proposal for a two-lane Northbourne be the subject of a proper traffic flow study to allay concerns that traffic will divert to other streets.  We are reminded that the original Framework made reference to a possible 50% reduction in traffic on Northbourne Ave once light rail is operational.  Pedal Power would welcome an opportunity to discuss the above issues and any other issues relating to cycling. |
| 51 | Jane Goffman | Thank you for seeking comments on this draft amendment 91. There are many observations and recommendations I would wish to make but I trust that a relatively brief written submission can be supplemented and expanded at a later date.  I have been involved in this process since 2015, when a series of workshops were conducted by the ACT government to explore the views of a range of stakeholders, on behalf of Dickson Residents Group. There are now two important documents on the table (DA91 and the associated City and Gateway Urban Design Framework), yet only one of those is formally being consulted on whereas the other, the accompanying Framework, outlines a broad policy agenda and future Territory Plan variations and planning system changes that go far beyond the content in the draft amendment.  In the six weeks since the draft amendment was released, I have read the document twice and made detailed notes, and attended the sole information session, where I had expected that copies of the 25 page document would be provided so that members of the public would have the opportunity to read and make sense of it by the deadline. No copies were made available on that occasion, and neither were copies of the 78 page Framework placed in libraries or provided to community groups until very close to the end of the consultation period. I have begun to summarise the issues and concerns, but have not had time to complete that.  The Framework outlines a vision for the inner North that will radically change this entire area north of the lake. As a planner, I am uneasy. I believe that the consultation needed to do things properly and the necessary analysis is being rushed, and people are not being given the tools they require to understand what is being planned, why it’s being planned, and what it is likely to mean in practice for them and their families, their communities, and the businesses and other organisations that operate in those communities. In my experience people often struggle to visualise, so visual aids and 3D graphics simulations would help considerably, and contribute to raising awareness. I think it most unwise for governments to bypass the communities most affected, whose support is vital and with whom the government of the day is seeking to form partnerships.  A Design Review Panel seems to be the only practical improvement in process terms, but the panel’s deliberations seem to be quarantined from the day to day developments that will make up the bulk of what’s proposed and approved through the statutory processes. It concerns me that we seem to be artificially dividing the city, treating this one fairly narrow corridor with a set of prescriptive design controls that focus almost exclusively on the outer shell in the name of an elusive design excellence, rather than how the proposed built environment functions for the people who will live and work in, and beside and behind it. The draft amendment also relies heavily on a series of steps and a number of players to be implemented. Yet at the same time, the ACT government seems to be adopting a very different approach to merit, with more flexible interpretations of provisions and planning controls that stimulate the market. In my view it’s essential that the city as a whole is coherent, and the urban fabric we’re laying down now and in years to come is cohesive. The Framework is far too vague at this stage to give guidance, the consultation process is rushed and causing confusion, and further work is needed to clarify what changes are likely, how those will impact on the city, and how heritage and land values and other important social economic and environmental issues will be managed to deliver genuinely positive and sustainable outcomes.  In terms of the draft amendment itself, I am sympathetic to what it is attempting but would have to say it also needs further work. There are particular aspects of DA91 that I find very problematic:   1. interrupting the diagonal axes in the Griffin Plan between Black Mountain and Mt Majura, with 4 towers ringing the Wakefield/Macarthur intersection, should be avoided. Those buildings could be lowered to an RL that preserves the vistas and still achieve a high density transit-oriented node, while welcoming visitors along the official approach route to the War Memorial; 2. introducing an 18m height limit along the entire eastern side of Southwell Park; 3. treating shallow blocks of land that front Northbourne on the other side in Downer with the same brush, despite overshadowing and overlooking concerns by adjoining lessees; 4. lack of incentives for proponents to demonstrate innovative technologies or respond to the characteristics of their site with public art initiatives or cutting edge environmental solutions.   I would strongly recommend a further round of consultation to refine the draft before presenting it to the federal Minister, and I trust that the NCA will both widen and deepen its engagement to keep faith with affected stakeholders. |
| 52 | Michael Tommasi | NORTHBOURNE AVENUE & FEDERAL HIGHWAY  Overall, it should be acknowledged the amount of work gone into the Framework and the Draft Amendment 91 – it seems well considered and of good intentions, as far as it goes. But it does not go far enough. It aims too low. Bigger thinking is needed here. The principle of compressing space on approach to the city centre through reduced setbacks and increased building heights is very much the average approach scenario for most cities. This will not deliver the Grand Avenue this plan aspires to. Lacking from this plan are the design principles of the Garden City, the Nature and Wildlife Corridors, the Sight Lines and Open Spaces, and the mix of residential and commercial/office buildings. A greater vision is needed.   1. The Plan should preserve Open Spaces and Nature Corridors. It should stipulate specific Sight Lines around and in between significant buildings, even though a building if appropriate. There should be greater variations in building heights to break up the monotony that flows from uniform heights and setbacks. 2. The plan should zone land for a mix of residential and commercial/office to encourage people to live and work within walking distance. Significant Government buildings should be located along this corridor with generous open space around them. Garden City Design Principles should be applied throughout. 3. The building design guidelines set the bar low, in many ways just catching up with what has been standard in NSW for two decades. Under ‘Detailed Conditions of Planning, Design and Development’, residential apartment design, provisions for house-like apartments must be made so families of various compositions (multi-generational, number of kids etc) can live in these communities and add to the social mix. This means 4 and 5 plus bedroom apartments with appropriate shared rooms such as two living rooms, multiple balconies/sunrooms etc. Under ‘Environmental Performance’ 100% of apartments should have natural cross ventilation, and innovative methods of achieving that should be encouraged. Large numbers of apartments will face one of Canberra’s busiest thoroughfares, and priority should be given to noise and pollution mitigation devices that allow ventilation to occur without opening up to noise and pollution (something openable windows do). Therefore, separation of air and light should be encouraged by use of, for example, fixed glass windows and operable ventilation shutters.   Conclusion: The NCA as the guardian of good design and of the ‘ideal city’ should aim higher. It should establish a new Grand Vision and work towards implementing it at all levels (why aim for a mere veneer of good design along the corridor, why not Canberra wide?). The NCA would garner much support from Canberrans who deeply care for their unique city, and nationally earn respect, for championing a bold new vision which is based on the unique assets and design principles that is Canberra. |
| 53 | Roger Pegrum | The National Capital Authority has invited comment on Draft Amendment 91 *City and Gateway Urban Design Provisions*.   In the postscript to my recent book *A Very Great City One Day* I made the following observations about the redevelopment of Northbourne Avenue:  *Griffin thought it important that the capital city have a ‘liberality in public space’ and that its buildings be designed with proper attention to size and scale. Northbourne Avenue is our long front driveway, the ceremonial entrance to the city. It deserves a parade of buildings of stunning design quality with a pleasing array of three-dimensional and photographable facades and silhouettes, not wall-to-wall faceless glass apartment blocks but proud destinations with carefully created forecourts and gardens and artful changes in setbacks and materials and audacity. The sixty metres width of Northbourne Avenue must not read as an anonymous traffic tunnel but as a grand boulevard full of life, with generous sidewalks and buildings and gardens talking to each other over their shoulders and across the roadway. Just dandy. That will show Australia that we are looking after our capital city and it will set the gold standard for our urban image. If we don’t get Northbourne Avenue right now it will be many years before it can be done again.*  Draft Amendment 91 promises no such pleasures. It talks of ‘a design-led approach to development … high quality interfaces between built form and urban landscapes … buildings and landscape exhibit design excellence … a landscape setting’ etc but provides little guidance in planning terms other than requiring a 10 metre setback from the front boundary for trees and plantings. There are many unsupported design instructions - ‘facades should relate to adjacent buildings’ - why? ‘façade design … is to clearly express the organisational or structural grid’ - why? ‘visually interesting materials at lower levels should be used … prefinished metal building materials visible from Northbourne Avenue … are not permitted’ - what does this mean? Plant rooms are allowed on rooftops - why?  A successful completion of Northbourne Avenue is arguably Canberra’s most important contemporary urban design challenge. But Draft Amendment 91 contains no planning vision or indication of preferred outcomes and the text is conflicting and unclear. The only built form image is an indicative layout of a small two-bedroom apartment with a bedroom snorkel arrangement incapable of cross ventilation, an unusual inclusion in a strategic planning document. The general absence of evidence or example ensures that unacceptable development proposals for Northbourne Avenue may be approved because they would appear to comply with the rules in the National Capital Plan. Northbourne Avenue should demonstrate ‘design excellence in recognition of the corridor’s role as a key northern approach route to the city’ but it must also be clear what is required of lessees to achieve that result. It is also appropriate that the term ‘design excellence’ should be properly defined, for which I recommend use of the Macquarie Dictionary  The following notes attempt to outline a desirable interpretation of the Draft Variation.  **Site planning and landscape**  Individual buildings shall be attractive, distinctive and elegant within a carefully designed park-like setting. A range of considered building forms and materials is encouraged. Streetscape appeal will be enhanced by varying building setbacks from Northbourne Avenue. Adjoining developments shall be nominally higher or lower than their neighbours to generate an attractive skyline. An internal access road and a landscape planting zone 10 metres wide are shown each side of boundaries with adjoining blocks. Some visitor car parking may be possible within this zone. The separation of about 30 metres between individual properties will avoid a canyon effect and allow views between buildings to the slopes of Mt Ainslie, Mt Majura and Black Mountain (‘Garden City’ and ‘City Beautiful’).  Entries to ground floor or basement carparks shall be at grade and not visible from Northbourne Avenue or surrounding streets. Carparks shall not extend beyond the building footprint and all ramps and vehicle circulation must be contained within the carpark. Short term parking shall be provided near building entries for service vehicles, courier deliveries and taxis etc. Arrangements with Australia Post shall be made for mail to be delivered to the front door of the property. Distribution to tenants or residents will be the responsibility of the body corporate or building manager. No letterboxes are allowed on the street. Services shall be underground with utility boxes located in accessible positions within the external walls of the building. No free standing or screened garbage enclosures are permitted. Garbage and recycling bins, garden storage etc shall be behind doors and fully within the building envelope.  **Architecture and detail design**  Building design is to consider visual interest from all vantage points and especially from street level on both sides of Northbourne Avenue. A pleasing silhouette of rooflines is an important consideration. I support the suggestion of the longest permitted building façade to Northbourne Avenue at 55 metres (about twice the average building height). Sites with more than one building offer the opportunity to vary both height and appearance. The average of building heights on any one site should generally not exceed 28 metres.  Balconies facing Northbourne Avenue shall generally be recessed behind the building face and glass balustrades are not permitted on these elevations. Balconies elsewhere may project with various balustrade treatments. Consideration should be given to installing glazed panels to form balcony ‘wintergardens’. Air conditioning condensers for residential units shall be collocated centrally at each floor level. Condensers are not permitted on balconies.  Continuous glass walls are not desirable visually and sliding doors to balconies should not occupy the full width of rooms. Natural ventilation by fanlights, clerestorey windows or louvred panels will also allow air movement in inclement weather and at night. Sustainability should be a significant factor in consideration of proposals for development. |
| 54 | Gungahlin Community Council | The Gungahlin Community Council (GCC) welcomes the opportunity to provide a submission to the National Capital Authority (NCA) regarding National Capital Plan Draft Amendment 91.  The GCC has several concerns with the submissions and the consultation process:   * We are disappointed with the timing of the release of the Final Corridor Framework in December last year followed by the release of the Draft Amendment in January – this effectively reduces the ability for community organisations such as ourselves to adequately respond; * It would appear the draft amendment is being rushed in order to secure approval prior to the caretaker period commencing for the upcoming Federal election – this is not supported given the long-term consequences of this amendment and the many differences between the draft framework and the amendment; We strongly support the development of Sullivans Creek into a landscape and cycling/pedestrian corridor and request the ACT Government identify and set aside a corridor extending from Gungahlin, through to Lake Burley Griffin for pedestrian and cycle access; * We request that Sullivans Creek be incorporated into the Draft amendment consistent with the Draft and Final Framework reports; * Despite the implicit assumptions made in the Draft, Flemington road is the gateway to Gungahlin (not the Barton highway). This needs to be celebrated and marked at the intersection of Flemington Road and Federal Highway. We support 25m marker buildings either side of Flemington Road at the Federal Highway intersection to enhance, celebrate and mark this significant gateway entry point – already established by the Gungahlin to City light rail; * We support greater density and height in areas along the corridor to reduce demand on municipal services, to support public transport and in locations where existing residents are not impacted. Development at Yowani and Kamberra of 18m is supported (ie. the draft Framework proposal not the final proposal); * We support reduction in building heights in Downer, where existing homes would be impacted. There is, for example, no evidence that an overshadowing assessment on existing homes has been completed; * The future of Exhibition Park in Canberra (EPIC), and any redevelopment in particular, will be very much impacted by any decision related to this Draft but has not been considered in the NCP’s work; * The GCC reiterates the positions articulated in our letter of 5th January 2018 – we request that the effort the community and the Kamberra proponent have already completed be recognised. |
| 55 | Property Council of Australia, Master Builders Association (ACT), Australian Institute of Architects, Australian Institute of Landscape Architects, Planning Institute of Australia, and the Canberra Business Chamber | The ACT built environment industry has a high level of interest in the implementation of the City and Gateway Urban Design Framework (the Framework) and welcome the next stage of the consultation process. This submission is made on behalf of the Property Council of Australia, Master Builders Association (ACT), Australian Institute of Architects, Australian Institute of Landscape Architects, Planning Institute of Australia, and the Canberra Business Chamber.  We have many shared concerns with the proposed amendment to the National Capital Plan released for comment in January 2019 and have prepared a consolidated submission to outline the major issues with the plan’s amendments.  As agreed at our meeting on Thursday 28 February with yourself and Sally Barnes, we would welcome the opportunity to reconvene our representatives to work in a collaborative way to reach some outcomes-based solutions to the issues raised in this submission.  **Introduction**  The development of an urban design framework for the Canberra CBD and northern gateway provide a once in a lifetime opportunity to achieve a great planning outcome for the nation’s capital. The implementation of the Framework will coincide with the completion of the Canberra light rail project and a major urban renewal of public housing along the Corridor. It is critical that the new planning controls are appropriate to encourage the right form of development in the right location. We are supportive of the intent and objectives for the Corridor as the gateway to our city during such significant transformation of our city.  Recent population projections for the Australian Capital Territory (ACT) indicate that there will be more than 450,000 persons living in the ACT by 2022 and that will increase to more than 700,000 by 2060.Canberra’s changing demographics over the next 30-40 years will see more people living in apartment in locations served by good public transport. An additional 60,000 people are projected to live in the corridor between North Canberra and Gungahlin before 2058. It is important that the planning controls under development for the Northern Gateway are capable of delivering sufficient housing to meet future demand. Current projections show that we will need to deliver 5,000 homes every year to meet the needs of our growing population. The Corridor is ideally placed to do much of the heavy lifting – in line with the principles of Transit Oriented Development.  **Process**  It is understood the Framework project is a joint initiative between the National Capital Authority (NCA) and the ACT Government and this reflects the statutory arrangements embedded in the Australian Capital Territory (Planning and Land Management) Act 1988. There is shared interest in many parts of the study area and this is why it is necessary to amend both the National Capital Plan (NCP) and the Territory Plan to give effect to the Framework.  We have noted that the draft Framework was revised after the conclusion of the consultation process to respond to community concerns. In December 2018, the final Framework was endorsed by the Commonwealth and ACT Governments.  There have been significant changes made to the Framework between the draft and final versions. The impact of the changes made between the different versions of the Framework are poorly justified and may deliver built outcomes that do not achieve the desired purpose and objectives.  In addition, it is the view of industry that certainty has been undermined for many landowners within the corridor. Proposed changes now threaten the financial viability of some projects at key locations along the corridor. There needs to be consideration of transitional arrangements for those that have lease variations or purchasing approved on the existing framework.  Many of the changes made in the amended Framework were presented to the residents of Downer at a workshop held in April 2018. The changes included the removal of the marker building/urban village node from the light rail stop and a reduction of building heights for Character Precincts 1 and 2. There does not appear to have been any further engagement with the development industry on the viability of the changes made and their impacts in terms of achieving the Framework’s objectives.  It has been twelve months since the draft Framework was released for public consultation. It is accepted that amendments to the NCP and the Territory Plan are needed to give effect to the Framework. Notwithstanding the need for the current and additional round of consultation, the process to implement improved urban design provisions for Canberra has been cumbersome.  **Building Heights**  It is important to place on the record the industry’s disappointment with changes to the building heights the Corridor. The reduction of these building heights is not supported.  The building heights that were proposed in the March 2018 draft Framework were modest to begin with, considering the significant investment in mass transit infrastructure that is underway along the northern corridor. The further height reduction will constrain future development well below the densities needed to support the long-term viability of the light rail project.  The width of the road corridor in this location is close to 100m and is capable of supporting building heights much greater than the proposed 12m. The building separation is very generous compared to other areas undergoing urban renewal. The appropriateness of the 18m building height is evident from the cross section drawing on page 23 of the draft Framework where the height of future buildings at 18m is less than the height of street trees in the roadway reserve.  Trees are the dominant feature of the entire Informal Park Boulevard and it is apparent that the landscaping of these part of the corridor has a major factor in the preparation of the design controls for new buildings. Because new buildings will sit behind these trees, this section of the corridor has potential to accommodate increased building heights. It is suggested that increased height (18 metres) be considered – consistent with the draft plan.  The removal of the marker building or node from the junction of the Federal Highway and Phillip Avenue is not supported. In addition, a marker building at Flemington Road where the light rail enters the corridor makes sense. This should be a transition point and a potential node to mark the light rail stop, mark the change in the corridor along the light rail route, and importantly implement best transit oriented development principles.  The height reduction that has been made within the final Framework appears to have not considered any alternative design solutions that could have maintained the development potential of the corridor and addressed amenity impacts identified by local residents. It is entirely possible for buildings to be stepped down to reduce the bulk and scale of the upper levels. Use of height planes and upper level building setbacks would be more effective ways to achieve the objectives of the Framework and respond to legitimate concerns raised by local residents.  The height controls proposed for Macarthur and Wakefield Avenue intersections are highly prescriptive and idiosyncratic are also not supported for the following reasons:   * A south facing landscaped plaza on the northern side of the intersection would be overshadowed and wind swept in winter; * There is a significant level difference across the Corridor nomination of a uniform RL across the avenue will not achieve desired balance across the avenue.   **Prescriptive Controls and Design Review Panels**  The proposed planning controls are too prescriptive. It has been demonstrated that planning controls that are too prescriptive do not achieve the most desirable outcomes. They rarely lead to innovative or creative design outcomes.  We believe that by allowing for design review process to occur to enable innovation in design and development, we can build trust with the community in the process. It also is a collaborative way to achieve the desired outcomes in such a critical study area.  Industry supports the adoption of an alternative process which could be taken during project assessment pathway which includes engagement with a Design Review Panel for input and advice. We believe that by allowing for design review process to occur to enable innovation in design and development, we can build trust with the community in the process. It also is a collaborative way to achieve the desired outcomes in such a critical study area.  One possible way of using Design Review Panels is for ACTPLA, the NCA (and the proponent) to seek advice from the Panel when departure from a rule(s) is proposed. The Panel can advise when they consider departure from a rule is justified on the basis that the objectives and criteria are met and where the departure contributes to design excellence.  It is important that Design Review Panels remain independent and advisory. There should be a requirement for Design Review Panel advice to be considered by ACTPLA and the NCA prior to the determination of an application but the Panel should not become a defacto consent authority.  **Apartment Design Requirements**  Many of the internal design standards required for apartment developments have been informed and based on the NSW State Environmental Planning Policy No 65 (SEPP 65) and Apartment Design Guide (ADG) document. These have been in use within NSW for almost 20 years and have materially improved the design quality of residential flat buildings and mixed-use buildings in Sydney and across the NSW over this period.  While adopting SEPP 65 is an overdue reform we should also look to the future and international best practice which are facilitating the gradual introduction of carbon neutral and climate positive buildings and precincts. As discussed above the use of Design Review Panels to advise on rule departures is a good way to remove barriers and to facilitate international best practice in sustainable building and precinct design and construction.  Industry is concerned about potential disparities between development standards between the City and Gateway Corridor where the National Capital Plan provisions will apply and adjoining areas where the Territory Plan will apply. It would be preferable to make the new ‘SEPP 65’ Provisions apply across the City equally. The ‘SEPP 65’ reforms are overdue. However care is needed to ensure more onerous requirements are not introduced without proper review of potential impacts on housing affordability.  Cherry picking parts of the SEPP 65 policy from NSW could have unintended consequences. Draft Amendment 91 proposes more onerous requirements that may impact on affordable housing or the achievement of more 3-bedroom apartments (for example) by having:   * Higher minimum internal apartment sizes, greater minimum balcony areas, higher floor to ceiling heights, increased solar access to apartments and their private open space. These design standards, if adopted into the NCP, would significantly reduce the economic viability of many apartment projects and reduce the likelihood of the Framework’s objectives being met. * prescribed construction requirements that reduce scope for flexible design outcomes. For example, the use of masonry balustrades. Given the increasing trend for timber buildings, this requirement for a certain type of balcony divider creates a problem for a designer/developer that could have been be avoided. Further, prescribing mandatory pitched roofs for parts of the Informal Park Boulevard limit roof top activation and planting. * a number of other design rules (floor to ceiling heights for habitable rooms) will create problems for architects and design panels at application stage. Generally, it is preferable for the National Construction Code to be used as a reference unless there is a very good reason for a variation.   **Holistic Planning**  The draft provisions contained in amendment 91 do not reflect a holistic view of the greater urban needs of the Canberra community. There are sites affected by changes made after the public consultation that are capable of supporting a much higher density and would provide suitable locations for appropriate density. Good planning principles support the location of higher density around and along transport nodes and corridors. Doing so also reduces the pressure on other areas where it may be less desirable to increase density (such as those with heritage and environmental constraints).  Having fully considered the draft and final Framework documents, the Stage 2 Engagement Report and the Downer Community Workshop Report, the draft amendment appears to have been strongly influenced by a design outcome that supports a low-density agenda. It is also important to note that landowners have undertaken extensive consultation over many years and have largely received positive responses from impacted residents and minimal objections.  It would appear that the draft amendment has failed to reflect any social or economic needs that are often needed to balance best urban design and social sustainability outcomes. This includes affordable housing, accessible building design and other design aspects suitable for the changing demographic characteristics of the ACT population.  Ensuring that the latest population projections or defining the number of dwellings needed in the ACT over the short to medium term and then preparing design controls capable of meeting that need is essential at a time of unprecedented growth of our city and region. It also fails to acknowledge existing plans and a willingness from landowners to partner with government and adjacent developments to deliver on important placemaking objectives – for areas such as Macarthur junction and to remediate Sullivan’s Creek – which align strongly with the ACT Planning Minister’s 2015 *Statement of Planning Intent.*  **Proposed Solution**  To address the concerns identified in our submission, we recommend the following solutions:   * Building height controls contained in the March 2018 draft Framework be reinstated. * A clause be inserted allowing the prescriptive design and building controls to be varied where a proposal has been submitted and endorsed by the ACT Design Review Panel. * That further engagement with industry occur immediately to try and achieve the most desirable outcomes for the future needs of our city and community.   **Conclusion**  The planning for renewal of the Gateway Corridor represents a significant opportunity for the NCA and the ACT Government. The commencement of the light rail service along the corridor will transform the city, with the greatest impact between the northern edge of the CBD and Flemington Road.  An accepted planning principle is for increased density to be located close to mass transit infrastructure. The light rail route is an appropriate location to accommodate greater density and building height. By reducing the development potential for this part of the corridor, against the best practice transit orientated development principles – as successfully applied in many cities around the world - it is likely that much of this opportunity will not be able to be realised.  The Framework is more than an urban design tool but an instrument to guide an urban renewal transformation. The current version and the draft amendment to the NCP does not and cannot achieve that. It is imperative that aspects of the Framework and draft amendment 91 be revised to ensure that it can achieve the Frameworks objectives and purpose.  Should you require any further information do not hesitate to contact us directly on behalf of the Industry groups which have jointly prepared this submission. |
| 56 | Leon Arundell | I generally support what has been presented for The Avenue section of this plan. However I am concerned about the overall prescriptive nature of the amendment, given that the Territory Plan has in recent years moved towards an outcomes-based approach.  The prescribed building heights for the intersection of Northbourne, Wakefield and Macarthur avenues are unnecessarily high, and may impede the Griffins’ intended views towards Black Mountain and Mt Majura.  I also have concerns about the *Informal Park Boulevard* section.  The name indicates that this area is intended to be informal in design and building. To mandate that each side of the boulevard ‘mirror’ its opposite creates a regimentation that will force designers of buildings on one side of Northbourne Avenue to conform to the designs of buildings on the other side. In my view it will be more appropriate for this area to allow levels of diversity and informality comparable to those allowed in the rest of Canberra.  Block sizes and depths north of Antill Street are significantly smaller than is the case for other sections of the corridor. This makes it more appropriate, and more in keeping with the adjacent residential areas, to have building heights lower than 18 metres.  The height and bulk of ‘marker’ buildings at the intersection of Phillip Avenue and the Federal Highway should be limited, so as not to impede north-westerly vistas along Phillip Avenue, towards Crace Hill.  Building heights could be increased on the western side of Northbourne and the Federal Highway from Yowani to Flemington Rd, as they will have limited impact on existing residents on the eastern side. Based on my experience of perennially leaky flat roofs, I would recommend mandating pitched or sloped roofs on all buildings.  It would be helpful to include an outline of where future “marker” buildings could be located near the corner of Flemington Road and the Federal Highway.  The Sullivan’s Creek corridor, from the city to Mouat Street, includes Canberra’s most heavily used cycling and walking path. Provision should be made for future extensions of the path across Mouat Street to the Barton Highway in the first instance, and then to Flemington Road (to provide a connection to Gungahlin) and later possibly to the starting point of Sullivan’s Creek. This is a vital piece of infrastructure that should retain the capacity to be improved and extended, in order to be able to meet Canberra’s evolving transport demands.  I believe that it would be valuable to establish a citizens’ reference group, comprised of representatives of interested and qualified bodies such as the Planning Institute of Australia, to assist in the finalisation of this draft amendment. |
| 57 | North Canberra Community Council | Thank you for your letter of 21 January 2019, in which you invited the North Canberra Community Council to comment on this draft amendment. Our preliminary comments are as follows, together with the attached partial summary tables of issues and concerns about Draft Amendment 91 and the proposed Framework. We endorse the content of those tables, even though they are labelled as “draft.” We seek leave to provide further comments and supplement this submission.  We are generally supportive of what has been presented for The Avenue section of the plan.  We are concerned about the overall prescriptive nature of the amendment, given that the Territory Plan has in recent years moved towards an outcomes-based approach.  The issues we can readily provide considered and informed advice on in the short time available are flagged below. We are able to provide more detail and informed discussion towards a city plan that better achieves its objectives and provides improved amenity to the community given more time. We are generally supportive of what has been presented for The Avenue section of the plan.   1. We are concerned about the overall prescriptive nature of the amendment, given that the Territory Plan has in recent years moved towards an outcomes-based approach. 2. We have some concerns around prescribed building heights at the Northbourne/Wakefield/Macarthur intersection, and how the resulting buildings may impede vistas towards Black Mountain and Mt Majura, which are an integral part of the Griffins’ plan. 3. The Informal Park Boulevard section provides many areas of concern. 4. As the name suggests this is supposed to be informal in design and building. To mandate that each side of the boulevard ‘mirror’ its opposite creates a regimentation that in our view is unwarranted and unwanted. It is appropriate in this area to allow diversity and more informality. 5. The inclusion of building heights on Lyneham’s Southwell Park occurred very late in the consultation and is not reflected in the final Framework. It was not shown publicly in any previous documentation. We are concerned about the loss of public open space for recreation, loss of expansive views to the O’Connor Ridge, and that stakeholders such as Netball ACT may not have been adequately consulted. 6. The 18m building heights on the eastern side of Northbourne in Downer are out of context and appear to be inappropriately high. We note that block sizes and depths north of Antill Street are significantly smaller than is the case for other sections of the corridor. 7. Some form of ‘marker’ building and node should be reinstated on Phillip Avenue, at its intersection with the Federal Highway, to complement the building heights on the opposite corners and help to emphasise and frame the north-westerly vista along Phillip Ave to Crace Hill. 8. Building heights could be increased on the western side of Northbourne and the Federal Highway from Yowani to Flemington Rd, as there is no discernible impact on existing residents. Mandating pitched roofs on these buildings would negate options such as roof top gardens. 9. It would be helpful to include an outline of where future marker buildings could be located near the corner of Flemington Rd. We have no firm view what should be done on the EPIC frontages, but we expect that this site will undergo many changes in the course of the next 20-30 years. 10. The Sullivan’s Creek corridor, from the city to Mouat Street, includes Canberra’s most heavily used cycling and walking path. Provision should be made for future extensions of the path across Mouat Street to the Barton Highway in the first instance, and then to Flemington Road (to provide a connection to Gungahlin) and later possibly to the starting point of Sullivan’s Creek. This is a vital piece of infrastructure that should retain the capacity to be improved and extended, in order to be able to meet Canberra’s evolving transport demands. 11. There needs to be consideration given to creating a large-scale park and ride facility to encourage interstate travellers and others to park somewhere near EPiC and catch the tram in either direction. Traffic movements on Antill St (North) and Phillip Avenue have increased substantially with the growth of Gungahlin and cross-border flows. While we accept that a park and ride facility may be outside the scope of the current amendment, we wish to flag that it is missing from the accompanying Framework. 12. This is a plan for the next 25 to 50 years. It is an investment in the future. The quality, liveability and workability of the city will be set in concrete with this plan. In the future Canberra can only fix poor design at great expense. The level and rigour of the planning should reflect this. Harnessing the collective intelligence of the community, stakeholders and the professionals in the A.C.T. government departments achieves this and the NCCC has the experience and common aim to be involved.   We request the opportunity to provide further input after more complete consultation with local residents’ groups. We are available to discuss this letter, the foregoing request and the timeframe with you.  SUMMARY OF ISSUES AND CONCERNS OF DA91   |  |  |  |  |  | | --- | --- | --- | --- | --- | | Item | Ref | Comment | Impact type | Level of  concern | | DA91 – principles and objectives | P3 | The principles are contained in the associated Framework, which is a policy document only. Policy documents have no statutory effect.  Objectives on P11 are not spelled out in terms that are tangible, so the subjective nature of terms like high quality and design excellence leaves it open to any proponent to argue compliance and contest the Design Review Panel’s findings. Lack of objectives at the detailed provision stage makes it hard to justify why strict numeric limits are being applied, especially when they appear to be drawn from concrete construction standards. | Structural | High | | DA9 - Territory Plan variation | P3 | Translating the language in the final amendment into a draft variation can take various forms – it can be literal, or it can set out to be broadly consistent, and since it must undergo the full process of consultation can ultimately be modified in multiple ways that change the meaning and risk watering down the rules. Terms like *must*, *should* and *may be permitted* have legal meanings and are all contained in the draft. Given that meaning will change if these are amended in the Territory Plan variation process, it’s essential to get them right in the beginning. Applying prescriptive controls is at odds with the performance-based approach that the Territory Plan uses for merit track proposals, and doesn’t reflect the flavour of the City and Gateway Framework, so it’s peculiar that stringent rules would apply to two long strips whereas the rest of the city would be subject to more flexible rules (that are frequently relaxed). While more stringent rules are clearly necessary given various developments occurring, the NCA hasn’t made a strong case for why these particular rules will deliver better results. | Implementation | High | | DA91 – width of ‘corridor’ has been maximised | P3 | Defining a 2km band of land on either side of Northbourne and the Federal Highway from the lake’s northern shore to the NSW border as a ‘linear corridor’ sets up a new conceptual unit that doesn’t correspond directly to the light rail or to existing suburb layouts and zones. | Zoning, land values and rates  i.e. ECONOMIC and SOCIAL | Needs  monitoring | | DA91 – sustainability as base requirement | P5 | ‘Encourage sustainability’ is a useless phrase and is not carried through in the text of the amendment’s provisions. The community requires much more forceful language and genuine measures, including demonstrations to test out technologies and stimulate uptake of innovative building practices, water and energy efficiency, renewable resource usage and living (green) infrastructure. The importance and urgency is real, so the amendment should go beyond platitudes and include targets. | ENVIRONMENTAL | High | | DA91 – single public information session | P7 | Announcement of a joint framework in late December, release of the text of the draft amendment in the second half of January, a single public session for 1 hour in early February, has limited the capacity of key stakeholders to ask questions, analyse, discuss and consider. Formulating sound policy requires time for information exchange and discussion so that people can be clear about what is proposed and understand what it will mean. The level of engagement to date has been patchy, with significant resources allocated to the Downer community but little or none to Lyneham, or the 6 other suburbs that either flank Northbourne and the Federal Highway directly or are captured by the Framework. | Consultation rushed | High | | DA91 – DCPs will no longer apply but many of their  requirements are not carried over | P8 | Effect of the amendment is to switch off DCPs but much of what’s required to be in a DCP does not appear in the text of this amendment (adverse environmental impacts, visitors, functional relationships, consistency, traffic impacts) | Potential gap | High | | DA91 – allowance for max heights to be exceeded | P9 | Allowing maximum heights to be exceeded and new extensions or rebuilding to achieve greater heights weakens the policy. A site with low site coverage and a few tall buildings can be redeveloped for a much higher plot ratio and yield than its neighbours that have no such advantage. This distorts land values and produces unintended effects. | Variable heights and plot ratios are counter to the policy, which sets out to achieve a unified pattern of heights with very few exceptions | Medium | | DA91 – special requirements apply to land within 200m of the Barton and Federal Highways’ midpoints | P10 | Effect of the amendment along the highway portion is greater than just the block of land that flanks Northbourne (depths of those blocks vary from 35m to over 100m), so a wider band of land is affected north of the junction of the two highways. This doesn’t correspond to the route of the light rail, which generates a need for transit oriented development within the vicinity of each stop. Land in Lyneham and Downer north of Barton Highway is subject to more complex pressures. Policy response should be more sophisticated than to adopt a single height limit for both sides of the approach route without examining the characteristics of those sites and the merits of alternative proposals. Shallower block depths in Downer create overshadowing problems for blocks to the rear whereas sites on the opposite side of the Highway have none of those constraints and should therefore be available for higher yields. | Conflict between longer term planning objectives and urban design preference for visual symmetry | High | | DA91 – formality | P11 | Background states that “Northbourne Av should be distinguished by a formality that is uniquely Australian.” Honestly have no idea what this means but it seems both unnecessary and a misplaced appeal to patriotism. Surely if a Japanese or a Danish architect proposed a distinctive building in a style common to another nation we would not be opposed to that? | Lack of clarity | Low | | DA91 – Objective 5 re sustainability | P11 | Important to strengthen the language about and provisions for sustainability so this isn’t empty lip service | ENVIRONMENTAL | High | | DA91 – Northbourne building height limit 25m or 27.5m | P11 | The wording here has a lot of problems. Firstly it dictates that buildings adjacent to … are to be. That means buildings on the site but behind the front row are not explicitly controlled, secondly it means that any building must be at least 25m and cannot be less if it’s in that front row. The paragraph goes on to allow a height bonus if a building contains just a single two storey or mezzanine unit. Allowing a height bonus is fine but a single unit should not be sufficient to qualify. | LEGAL | High | | DA91 – Minor building elements rooftop | P11 | Restrictions on rooftop elements that could be visible may inadvertently prevent PV panels, as these would typically be visible from various angles | ENVIRONMENTAL | Low | | DA91 – RL617 allowed on 4 corners at Macarthur/Wakefield | P11 | The diagonal axes that criss cross Northbourne at Wakefield and Macarthur Avenues are a key element of the Griffin Plan and serve to connect Black Mountain and Mt Majura. Interrupting those vistas with the bulk of 4 tall towers would be contrary to the intent of the Griffin Plan, and should be avoided by lowering those heights. If 32m is appropriate at Antill St, capping the maximum height to RL 601 would still achieve the desired result of articulating this intersection yet preserve the visual connections of city to landscape along the axes of David and Majura. | HERITAGE and urban design | High | | DA91 – Federal highway height limits specified | P11 | Three different height limits are used and the logic is unclear. The 18m limit between Antill/Mouat and the Barton Hwy should be removed altogether from Southwell Park to protect public open space and outdoor recreation needs. This has not been shown at all in either the draft or final Framework documents, and is an anomaly. On the other side in Downer (which incidentally fronts Northbourne, not the Highway) 18m is excessive and should be lowered to 12m. The impact on blocks to the rear is unreasonable otherwise. The Yowani site on the corner of Barton Hwy is capable of higher yields: its proximity to Sullivans Creek floodway means that to retain established trees and naturalise the creek increased height is justified. Similarly, where the Federal Highway passes land in Lyneham, either 18m or 21m\*1 is a reasonable maximum height that allows for Sullivans Creek to be naturalised and the light rail stop to function effectively. Lowering building heights north of Flemington Rd where the light rail turns is supported. | SOCIAL, ECONOMIC,  ENVIRONMENTAL | High | | DA91 – Fig 146 showing RL617s |  | RL617 is excessive and should be reduced to RL601 to  preserve the Griffin axes (see above) |  |  | | DA91 – Fig 147 showing 18m height limit for large band of Southwell Park | P13 | See above |  |  | | DA91 - Setbacks | P14 | The last 3 setbacks are not properly spelled out in terms of where the reference point lies. The treatment of the corner of Barton Highway and Northbourne (the Yowani site and the corner to the north where the vet is now) warrants at least as much attention as the corner of Macarthur/Wakefield but seems to have been neglected. This is a major arrival/departure point yet is easily missed because of the lack of visual cues. Setbacks from both Barton Hwy and Northbourne may be justified. It is unclear how the setback rules would handle bridges, tunnels, or basements so this should be considered. | Urban design | Medium | | DA91 – Building separation | P15 | Lessening the separation distances for habitable/non-habitable  doesn’t recognise that an office window is at  least as likely to intrude on the privacy of a residential  unit’s or single dwelling’s occupants if they’re at home  (which is more often the case if they’re elderly or have  young children). | SOCIAL | Medium |   DRAFT SUMMARY OF CONCERNS FROM CGUDF   |  |  |  |  |  | | --- | --- | --- | --- | --- | | Item | Ref | Comments | Impact type | Level of  concern | | CGUDF – Changes to planning controls | 6 | According to the Framework, there is one draft Territory Plan variation in the works that will make changes to ‘relevant Precinct Codes’. It is unclear which Codes will be changed and whether more than one variation is intended or likely. | Lack of clarity  about statutory  processes | Medium | | CGUDF – Heritage | 7 | This is one of very few mentions in a 78 page document, which omits to mention garden city principles, the Old Yass-Queanbeyan Rd that traversed the valley where the Pavilion Hotel site is now and ran parallel to Limestone Av, old stock routes, St John’s in Reid (1841) and St Ninian’s in Lyneham (1860s), the Old Canberra Inn (1857), the first aerodrome and RAAF air crash at Dickson (1924 and 1926), traces of early settlers and soldier settlers, the CSIRO’s Experiment Station… Recognising Canberra’s heritage is a progressive undertaking, but lack of an ACT Heritage Strategy impairs the government’s capacity to address this important subject. | SOCIAL | High | | CGUDF – Map 1 | 8 | It’s unclear from this map whether the area subject to the Framework is the Study Area marked, but this is not the same outline as in the draft Framework and has been expanded to take in the whole of Watson and some of the reserve north of Watson. The outline does not correspond to a rough 2km band along the MAAR which is described as a ‘linear corridor’. | Extent of area  included | Medium | | CGUDF – Map 2 | 11 | This map continues to show Cowper St as part of a garden city cycle route that Pedal Power and their members noted during Stage 2 engagement is undesirable and unsafe for cyclists. The diagram is extremely vague, and leaves the reader uncertain as to what the Spatial Framework actually consists of. | Lack of  certainty | High | |
| 58 | HTI Group | We refer to the City and Gateway Urban Design Framework released in December 2018 and write to you with great urgency in relation to the proposed planning policy changes under the recent National Capital Plan Draft Amendment 91. HTI Group are a long‐established local business that has delivered, and is continuing to deliver, quality mixed use developments for Canberrans.  HTI Group are the Lessee of Block 56 Section 58 Turner (formerly Block 8 Section 58 Turner), located at the south western corner of the intersection of Macarthur and Northbourne Avenues. Block 56 and surrounding blocks comprise one of the four sites identified within the Framework as forming the ‘Macarthur Node’.  The site forms part of the Midtown precinct, which has been progressively developed as part of a Master Plan for the site since the land was first acquired by HTI Group in 2014. We have consulted with the National Capital Authority since 2015 on the development of the MidTown precinct, and the Authority is familiar with the MidTown Master Plan.  We feel it is important to reiterate the intent of the MidTown Master Plan as part of this submission and remind the Authority that the achievement of a high‐quality urban design outcome for the Precinct would be compromised should the proposed Draft Amendment 91 be adopted. Our submission is presented in two sections, site specific feedback and a response to proposed detailed conditions of planning, design and development.  **Site Specific Feedback – Block 56 Section 58 Turner**  We have considered the Framework and Draft Amendment in the context of its impact on the future development opportunities for Block 56 and make the following observations:   * The NCA objective of high quality design outcomes for sites within the Northbourne Avenue Corridor cannot be achieved if planning controls are overly prescriptive. Planning controls in isolation do not promote good outcomes, and the controls as proposed would lead to either an abandonment of redevelopment proposals due to the infeasibility of development; or the progression of redevelopment proposals that create inferior placemaking outcomes. * HTI Group believe that given their primary role in reviewing redevelopment proposals as stated in the Draft Amendment, the National Capital Design Review Panel should be empowered to be able to consider departures and alternative design outcomes that create excellent urban design outcomes for Canberra. * We note that there are many comparisons between the Draft Amendment controls and the NSW government State Environmental Planning Policy SEPP65. Key differences are that SEPP65 requires a proponent to submit a design statement that addresses the nine principles promoted by the policy in relation to density, sustainability, amenity and other built form and context considerations. The Residential Apartment Design Guidelines that support SEPP65 do however provide opportunities for proponents to pursue alternative performance based design solutions that demonstrate that objectives are achieved for development. * Under the proposed changes, the potential building footprint on Block 56 reduces down significantly, from 1,577m2 to 387m2, which makes development of this site infeasible. This outcome is depicted in the diagram included in this submission; as depicted in the diagram below.     **Background to the Midtown Precinct and timeline of development activities**   * HTI Group purchased the site (then known as Block 8 Section 58 Turner) in 2014 with the intention to deliver development of the site under a staged approach and create the MidTown Precinct over three stages. * MidTown was envisioned to be home to residences, pop‐up shops, office space, restaurants, retail and a hotel – a true urban precinct. The early planning showed an opportunity to retain the Northbourne House tower and integrate this building within a new mixed‐use urban precinct. * The site planning envisioned the development of three separate buildings serviced by an integrated on‐site road/driveway network with a separate lane for service vehicles (adjoining Block 9) and shared basement access for all future uses at the site. * Post purchase of the site in 2014 the developer progressed the preparation of a Master Plan to give rise to the ambitions for the development (attached to this submission). HTI Group consulted with the National Capital Authority on the proposed Master Plan throughout the development of the site. * The first Development Proposal for the adaptive re‐use of the Northbourne House project was approved on 31 March 2016. * Construction of Stage 1 was completed in September 2017. * Stage 2 development comprising David Street Terraces (Edgeworth Apartments) was submitted for DA approval around January 2016 and the proposal was ultimately approved 19 May 2016. * The Stage 2 proposal included the proposed subdivision of the previous Block 8 to create the Block configurations and titling opportunity that underpins the Midtown precinct. The site was then delivered as a multiple Lease Community Title with a laneway and services Communal Block (Block 42), the Mantra Hotel development (on Block 53), the Edgeworth mixed use/apartment building (on Block 43‐50) and a future Development site (the subject Blocks). * Stage 3 is situated in the part of the site adjacent to and fronting the Northbourne Avenue/Macarthur Avenue intersection. HTI Group always intended that the corner site fronting Northbourne and Macarthur Avenues would be the final and most exciting building to be delivered in the Midtown precinct.   **MidTown Master Plan intentions**  The developer’s aspirations were to create a place with a both resident and transient population (apartments and hotel) with high amenity and convenience retail/commercial opportunities in a location midway between Dickson and the City where two main arterial roads meet and within close proximity of the light rail (Macarthur) station.  The geometry of future development was to be set‐up partly by the retention of the southern tower building and the opportunity to gain access from Macarthur Avenue and David Street with a services exit onto Northbourne Avenue in the south‐eastern corner of the precinct. This then provided development opportunities along the on‐site roadways for a second parcel fronting David Street and a third parcel at the corner of Northbourne and Macarthur Avenues.  A strong initiative in the establishment of the precinct is situated around the desire to ‘liberate’ the entire development from services requirements and minimise the need to duplicate services spaces in all buildings, thus maximising active frontage opportunities (especially within the future laneways), minimising the need for services cupboards and services access doors at ground level (such as waste enclosure roller doors) and segregating site servicing and service vehicle access requirements from general vehicular and pedestrian traffic.  **National Capital Plan Draft Amendment 91**  The release of Draft Amendment 91 in January 2019 clearly describes the National Capital Authority’s design intentions for the Node, including our site as depicted in Figure 146 of the Amendment.  The Draft Amendment and proposed controls was not anticipated by HTI Group, as the Authority did not consult with Lessees of the Node sites regarding the significant changes that have occurred since the Draft City and Gateway Framework (March 2018).  HTI Group lodged a submission to the Draft Framework, which generally supported the Draft Framework, subject to changes in the building separation requirements to allow for greater flexibility. Since the Draft Framework there have been substantial variations which have been incorporated in the Draft Amendment 91 (January 2019), including:   * Inclusion of urban landscaped plaza * Reduced Building Heights from 32m to 27.m * Increased building separation distances   During that time, between March 2018 to January 2019, HTI Group initiated several discussions with the Authority to engage in a collaborative way to see out the vision for the MidTown Precinct. On each occasion the Authority did not choose to engage with HTI Group on these significant changes leading to the Draft Amendment 91 Should this amendment to the National Capital Plan be approved with a corresponding policy change to the Territory Plan, this would prevent the completion of the final stage of the MidTown Master Plan. The controls proposed under the Draft Amendment make development of the final site unachievable, for the following reasons:  o Due to the pre‐determined site layout and location of communal blocks for vehicle access and the restriction of building on the landscape plaza area, the remaining areas of land permitted for development has a footprint too small to support a viable building outcome at this corner;  o Given existing development, the required minimum building separation as specified under the Amendment makes the actual developable portion of the site even smaller still; and  o Proposed controls for the landscape plaza prohibit any structures, including basement, to encroach into the plaza, making future parking provision by extending the existing shared basement on the site impossible.  If the opportunity to develop the corner of the site is lost, HTI Group will not be able to achieve the vision for the precinct that will create an active commercial precinct fronting the plaza, and the Framework objectives to create a vibrant Node and reinforce the urban form at this important corner will not be realised.  It is suggested that changes to the proposed Amendment could achieve the objectives envisaged by the Authority whilst retaining the intended building design outcomes for the site.  **Proposed Development Controls – Block 56 Section 58 Turner**  In determining Proposed Development Controls, consideration has been given to the objectives and outcomes sought by Draft City and Gateway Framework (March 2018), Final City and Gateway Framework (December 2018) and the Draft Amendment 91 (January 2019). Further, we have considered the vision of the MidTown precinct in its entirety and to achieve HTI Groups vision for urban precinct.  Proposed controls are set out as follows:   * Reduce the Macarthur Avenue setback to 6m * If an absolute necessity, incorporate an urban plaza with a dimension of 20m x 45m (maximum) as per diagram below * Built Form height of RL617 where highlighted in blue * Rear and side setbacks as per the existing provisions of the Territory Plan * Building separation control with a minimum of 12 metres between habitable rooms     Response to proposed detailed conditions of planning, design and development   |  |  |  | | --- | --- | --- | | Proposed amendment | Comment | Suggested change | | Building setbacks  Northbourne Avenue  Buildings must be set back a minimum of 10 metres from the property boundary adjacent to Northbourne Avenue. Basements and balconies must not extend into the setback area adjacent to Northbourne Avenue. Minor encroachment such as awnings or architectural details may be considered if the materials and design are such that the visual integrity of the building line is retained.  A composition of soft landscaping should be provided between the building line and property boundaries to Northbourne Avenue and major cross streets. Hard surfacing, other than for pathways and driveways, should be avoided. Parking and porte cochere vehicle drop off spaces are not permitted.  Rear and side setbacks must be in accordance with the relevant provisions of the Territory Plan. | A 10 metre setback from the property boundary adjacent to Northbourne Avenue is supported.  Figure 146 imposes significant building restrictions on the site that have not been developed with an understanding of prior works undertaken to develop the Midtown precinct, in particular, the urban landscape plaza that significantly extends into the developable portion of Block 56.  As shown in Figure 1 the urban landscape plaza setback creates a building footprint that is infeasible.  Maintaining rear and side setback in accordance with the relevant provisions of the current Territory Plan (as at 4 March 2019) are supported. However, it is noted that this is inconsistent with Building Separation provisions within the Amendment. It should be noted that Building Separation provisions within the amendment are not supported and the current Territory Plan side and rear setbacks should prevail.  Incorporating setbacks as shown in Figure 2 would allow construction of a development that meets the intention of the Final City and Gateway Framework and Draft Amendment 91. | Revised diagram that achieves urban design objectives intended for the Macarthur Node has been prepared and supplied with this submission. Refer Figure 2 for a diagrammatic view of the suggested setback.  Setbacks should be as follows:   * Northbourne Avenue ‐ 10m * Macarthur Avenue – 6m * Urban Plaza 45m from Macarthur Avenue and 20m from Northbourne Avenue | | Building separation  Minimum separation distances for buildings are:   |  |  |  |  | | --- | --- | --- | --- | | Building height | Between  habitable  rooms/balconies | Between  habitable and  non‐habitable  rooms | Between non‐habitable  rooms | | Up to 4 storeys | 15m | 10m | 6m | | Up to 8 storeys | 20m | 15m | 10m | | 9+ storeys | 25m | 20m | 15m |   Where a building abuts a lower density zone, building setbacks to the boundary of sites zoned for lower density should be increased by three metres.  Greater building setbacks may be required by the approving authority where increased building separation may achieve better amenity outcomes.  Building separation is measured from the outer face of building envelopes which includes balconies. When applying building separation distances to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary where possible. | The control as proposed in the Amendment is substantially more onerous than provided in the current Territory Plan and SEPP65  Apartment Guidelines.  The introduction of these substantial building separation distances will have significant unintended design consequences for sites within the corridor.  The setbacks shown in Figure 146 and coupled with the existing development adjacent to the site, make development of Block 56 infeasible. Refer Figure 1, this demonstrates the controls in the amendment and significant implications on built form as a result of the building separation controls.  The required building separations minimise opportunities to create a fine grain urban character.  SEPP65 prescribes 6m and 9m building separation, separations of between 10m to 25m will make development on Block 56, and most other sites, infeasible. | It is proposed to amend the Building separation between habitable rooms/balconies at all heights to 12m. Alternatively, the Design Review Panel may consider an alternate design | | Length of buildings  Long buildings that limit permeability, block views, and disrupt a pedestrian scaled neighbourhood system should be avoided.  New buildings are limited to a maximum length of 55 metres. Longer buildings may be permitted at lower building levels where strong design justifications is provided, such as provision of continuous, active street frontages. Where this is the case, pedestrian mid‐block links between 5 and 10 metres wide must be provided at least once every 55 metres through the built form. Longer buildings may also be permitted at the intersection of Northbourne Avenue with Macarthur/Wakefield Avenues, where the buildings run perpendicular to the Northbourne Avenue and where building design meets all relevant provisions regarding façade design, articulation, and roof design. | No comment | No change | | Building façades  Building façades should relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.  Façade design is to include the use of articulation and modulation to clearly express the organisational or structural grid of the buildings, and to break up the mass of longer buildings. Blank walls are discouraged.  A balance of light and shadow on the façade is to be created throughout the day through the use of balconies, deeper window reveals, integrated shading, rebates, and expression of structural elements.  Façade design should give important corner visual prominence through a change in articulation, materials or colour, roof expression or changes in height.  Façade materials must be of high quality. A use of robust, low maintenance materials in the higher parts of a building, and natural, tactile and visually interesting materials at the lower levels should be used. Pre‐finished metal building materials visible from Northbourne Avenue or the Federal Highway are not permitted.  Building entries must be clearly defined and identifiable from the street | The expression of façade elements in relation to existing adjoining buildings and incorporation of articulation should be considered in relation to site context.  Limitations on material types reduce opportunity to introduce innovative building materials.  Pre‐finished metal building materials have been utilised at Mantra Macarthur and Edgeworth to great effect, the alternate to this level of finish would be fibrous cement sheet or painted concrete, this would have been detrimental to the elevations of both buildings. | Proponent should be able to provide material sample for consideration on case by case basis.  It is suggested to delete “Pre‐finished metal building materials visible from Northbourne Avenue or the Federal Highway are not permitted” as this is overly prescriptive. | | *Balconies and balustrades*  Balconies must be incorporated into the design of all residential dwellings.  Minimum balcony areas are:   * Studio apartments – 8m² with a minimum dimension of 2 metres * 1 bedroom apartments – 10m² with a minimum dimension of 2.5 metres * 2 bedroom apartments – 12m² with a minimum dimension of 2.5 metres * 3+ bedroom apartments – 24m² with a minimum dimension of 2.5 metres.   For apartments at ground level or on a podium or similar structure, a private open space must be provided instead of a balcony, of the following minimum size:   * Studio apartments – 18m² with a minimum dimension of 4 metres * 1 bedroom apartments – 24m² with a minimum dimension of 4 metres * 2 bedroom apartments – 24m² with a minimum dimension of 4 metres * 3+ bedroom apartments – 36m² with a minimum dimension of 6 metres   Clothes drying, storage units, or plant and equipment (including air conditioning plant) are not permitted on balconies.  Balconies must be designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony.  Balconies must be designed in accordance with the following:   * Balustrades to balconies to 12 metres above ground floor level must be solid. * Full width and full height glass balustrades are not permitted below 20 metres. * 60% of balustrades of any apartment 12‐ 20 metres above ground floor level must be solid. * To maintain visual and acoustic privacy, partitions between adjacent balconies must be constructed of masonry. Operable screens, shutters, hoods and pergolas are encouraged to control sunlight and wind. | These requirements exceed requirements under the Territory Plan Multi Unit Housing Development Code and SEPP 65  2.5m wide balconies are not considered to significantly improve amenity. More onerous balcony and courtyard size requirements enhances the impacts from building separation and building setback controls. This will impact the product mix that is offered and will impact on provision of affordable dwelling products.  Prescribing the use of solid balustrades for 60% of apartments between 12m – 20m and the use of masonry partitions will increase construction costs and will not contribute positively to visual and acoustic privacy and the elevations of future buildings. | Minimum balcony areas are:   * Studio apartments – 8m² with a minimum dimension of 2 metres * 1 bedroom apartments – 8m² with a minimum dimension of 2.0 metres * 2 bedroom apartments – 10m² with a minimum dimension of 2.0 metres * 3+ bedroom apartments –12m² with a minimum dimension of 2.0 metres.   For apartments at ground level or on a podium or similar structure, a private open space must be provided instead of a balcony, of the following minimum size:   * Studio apartments – 16m²with a minimum dimension of4 metres * 1 bedroom apartments –16m² with a minimum dimension of 4 metres * 2 bedroom apartments –24m² with a minimum dimension of 4 metres * 3+ bedroom apartments –24m² with a minimum dimension of 4 metres   Delete *“60% of balustrades of any*  *apartment 12‐ 20 metres above ground floor level must be solid.”*  Modify final paragraph *“To maintain visual and acoustic privacy, partitions between adjacent balconies must be solid. Operable screens, shutters, hoods and pergolas are encouraged to control sunlight and wind.”*  Further, propose the implementation of a Design Review Panel that has the power to review these controls based on design. | | Roof design  The design of the roof should be integrated into the architecture of the building, use high quality materials, and provide a positive addition to the streetscape. Continuous, horizontal parapets extending the full length of the building are not permitted.  Service elements and roof top plant must be integrated into roof design and not be visible from public areas, including streets.  The design of roofs and parapets should be articulated and express the layout of the building.  Roof design should incorporate sustainability features to maximise solar access to internal building spaces during winter and provide shade during summer.  Communal open space areas and rooftop gardens may be considered. Fully enclosed structures on roof tops are not permitted. Structures such as pergolas must not occupy more than 10 per cent of the total roof area. | No comment | No change | | Ceiling heights  Ceiling heights should promote natural ventilation and daylight access to internal building spaces, and contribute to the flexibility of building use over the life of the building.  Northbourne Avenue  Minimum floor to ceiling heights within buildings adjacent to Northbourne Avenue shall be as follows:  Ground floor facing Northbourne Avenue (uses other than residential) – 6.0 metres (mezzanine permitted over 30% of ground floor)  Ground floor (residential) – 3.3 metres  Ground floor (other uses, including commercial/office use) – 3.6 metres  Residential (general) –   * 2.7 metres floor‐to‐ceiling minimum for all habitable rooms, and 2.4 metres for all non‐habitable rooms. * For two‐storey units, 2.4 metres minimum for second storey if 50 percent or more of the apartment has 2.7 metre minimum ceiling heights. * For two‐storey units with a two‐storey volume living space, 2.4 metre minimum ceiling heights. * Attic spaces are permitted, with a 1.8 metre minimum wall height at edge of room with a 30 degree minimum ceiling slope. | Ceiling height minimum should be 2.55m as this aligns with construction methodologies.  Given the overall building height is fixed, there is potential to encounter issues with achieving these ceiling heights with differences between building service systems, topography, flooding etc are resolved on sites. | Amend Residential (General) floor‐to-ceiling height to 2.55 metres. | | Residential apartment design  The layout of rooms within an apartment must be functional, well organised and provide a high standard of amenity. Dwellings are required to have the following minimum internal areas:   |  |  | | --- | --- | | Dwelling type | Minimum internal area | | Studio | 40m² | | 1 bedroom | 60m² | | 2 bedroom | 80m² | | 3 bedroom | 110m² |   The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. Additional bedrooms increase the minimum internal area by 12m² each.  Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.  The following design criteria must be achieved to ensure that dwelling layouts accommodate a variety of household activities and needs:  1. Master bedrooms must have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).  2. Bedrooms must have a minimum dimension of 3m (excluding wardrobe space).  3. Living rooms or combined living/dining rooms have a minimum width of:  a. 3.6 for studio and 1 bedroom apartments  b. 4m for 2 or more bedroom apartments.  The width of cross‐over or cross‐through dwellings are at least 4m internally to avoid deep narrow dwelling layouts. | This imposes larger minimum apartment size requirements and minimum room widths compared to the ACT Territory Plan Multi Unit Housing Development Code, and is contrary to the achievement of density and sustainability initiatives for a more compact urban form, particularly for sites well located with access to public transport infrastructure including Block 56.  Larger dwelling size requirements reduces the diversity of product.  More onerous dwelling size requirements may impact the product mix that is offered and will impact on provision of affordable dwelling products. | If minimum dwelling sizes are adopted they should follow the below guide:   |  |  | | --- | --- | | Dwelling type | Minimum internal  area | | Studio | 40m² | | 1 bedroom | 50m² | | 2 bedroom | 70m² | | 3 bedroom | 100m² |   Further, propose the implementation of a Design Review Panel that has the power to review these controls based on design. | | Common circulation spaces  The maximum number of dwellings off a circulation core on a single level should be no more than eight. Where this is not achievable, a high level of amenity for common lobbies and corridors should be demonstrated through the provision of access to ample daylight and natural ventilation, common areas for seating and gathering, and generous corridors with greater than minimum ceiling heights.  For buildings of ten storeys and over, the maximum number of dwellings sharing a single lift is 40.  Corridors longer than 12 metres from the lift core should be articulated, for example by a series of foyer areas with windows and spaces for seating, and wider areas at apartment entry doors and varied ceiling heights.  Primary living room or bedroom windows must not open directly onto common circulation spaces, whether open or closed. | No comment | No change | | Environmental performance  Energy efficiency  Development should incorporate passive solar design to optimise heat storage in winter and reduce heat transfer in summer. Potential design options include the use of smart glass or other technologies (particularly on north and west elevations), maximising thermal mass in the floors and walls of north facing rooms, overhangs and shading devices such as awnings, blinds and screens.  Operable screening such as louvres, sliding, folding or retractable elements should be designed to provide shade and protection from natural elements. Operable screening elements must be integrated with building design.  Residential use  To optimise direct sunlight to habitable rooms and balconies, design features such as dual aspect apartments, shallow apartment layouts, two storey and mezzanine level apartments and bay windows should be used. Building design must achieve the  following:   * Living rooms and private open spaces of at least 70% of apartments in a building must receive a minimum of 3 hours direct sunlight between 9am and 3pm on the winter solstice (21 June). * A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm on the winter solstice (21 June).   All habitable rooms must have an operable window in an external wall with a total minimum glass area of not less than 15% of the floor area of the room. Courtyards, skylights and high level windows (with sills above 1500mm) should only be used as a secondary light source in habitable rooms.  A ‘snorkel’ arrangement may be provided for bedrooms only (refer Figure 150). Where this arrangement is proposed, a window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.  The secondary area should be a minimum width of 1.2 metres, and a maximum depth of 1.5 times the width, measured from the external surface of the window.  All habitable rooms should be naturally ventilated. Building design should demonstrate consideration of the building’s orientation to maximise capture and use of prevailing breezes, depths of habitable rooms, openable windows and the use of awnings and louvres to funnel breezes. Lights wells must be the primary air source for habitable rooms.  The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents. At least 60% of apartments should be naturally cross ventilated in the first nine storeys of a building. Apartments at ten storeys or greater are deemed to be cross ventilated only if balcony enclosure allows adequate natural ventilation and cannot be fully enclosed. | There should be an opportunity to provide performance criteria on a site by site basis. Given the orientation of the corridor and majority of the sites having an east / west orientation, this rule may have significant unintended design consequences on future developments.  This control is prescriptive and may limit opportunity for evolving building technologies within the lifetime of this policy document.  SEPP65 requires a minimum of 2hrs of direct sunlight and it is suggested that the NCP controls should be consistent with this approach. An additional maximum 15% of dwellings that receive no direct sunlight imposes additional limitation on building configurations. | It is proposed that 70% of apartments in the building receive a minimum of 2 hours direct sunlight between 9am and 3pm on the winter solstice.  Further, propose the implementation of a Design Review Panel that has the power to review these controls based on design | | Street frontage  Finished ground floor levels set below the adjacent finished pavement levels on Northbourne Avenue and the Federal Highway are not permitted. The fall from the building entrance to the kerb must generally be no greater than 2%.  Where ground floor residential development is proposed, a vertical separation above the finished ground level and adjacent verge and setback area up to 450mm is permitted to assist in providing privacy for floor residences.  Where commercial uses are located on ground floors of buildings, buildings must be designed to ensure a direct connection to the adjacent verge and setback area to ensure street continuity.  Service areas must be integrated within the building design to avoid impacting the public domain. Basement car parks should not be visible from the street. | Block 56 has a steep fall away from Northbourne Avenue. Finished floor levels at the pavement levels adjacent to Northbourne Avenue is not achievable on Block 56. Further, the Building level is set by existing developments/buildings and cannot be altered. The community title structure set in place for the development would make achievement of levels unachievable.  Buildings are also required to achieve DDA compliance. | It is proposed to delete *“Finished ground floor levels set below the adjacent finished pavement levels on Northbourne Avenue and the Federal Highway are not permitted. The fall from the building entrance to the kerb*  *must generally be no greater than*  *2%.”*  Further, propose the implementation of a Design Review Panel that has the power to review these controls based on design. | | Landscape  Landscape character  Landscape design for development along the Federal Highway and Northbourne Avenue corridor is a fundamental character feature of the gateway into the city centre. It should unite development with the existing landscape character of Canberra, soften the impact of larger building form and provide visual relief to the urban condition, consistent with Canberra’s status as the bush capital.  New development must provide substantial tree and understorey planting, supported by functional, safe and attractive private and public areas of open space. Development must continue to deliver Canberra as a city in a landscape.  The spaces between buildings must be landscaped to a high quality and promote green links between the private and public domain.  Landscape spaces must be designed to clearly differentiate between areas intended for public and private use, maximising the functionality of both. Landscaped areas must be designed for maximise user comfort and safety.  Planting within setback areas should consist primarily of trees, as opposed to shrubs or other low vegetation. A minimum of 30 per cent of new plantings within setback areas should be capable of achieving at least 15 metres in height.  All new developments must renew the adjacent road verge in accordance with the principles outlined in this section.  Mature trees should be retained to the maximum extent practicable and integrated into landscape design. Where existing trees must be removed, they must be compensated for by planting elsewhere on site. All Landscaping within development sites must  complement the landscape design themes evident in the corridor:  South of Antill/Mouat Streets  A ‘formal landscape avenue’ containing consistent street tree planting within the verge and extending into the setback area.  Landscape design may reflect the formality of Northbourne Avenue, and include rows of trees, regulatory in planting, and formal hedging.  Landscape design and planting should respond to Canberra’s blend of endemic and introduced species, reinforcing the ‘bush capital’. Plant species should be chosen for their effectiveness and adaptability to Canberra’s climate to reduce heat islands and to maximise shade. | Prescribing a set percentage of  trees to total plantings is excessive  and arbitrary, and may jeopardise  the ability for tree plantings to  achieve healthy mature growth | It is proposed to delete *“A minimum of 30 per cent of new plantings within setback should be capable of achieving at least 15 metres in height*  Further, propose the implementation of a Design Review Panel that has the power to review these controls based on design. | | Deep soil zones  A planting zone, no less than five metres wide, should be provided within the front setback areas and be retained for deep soil planting.  Front setback areas should be retained for deep soil planting.  A minimum deep soil zone dimension of five metres should be applied where located on site.  Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Landscape and building design must demonstrate:   * the consolidation of basement and sub‐basement car parks beneath building footprints * adequate clearance around trees to ensure long term health * co‐location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil. | No comment | No change | | Access and parking  Northbourne Avenue  Vehicle access, including verge crossings and driveways, to sites shall be located and designed to ensure pedestrian priority. The design of vehicle access arrangements to sites fronting Northbourne Avenue should ensure that pedestrian desire lines and footpaths are maximised, the width of the vehicle access way is minimised and its materials integrate with landscaping within the verge and setback.  Where possible, sites should share vehicle access via a shared space with adjoining properties, that extends from Northbourne Avenue to the rear street frontage. The space should be designed to prioritise pedestrian movement, contain high quality public realm treatments, including tree planting, footpaths and lighting that add visual interest.  Where a site cannot accommodate shared access arrangements, a maximum of one crossover per block is permitted. The crossover and driveway should be located as far as possible to a block boundary rather than towards the centre of the block.  To minimise potential conflicts, pedestrian and vehicle access to sites should be clearly separated and distinguishable. This may include changes in surface materials, level changes, or the use of landscaping for separation.  Car parking should be provided in basements. On‐grade parking is discouraged and will only be permitted if the following criteria are met:   * parking is located to the rear of the site away from Northbourne Avenue and major cross streets * cars are screened from view to the maximum extent possible of streets, buildings, communal and private open space areas * parking is incorporated into the landscape design of the site, by extending planting and materials into car parking space * light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4‐5 parking spaces to reduce increased surface temperatures from large areas of paving.   Car park entries should be located away from Northbourne Avenue. A traffic and parking assessment should accompany development proposals for any site, and this will be determined in consultation with the approving authority | The Midtown precinct has been previously designed to accommodate vehicle movements and basement entries such that the development functions as an integrated access solution for a range of site users. | No change | | Lighting  All outdoor lighting, including security and car park lighting, must be designed and sited to minimise light pollution. All outdoor lighting (including lighting fixed to structures) must use full cut‐off light fittings. Any uplighting of buildings should be carefully designed to keep night time overspill and glare to a minimum.  Specialty lighting should be used to highlight any ACT border marker. | No comment | No change | | Signage  Northbourne Avenue  Careful consideration should be given to the integration of signs with building design and landscaping to ensure they do not detract from the Northbourne Avenue frontage. Any signage not affixed to a building must be within a landscape setting.  Signage across a site should be designed in accordance with a cohesive and coordinated theme, and respond to the scale, proportion and detailing of the development.  To minimise visual clutter, individual commercial tenancies should have no more than one sign fronting Northbourne Avenue. For residential development, a single wall sign is permitted, of no more than 10% in size of the façade on which it is located. Larger developments may include legible and discrete way finding signage.  Permitted road signs are those that could reasonably be expected along a main thoroughfare, such as directional signage and street signs, and that are required by relevant traffic authorities. No commercial advertising is permitted on road signs.  Changeable message signs, animated or flashing signs, and third party advertising signs are not permitted on building facades or roofs visible from, or within setback areas to, Northbourne Avenue. | No comment | No change | | Fencing  Fencing along site frontages to Northbourne Avenue is not permitted. Private open space for ground floor dwellings fronting Northbourne Avenue may be enclosed by fences or courtyard walls. Fences and courtyard walls to private open space fronting Northbourne Avenue must be:   * not higher than 1.8 metres above datum ground level, with solid components not higher than 1 metre * constructed of high quality materials (pre‐coloured metal, chain‐link, barbed or razor wire is not permitted) * integrated with landscaping.   Private open spaces must not extend more than four metres into the building setback area, and must not occupy more than 40 per cent of a building frontage.  For sites fronting the Federal Highway, fences are to be designed in a manner that is integral with the landscape design using high quality materials. The use of pre‐coloured metal, chain‐link, barbed or razor wire is not permitted and must not be visible from the Approach Route.  All fencing to site boundaries must not be bulky obtrusive. | No comment | No change | | Design Review Panel  Redevelopment proposals must be considered by a joint National Capital Authority/ACT Government Design Review Panel prior to being approved by the Territory planning authority (where a proposal is on Territory Land) or supported by the National Capital Authority (where a proposal is on National Land). | It is strongly suggested that certainty on the timing and extent of Panels is provided to redevelopment proponents to inform their development programs. | The Design Review Panel should be able to genuinely consider alternative design solutions that achieve superior design outcomes outside of the proposed controls. |   **Summary**  HTI Group appreciate the intention of the Authority to improve urban design standards and built form quality within the Northbourne Avenue Corridor and believe that such changes will be of substantial benefit for the city and for Canberrans.  If the Draft Amendment controls were redrafted to provide the National Capital Design Review Panel the opportunity to consider departures from prescriptive controls in favour of performance based design solutions that achieve the design objectives for the Corridor, and further if the alternative design solution proposed as part of this submission is accepted for Figure 146 of the Amendment, then HTI Group would be supportive of Amendment 91.  We welcome the opportunity to discuss alternative design options that better achieve the City and Gateway Urban Design Framework objectives. It is critical that these matters are considered promptly to ensure that the Amendment reflects a balanced outcome that both enhances Canberra’s urban form and preserves development opportunities for the Lessees of sites at the Macarthur Node; and emphasise that the opportunity to change these controls will cease once the Amendment is adopted. We remain available to further discuss this matter, please do not hesitate to contact the undersigned. |
| 59 | Anne Forrest | Draft Amendment 91 seeks to:  “….create an environment that fosters well-designed and sustainable buildings, urban infrastructure, public places and streets commensurate with the role of Canberra as the National Capital.”  Prepared by the NCA and ACT Government, the draft amendment will clarify and codify the rules pertaining to development in the Federal Highway corridor progressing through Northbourne Avenue into Civic.  Those who attended the public briefing on 6th February were informed that the process of codification is being undertaken in order to achieve high quality redevelopment, in a landscape setting, befitting this major planned northern entry into the National Capital.  However, a number of attendees, when questioning the Chief Planner at the public meeting, expressed concern about developments which are already being constructed or are in the process of being assessed. Concerns included height of multi-unit developments, footprints, lack of landscaping and poor traffic arrangements. To illustrate, a particular multi-unit DA in the Downer area of Northbourne Avenue is (apparently) proposing all vehicular movements generated by the development will be channelled through the narrow residential street paralleling Northbourne Avenue. When asked why the proposed entry to the site from Northbourne Avenue, which was supported by the NCA, had been ignored, the Chief Planner replied “I’m not stopping it.” In addition, there was reference to reliance on a Design Review Panel during the course of the public meeting. However, this panel must be accorded legislative backing in order to be effective. The legislative backing of the Design Review Panel is already overdue.  It is now more than 12 months since the Act Government and the NCA released the document “City and Gateway Draft Urban Design Framework”. Arising out of this background work, National Capital Plan Draft Amendment 91 is intended to:  *Create an identifiable approach, which increases in formality as it gets closer to the city centre and Central National Area, and which clearly signifies the symbolic and functional roles of the National Capital.*   1. *Encourage a design-led approach to development with a focus on high quality interfaces between built form and urban landscapes.* 2. *Ensure that buildings and landscape exhibit design excellence in recognition of the corridor’s role as a key northern approach route to the city.* 3. *Create a landscape setting, including deep root plantings, to provide amenity, assist with climate control, and create comfort for pedestrians.* 4. *Encourage sustainability as a base requirement for all new buildings.*   It is apparent that much of the northern gateway to the National Capital will be redeveloped before National Capital Plan Amendment 91 has received legislative backing.  My question is as follows:  What steps are being pursued in order to properly oversee and regulate redevelopments in this important Federal Highway, Northbourne Avenue corridor prior to the codifying of NCP Amendment 91? |
| 60 | Patricia & Paul Mercer | We are writing to comment on the National Capital Plan Draft Amendment 91 (DA91) which will implement the *City and Gateway Urban Design Framework.*  We are Downer residents and will be directly impacted by these changes, which propose 18 metre buildings along Panton St (facing Northbourne Ave) and 12 metre buildings in Blacket, Atherton and Banfield Streets (on the Northbourne Ave side). Our concerns as long term residents in the suburb are also that these changes will produce a fundamental change to the suburb as a whole.  There are clearly many consequences of permitting buildings of such height, and we are sure that the Downer Association and others will be setting these out in detail. Just to name the most obvious, it is clear that this suburb was never designed for such high density development, given its narrow streets, limited green spaces, small block sizes and limited footpaths. The medium density developments which have already occurred in Blacket Street are surely a better model of how to increase population density without radically altering the suburb.  For those immediately affected, this will result in overshadowing of existing houses, reduction of tree cover, lack of privacy, increased noise levels and traffic congestion with additional cars being parked in our narrow streets. There will also be a reduction in solar gain for residents who have installed solar panels.  We understand the need to increase the population in inner Canberra. However, this surely needs to be done in a manner which will not have a significant detrimental impact on existing suburbs which were not designed for high density housing.  We thank you for the opportunity to comment on this draft amendment. |
| 61 | Housing Industry Association | Thank you for the opportunity to comment on Draft Amendment 91 City and Gateway Urban Design Provisions (January 2019). HIA appreciates the opportunity to work with the National Capital Authority (NCA) to ensure urban design provisions are implemented, as stated in Page 8, that *achieve a quality of development which reflects Canberra’s significance as the National Capital.*  **Overview**  HIA is Australia’s peak residential building industry association. HIA members comprise a diversity of residential builders, including all Top 100 builders, all major building industry manufacturers and suppliers as well as developers, small to medium builder members, contractors and consultants to the industry. In total HIA members construct over 85% of the nation’s new housing stock.  HIA exists to service the businesses it represents, lobby for the best possible business environment for the building industry and to encourage a responsible and quality driven, affordable residential building and development industry.  *HIAs comment and feedback is provided below:*  Mandated (prescribed) requirements, such as those proposed throughout much of the draft City and Gateway Urban Design Provisions, are often counter-productive to achieving housing diversity and enabling a satisfactory design response specific to a sites opportunities and constraints including taking into consideration the conditions and existing and proposed built form on adjoining and abutting lots.  HIA submit performance standards are preferable compared to mandated numeric requirements particularly in relation to design elements such as:   * building height, * setbacks, * separation distances between buildings, * balcony areas, and * minimum apartment size.   Should, for example, the five elements mentioned above be discussed in terms of an Objective and Standard this would enable a more suitable design response approach and obviate the risk of an homogenous built form developing over time should the mandated requirements approach continue to be pursued.  The residential construction industry, similar to other construction industries ie. office and commercial, must have an adequate degree of design flexibility to be able to design in accordance with current and forecast market demand and be able to respond to other related factors such as obtaining finance and preparing marketing campaigns an materials.  Often mandated design requirements lead to a negative impact on housing affordability as elements of an individual apartment or the overall apartment complex are required to be overdesigned compared to an owner or occupants requirements.  HIA consider it is also of equal importance that when preparing urban design provisions the full range of significant and integrated factors are taken into consideration and the right balance is achieved between urban design outcomes and maintaining a sites optimum economic and development potential.  Dwelling yield is one of the most important factors in achieving a sites full economic viability however HIA submit a reasonable approach should design requirements negatively impact dwelling yield is that other design elements be reduced or other incentives offered. This has not been discussed in the draft provisions, HIA submit this is a contemporary way of thinking in terms of both design response and modern day regulation and such a discussion should be incorporated as part of any revised draft provisions. |
| 62 | Environment, Planning and Sustainable Development Directorate | [The Environment, Planning and Sustainable Development Directorate on behalf of the ACT Government provided initial comments on DA91. Subject to further discussion with the NCA, the Directorate provided the ACT Government’s final position on DA91.]  ***Initial comments***  I am writing to provide the ACT Government submission regarding the Draft Amendment 91 - City and Gateway Urban Design Provisions (DA91) and in response to the letter from Andrew Smith (Chief Planner) of 21 January 2019.  The ACT Government supports DA91 and supports this step to further implementing the City and Gateway Urban Design Framework.  The Environment, Planning and Sustainable Development Directorate (EPSDD) circulated DA91 to key ACT Government stakeholders for comment.  The key matters raised during ACT Government agency circulation were:   * DA91 includes a number of detailed design and development provisions, such as building separation, length of building, balcony area sizes and floor to ceiling heights. EPSDD would like to discuss whether this level of detail may be better placed in the Territory Plan and the proposed 'Apartment and Attached Housing Design Development Code' and 'Apartment and Attached Housing Design Guide' that EPSDD is currently preparing. Having this level of detail in the Amendment and then in the Territory Plan and subsequent guides could result in duplication and reduce clarity and workability for design and development assessment. * Where proposed maximum building heights are exceeded by an existing building, it may be appropriate to provide more criteria to support a positive and equitable outcome.   EPSDD welcomes the opportunity to work through the details of DA91 with the NCA to where detailed controls are best-suited to be i.e., within the National Capital Plan or within the Territory Plan.  I consider working through this process will enable clear guidance for develop in the corridor and facilitate smooth working arrangements for the City and Gateway provisions being implemented; for both of our organisations.  I thank you for your consideration of these comments. I understand that an officer from the Planning team has already organised to meet with your team to follow up on these matters. Please note that the City Renewal Authority will be providing comments on DA91 separately to this submission.  ***Final position***  I am writing to you in relation to my previous letter containing the ACT comments on Draft Amendment 91-City and Gateway Urban Design Provisions (DA91}, which was sent to you on 5 March 2019.  I refer to the revised DA91 provided to my Office on 28 March 2019, which reflects your emails to me of 26 March 2019 attaching a diagram confirming the NCAs position on building heights, as well as clarifying where development is appropriate within the Kamberra site. In response to this modification, and other changes to DA91, including with respect to the National Capital Design Review Panel I can confirm that we do not object to DA91. |
| 63 | DP Architects | The National Capital Authority, in conjunction with the ACT Government, has published its City and Gateway Draft Urban Design Framework and has invited public comment. As international consultants engaged by the owners of 496 Northbourne Avenue, we’ve been asked to review the Draft with the intent of creating a proposal that will achieve the vision outlined of a new, integrated, connected, sustainable, and well-designed piece of architecture for the City of Canberra.  After reviewing the guidelines, we feel that the current draft framework has inhibited the Dickson Urban Village to achieve its goals of   * A Landmark Building at the start of The Avenue: The true entrance to Canberra. * A Revitalised Urban Village at the Dickson Group Centre   After reviewing the intended outcomes of the Framework, we intend to demonstrate a taller building, and an intensification of development, is necessary at this node in particular to achieve these aspirations.  As such we propose,  **An increase in height at the Marker Building Node for the Dickson Urban Village from +32m to RL 617.**  This report provides a summary of findings, in the context of the plot at Block 15 Section 33 Dickson in relation to the Dickson Urban Village, to justify the above increase in density. We strongly agree with the NCA and ACT Government’s desired outcomes, but would like to highlight, for the reasons explained within this report, that this current planning control will inhibit the Framework’s capacity to attain it’s vision.  **ESTABLISHING PLACE:**  **BLOCK 15 SECTION 33 DICKSON**  Canberra is growing. The National Capital Authority, in conjunction with the ACT Government, has created the City and Gateway Draft Urban Renewal Strategy to define a framework for how that development can be more sustainable and successful for not only the city, but its citizens, businesses, and future visitors.  **ECONOMIC GROWTH**  The draft framework outlines the expected growth of the Northbourne Avenue Corridor. Between, 2016 and 2031 an estimated 3,400 new residents will be in need of housing. Proportional increases in retail and community services will be needed to facilitate sustainable urban growth. Additional populations, through the City’s focused commitment to increased tourism, will also be needed to service these new communities. Block 15’s current mixed-use program, outlined by the Framework, has the potential to serve as a key driver for economic growth in all sectors, including residential offering, retail and tourism opportunities, and community services and development.  **LIGHT RAIL CONNECTIVITY**  The Framework highlights the importance of the new light rail line as a catalyst for development along the Northbourne Avenue Corridor. An integrated multi-modal transport plan, with cycling paths and public transport serving walk-able, pedestrianised community areas, is the future of sustainable cities. The subject site, located at one of the Framework’s transport interchanges has the potential to service the broader Canberra community through its connectivity.  **CURRENT PLANNING CONTROLS**  The subject site, located on Block 15, Section 33, at the corner of Northbourne Avenue, Antill Street, and Challis Street, is zoned CZ5 Mixed Use by the framework. Currently the site of the Telstra Building, the 6,091m2 plot is subject to the following controls for any future development.  LIGHT RAIL CORRIDOR   * 32M BUILDING HEIGHT (TO TOP OF PARAPET) * 25M SETBACK ALONG NORTHBOURNE AVE. * 10M SETBACK ALONG ANTILL ST. * 10M SETBACK ALONG CHALLIS ST. (EASTERN BOUNDARY) * 5M SETBACK ALONG BLOCK 15 (SOUTHERN BOUNDARY) * LANDSCAPE TO FOLLOW “THE AVENUE” GUIDELINES * NO VEHICULAR ACCESS FROM NORTHBOURNE AVE.   **CREATING A LANDMARK:**  **MARKER & ARRIVAL**  The Framework outlines 4 principles by which the framework is structured, one of which being Urban Built Form. Within this principle, the creation of nodes and markers, as buildings of increased height and density, are planned at key thresholds within the master-plan. We propose amending the current height limit of +32m to the allowable RL 617 for Block 15 to achieve the Framework’s stated intent.  **HIERARCHY**  The Framework outlines hierarchy as one of the intents of the preferred urban form, the idea being the overall composition of massing along the corridor will: - Denote the importance of landmark buildings at key nodes, specifically the Dickson urban village - The landmarks will make a positive contribution to the shape and character of the approach to the city.  **THRESHOLD**  The intersection of Northbourne Avenue and Antill Street denotes the start of The Avenue, the formal entrance and final sequence of arrival into the Capital. Simply, it’s the threshold to the City. As Canberra seeks to renew the city centre and corridor into a beacon of sustainable growth and contemporary urban life, the Dickson node is the first impression. By elevating the height control from +32m to RL 617, the Framework can clearly establish the bounds of urban development and purposefully declare the arrival into Canberra.  **MARKING THE CITY**  Marker buildings are intended to punctuate the skyline and stand above the tree-line. The Informal Park Boulevard, approaching the subject site, is lushly planted and landscape rich, true to Canberra’s character as the Bush Capital. Lifting the height from +32 to RL 617 gives the Avenue the necessary presence the Framework intends, and more proudly announces one’s arrival into the city. Architectural strategies such as integrated landscaping, rooftop + podium gardens, and terracing of masses can effectively “transition” the development at this critical node, while still providing the height and presence the Framework intends.  **SYMMETRY**  Symmetry and formality along the Corridor is a principle the framework aspires to achieve. We recognise the importance of this urban framework to maintaining the presence of Canberra as a capital city. However, the Dickson intersection provides a unique dilemma to this goal. The existing Axis building has manifested as 3 repeated volumes extending westward along Northbourne Avenue. No new development will sufficiently “balance” this composition, regardless of height. As such, we propose establishing the correct hierarchy of building height is more desirable than a temporary attempt at a symmetrical street section.  **MARKING A GROUP CENTRE**  The Framework outlines the intent to create new urban villages in select locations along the corridor. These villages will leverage on the light rail connectivity to create higher density, mixed use developments providing a greater number of dwelling units, retail offerings, and business/ employment opportunities. These villages will not only reinforce, but define, their precincts. Block 15 sits directly in front of the Dickson Urban Village, and is slated as one of the key development sites within the Group Centre. This provides a unique opportunity to not only mark the entrance to Canberra, but Dickson Group Centre as well. By raising the height limit to RL 617 at this site, and other group centre locations, these buildings will be able to become true landmarks, as intended, and allow proposals to provide the architectural character and intensification these group centres will require to become truly vibrant.  **SUSTAINABLE SOLAR ACCESS**  Most “nodes” along the corridor are within residential zones. Block 15 is again unique in that it sits predominately within a mixed-use commercial environment. Another component of the Urban Built Form principal is solar access with the goal of creating highly liveable public space + residential apartments. An increase in height at 496 would have almost no impact on neighbouring residential units, be that mid-density or single storey detached housing.  **FOSTERING A VILLAGE:**  **CONTEXTUAL INTENSIFICATION**  The Urban Villages created by the Framework form the nexus of activity within the various precincts. In contrast with other Urban Villages, notably the MacArthur node, Block 15 is critical to the development, intensification, and viability of the Dickson Urban Village.  **ESTABLISHED URBAN CENTRE**  The subject site’s location within the Dickson Urban Village context proposes a distinct set of criteria, relating both to the Framework’s vision, as well as the existing development. The blocks to the south of the Dickson Node are to be redeveloped into a mixed use development and government office building. The adjacent Chinatown area provides a substantial offering of commercial activity. Intensification of the Block 15 site can serve this existing urban framework while providing a structure for continued growth and development.  **KEY CONTRIBUTOR**  The Dickson Urban Village Framework plan outlines a clear intent to revitalise the area and initiate the development of an urban village. Whereas the Macarthur Urban village capitalises on 4 sites to revitalise the development, the context surrounding this village will rely almost exclusively on Block 15 to create this intensification. It seems highly unlikely the adjacent Axis development will be redeveloped anytime soon. No current plans to develop the open space zoned land within the Lyneham sports centre site or extend the urban Village into Downer will in essence rely upon the subject site to achieve the critical mass necessary for revitalisation. Providing the existing offering and intended effect, raising the height limit to RL 617 is critical to achieving these desired outcomes.  **LIVEABLE CITY**  As part of the Access and Movement Principle outlined by the Framework, another key objective is to achieve highly sustainable, pedestrianised environments, by integrating public transit routes with nodes ( like the Dickson Urban Village) that provide clear walking and cycling paths. Block 15’s adjacency to a number of existing retail, community, and health facilities. Future proposals seek to enhance and complement these existing offerings. An increase in height, and therefore an increase in density at the Block 15 site is essential to providing a local base of residents, alleviating transportation congestion and reducing Canberra’s overall carbon footprint.  **INTENSIFICATION TO VITALISE THE URBAN VILLAGE**  Maximized build up around the Dickson Urban Village site requires a substantial intensification of the subject site to achieve the intended outcomes.  **INTENSIFICATION TO VITALISE THE GOVT. OFFICE**  A 2011 Master Plan allocates a future Government Office within the Dickson Urban Village. An increased residential population would most sustainably service this new facility  **INTENSIFICATION TO VITALISE ACTIVE LIVING**  Dickson is serviced by a number of community facilities, such as Southwell Park, Hockey and Netball ACT, and the Yowani Country Golf Club. An intensification of 496 Northbourne would foster a healthy community centred on pedestrian movement and revitalizing the urban village.  **SUMMARY**  In conclusion, as the City and Gateway Draft Urban Design Framework moves quickly towards approval, we would like to state our concern that the intended outcomes for the Dickson Urban Village will not be achieved with Framework’s current planning parameters, specifically the dictated height control of +32m. The current height constraint, hierarchy within the master-plan, and existing site conditions will not achieve  **Landmark** building The Avenue, as the first touch-point for the city of Canberra requires.  **The Village** revitalisation outlined in the Dickson Urban Village framework plan.  We propose the City and Gateway Draft Urban Design Framework is amended to increase the Marker Building Height at the Dickson Urban Village to be RL 617 to:  Create a landmark building that proudly announces the threshold of the Informal Park Boulevard with the Avenue: the entrance to Canberra.  Reach a sufficient height so as to stand above the existing tree line and mark not only the entrance to Canberra, but the Group Centre typology so integral to the revised urban framework  Respond to the existing fabric of the Dickson Urban Village by providing an intensification of mixed use programs to supply the area with a critical mass of residents, activate local commercial opportunities, and attract tourism  Foster the ideals outlined in the Framework of a highly liveable, and sustainable city, integrated and connected through multi-modal transportation.  With this minor amendment, the carefully crafted and intended goals of the National Capital Authority, and ACT Government, will be able to be realised and sustained through a rigorous framework of planning principles. We hope by highlighting the particular characters of the Block 15 Section 33 Dickson site, the committee will see we in fact agree and support the objectives and aim of the Framework as a holistic guide to revitalising the Northbourne Avenue corridor, and aspire to assist the committee in achieving these goals. |
| 64 | Doma Group | We refer to the draft amendment currently on public consultation and would like to make the following comments and submission on this draft before it is finalised and or implemented.  Doma Group is an experienced developer active in both the ACT and NSW residential development markets. As such, we have experience in complying with the NSW Apartment Design Guidelines that relate to SEPP 65.  The draft amendment seeks to establish detailed planning and design criteria for development on land flanking the Federal Highway and Northbourne Ave. In doing so however it appears to mandate very prescriptive criteria that limit design flexibility that increase costs that may outweigh the benefits along the major transport route.  Note that we are string advocates for high quality design and liveable apartments. In our own developments in the ACT, we look to the NSW Apartment Design Guidelines and apply these as far as is practicable and economical to do so. However, the draft Provisions appear to mandate a high specification that is not necessarily appropriate to all developments, particularly along Northbourne Avenue. With all due respect to the planning work that is being done along Northbourne Avenue, it will be hard to convince residents that dwellings opening up to possibly Canberra’s busiest transport corridor will be worth the premium required to make them financially viable in a development if all of the provisions remain as drafted.  To address this, we would recommend that the NCA consider adopting a “design guideline” rather than implementing rules to be complied with. Secondly, we recommend that if this is the way that the NCA wishes to achieve better design outcomes that they mimic closely the NSW “Apartment Design Guide – Tools for improving the design of residential apartment development” prepared by the NSW Department of Planning 2015. This document is well-understood by a large body of professionals and has proven to be workable in premium and more affordable locations.  Note that this document can be modified as required in order to meet the key objectives of the National Capital Plan as applied to the City and Gateway Urban Design Framework and achieve the intent described in the Draft Provisions.  The Guidelines provide clear and concise diagrams and stated objectives (criteria), offering “design guidance” that represent deemed satisfaction of the objectives as against mandating that they are the only one to achieve the objectives. Not permitting design flexibility to meet the objectives can not only increase costs that outweigh benefits, but also do away with innovative design that can meet the objectives in unforeseen ways. One criticism of the planning framework in the ACT is that it rewards a tickbox satisfaction of legislative requirements, leaving no latitude or incentive for true innovative design. One of the intended effects of DA91 is to “guide the development of buildings and landscape that exhibit design excellence”, but there is a real danger that cost pressures on the internal design of apartments will drive cheaper external treatments or even render redevelopment of older office building stock on the Avenue unviable.  By way of example here are a few key areas of concern:  **Building Height: additional 2.5 metres** – it is not clear to us why a distinction is made in the permitted building height between a building with a two storey apartment on top as against a single storey unit. It infers that there will be a difference architecturally, which one may accept if it was restricted to mezzanine apartments, but this does not apply to two storey apartments. Given the NCC has changed requiring a building to have fire sprinklers even if it doesn’t breach the 25 metre height, a large component of the cost imposition in breaching 25 metres has disappeared. Rather than this control, the NCA should provide flexibility for “design excellence” of some measure to permit the additional 2.5 metres rather than have it automatically granted just by designing two storey units.  **Building Height: minor building elements** – there is a significant lost opportunity in not excluding rooftop communal spaces with minor building elements including lift, stairs, toilet and a small enclosed or enclosable area (habitable spaces) in minor building elements. These are encouraged by planners, enjoyed by residents and contribute to a greening of the roofscape, so should be encouraged as a design solution. The section on roof design encourages roof top gardens (although it prohibits enclosed spaces, thus reducing amenity), but the height limit discourages them.  **Building setbacks – Northbourne Avenue** – the mandated building setback of ten metres does not permit basements to encroach, yet it permits hard surfaces for pathways and driveways. If this is the case, developments should be permitted to have basements partially encroaching the setback if it can be shown that they will not impede growth of the proposed tree canopy within the setback. The intrusions may be as minor as ancillary minor items such as stormwater detention tanks that can be designed to barely intrude into the setback, to full basement extensions where a minor intrusion may provide the ability to develop efficient basements. The control should be the proposed landscape control, which is that 30% of new plantings should be capable of achieving 15 metres in height. Similarly, the landscape controls call for a minimum five-meter deep soil zone, begging the question of why a basement cannot be built to a maximum five metres into the setback.  **Building separation** – If the building separation rules are looking to improve residential amenity, they should specify that the number of storeys is counted from the first residential storey. In a mixed-use development with one or more commercial levels forming a podium to the building, the non-residential storeys should not be counted. This is an accepted interpretation in NSW, but should be made clear. We note that the distances are larger than the NSW ADG and yield will suffer, but perhaps this is the intent.  **Apartment sizes and balcony area** – these are mandated and are larger than the NSW Guidelines and more onerous. For every m2 of area mandated by the amendment this adds $3,500 - $3,800 of internal area and $1,500-$2,000 to the balcony of additional cost to the apartment which is then reflected in the purchase price and decreases affordability. Given Canberra’s climate, we would expect that residents would generally prefer to pay for more internal space, particularly if the balcony is located facing Northbourne Avenue.  **Balcony are on podiums and ground floor** – The Draft Provisions require minimum dimensions of 4-6 metres for ground floor apartments. On the current drafting, these would not be permitted to be built in the setback zone – noting that the proposed fencing rules do permit this. Requiring these dimensions on a podium effectively mandate a 4-6 metre setback to podiums. It is far from inevitable that ground floor podium apartments have characteristic different from the unit directly above them. At the very least this will result in no three-bedroom apartments being provided on podiums. We do not think that this has been properly conceived and it should not apply to podium apartments where the private open space would create an additional unintended setback.  **Balconies** – AC units are now prohibited yet the draft mandates solid balconies up to 12mteres above the ground level. Whilst we agree that they can be unsightly, if there are adequate design measures in place to screen them, they should be allowed. This new ‘rule’ adds an additional $3,500-$5,000 per apartment to place them on the roof or elsewhere. The mandated masonry dividing screens also adds a further cost and design imposition on the developer. This also pressures affordability as the extra costs are translated into the purchase price and the objective of “screening” could be done in other ways.  **Balconies: partitions** – mandating masonry partitions will go a long way to forcing homogeneity in architectural design. If the objective is to promote visual and acoustic privacy, the design standard should simply state this.  **Ceiling heights: Northbourne Ave** – The proposed rule on the Ground Floor facing Northbourne (uses other than residential) of 6 metres with a permitted mezzanine is not justified. Other uses should be allowed a floor to floor height that is appropriate such as retail/commercial being 3600-4000. This rule drives costs up, drives yield down (as it challenges the height limit) and ultimately discourages non-residential activation. Why bother introducing this requirement given that a development will generally have residential instead with a 3300 floor to ceiling height. The intent of creating a commercially adaptable space (or a visual illusion of a higher floor) can also be achieved by permitting a false floor to be installed 450mm above the slab level (matching the 450mm permitted height increase in the courtyard to a street frontage) with far less cost than requiring 3300mm floor to ceiling heights. If the six-metre rule is required, the 30% mezzanine is also quite arbitrary even though it is taken from the Building Code. If the intent is to permit the visual of a two-storey space, a figure of closer to 80% or more of mezzanine will still create the visual effect, particularly if the visual effect is called up as a control.  **Ceiling heights: habitable Rooms** – we encourage the NCA to allow flexibility for localised bulkheads over the kitchen at a height of 2.5m that provides the ability to hide AC plant in the ceiling space and allows island bench kitchens and associated plumbing to be contained. The alternative design solution again drives up the costs of units and is more likely to result in wall hung systems and kitchens that are not favoured by the market. The practicality and cost benefits of permitting a bulkhead to the kitchen well exceed a possible drop in amenity from a localised bulkhead.  **Apartment areas** – the minimum sizes are in excess is what is required to provide a well-designed apartment, particularly if the apartment is on a corner of a building. We would suggest that other controls will achieve the quality desired without having size this high. We would suggest 50sqm for a one-bedroom, 75sqm for a two-bedroom and 100sqm for a three-bedroom would suffice particularly given the presence of other dimensional controls.  **Bedroom Dimensions** – the draft amendment seeks to mandate dimensions and areas of bedrooms. This again drives up costs and does not offer flexibility. We would suggest that the dimension for non-master bedrooms be reduced slightly, with minimum dimensions of 2.7 and minimum size of 8sqm. This size is still functional for a queen bed, and allows for suitable bedside and storage. We believe that attention would be better focused on minimum wardrobe sizes, which has somehow been missed in DA91.  **Common circulation spaces** – We agree that corridors that are longer than 12 metres from a lift core should have special architectural attention to increase amenity. The provided example of a series of foyer areas with windows is the most expensive methodology for achieving this.  **Snorkel arrangements** – we note that Figure 150 indicates the wrong minimum width.  **Natural ventilation** – It is unclear what the intent is with apartments that at ten storeys or greater. At these heights, winter garden balconies offer high amenity to residents, yet DA91 says that creating balconies that can be fully enclosed would disqualify them from being classified as naturally ventilated. In any event, the 60% natural cross ventilation requirement only applies to nine storeys, so it is unclear what this control is trying to achieve. It should be made clear that the number of storeys in this instance is counted from ground regardless of whether there are non-residential uses at lower levels.  **Fencing** – Given that three-bedroom apartments must have a 36sqm courtyard with a minimum six-metre minimum dimension, but a courtyard intrusion into a setback can only be four metres, it will be rare to develop a ground-floor three-bedroom apartment. We do not believe that this is the intent.  We would welcome further consultation on this draft should the NCA wish to contact us to discuss our experiences and seek our feedback before implementation. |
| 65 | Elvin Group Pty Ltd | [The Elvin Group provided a confidential submission, and subsequently submitted supplementary comments, set out below, following discussions with NCA officers.]  I would like to thank you [Sally Barnes, Chief Executive of the NCA]and Andrew [Chief Planner of the NCA]for meeting with us today to talk through our response to the DA91 Statutory Amendment to the National Capital Plan, particularly as it relates to the Kamberra site. In particular, we note the proposals developed over a four year period, including a strong commitment to sustainability, innovation and capacity building within the ACT construction industries, and the genuine community consultation in relation to these proposals that has taken place.  In general, we support many of the principles and directives outlined in DA 91. In relation to the Kamberra site specifically, we seek clarification and agreement of the following:  1. A building height of 12m adjacent to the Federal Highway, with buildings to a height of 18m behind.  Purpose: To support building form symmetry with Downer adjacent to the Federal Highway consistent with the urban design\_ principles of DA 91.  2. A reduction in setback from the Federal Highway of the proposed 70m to 60m; that is, a reduction in the overall corridor width of the Federal Highway from 140m to the 120m originally proposed in the draft Development Amendment.  Purpose: To enable redevelopment of Sullivan's Creek as a movement and ecological corridor integral to the Kamberra site. Please refer to figure 148 in DA 91.  3. Modification to DA 91 as it relates to roof pitch. Please consider deleting the final sentence on page 17 of DA 91 "For sites between Panton Street/Barton Highway and ACT/NSW border, flat roofs or facades with wide facias giving the impression of a flat roof are not permitted."  Purpose: To allow incorporation of roof decks, terraces and roof gardens within the new built form.  4. Modification to DA 91 as it relates to building heights, allowing minor variation to accommodate specific requirements as they relate to construction.  Purpose: To allow innovation and the use of sustainable building techniques such as CLT timber construction. Where a maximum building height of 18m, 12m or 8.5m is described, this height be increased by 5% where timber construction is envisaged.  5. An adjustment to Figure 147 within DA 91 to exclude the portion of the Kamberra site at its northern end adjacent to Flemington Road. Please refer to revised figure 147 attached.  Purpose: To achieve consistency within DA 91  On behalf of the Elvin Group, I reiterate our commitment to a high quality, considered development on the Kamberra site that also meets the principles and over-riding objectives set out in DA 91. I also wish to reinforce our commitment to work with NCA and the Territory to achieve a development outcome that is an exemplar for Canberra. |

1. [↑](#footnote-ref-1)