

Amendment 56: The Griffin Legacy Principles and Policies

Introduction

- 2.1 Amendment 56 provides the overarching principles and policies that bring effect to Griffin's legacy as articulated through the 1918 Griffin Plan.
- 2.2 Some of the key features of Amendment 56 are highlighted in the following section. This is followed by a discussion of some of the key issues raised during the NCA consultation process and the evidence presented at the committee's roundtable public hearing.
- 2.3 The Griffin Legacy project is an ambitious project aimed at transforming Griffin's plan into practical actions to develop Canberra. The NCA stated:

The aims of the Griffin Legacy were to appraise the plan and its relevance to the planning and development of Canberra in the 21st century; extend the legacy through a series of strategic initiatives to restore, where possible, the spirit and intent of the Griffin plan; provide an integrated framework between the Australian and ACT governments for planning initiatives in the central areas and approach routes; and protect the integrity of the Griffin plan, recognising its stature as a work of both national and international significance.¹

1 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 5.

Key features of Amendment 56

- 2.4 The NCA advised that at a similar time to it commencing its work on the Griffin Legacy, the ACT Government announced their intention to develop a spatial plan policy for metropolitan growth. The NCA commented that ‘their work was based on an assumption that the city would grow to a population of some 500,000 in 30 years, requiring some 60,000 to 90,000 additional dwellings.’²
- 2.5 The ACT Government ‘concluded that urban development should be established within a containment line of some 15 kilometres from the city centre and, with consolidation, urban intensification should be at 7.5 kilometres from the city centre.’³ The NCA advised that ‘our work on the Griffin Legacy has complemented this and focused on the potential of the central national area – if you like, this consolidation area.’⁴
- 2.6 The NCA indicated that in developing and advancing Griffin’s Legacy, it ‘researched a suite of plans and associated drawings, text and evidence transcripts produced by Walter Burley Griffin and Marion Mahoney Griffin that sought to convert their ambitious and excellent design concept into a buildable reality.’ In particular, the NCA advised that the 1918 Griffin Plan ‘generally underpins much of our Griffin Legacy proposals.’⁵
- 2.7 The Griffin Legacy planning framework applies to both territory land and national land in the Central National Area, some administered by the Australian government and some by the territory government. The NCA advised that, ‘in order to coordinate implementation discussion, a forum was established in 2005 and a memorandum of understanding was signed by all parties having land administration responsibilities in 2006, including the ACT government, the National Capital Authority, Finance and Defence.’⁶
- 2.8 The amendment will add the following statement to the National Capital Plan:

The Griffin Legacy is a blueprint for Canberra and the Territory. The Griffin Legacy directs future public and private investment in core areas of the capital where opportunities are created for vibrant, mixed use precincts alongside cultural institutions, government

2 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 5.

3 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 5.

4 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 5.

5 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 5.

6 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 6.

buildings and major national attractions. It restores the intended urbanity and vitality of Canberra as a cosmopolitan lakeside city.⁷

2.9 Some of the key features of the Amendment 56 are reproduced below.

2.10 The amendment makes a series of statements about **protecting the Griffin Legacy** by:

- (a) fostering recognition of the 1918 Griffin Plan as a work of national and international cultural significance, and conserve those elements that contribute to this significance in a sustainable manner whilst allowing for the evolution of the city in contemporary terms;
- (b) recognising that Canberra is a young city and ensure that future development continues to give expression to the visual geometry, built form, landscape and cultural vitality of the 1918 Griffin Plan.
- (c) recognising that some elements (for example, the Australian War Memorial and Parliament House) are successful reinterpretations of the 1918 Griffin Plan which are consistent with and strengthen the framework and spirit of the Plan.

2.11 The amendment **builds on the Griffin Legacy** by:

- (a) maintaining the 1918 Griffin Plan as the primary organising framework of the city's urban form, landscape and symbolism.
- (b) fostering Canberra's unique sense of place that has evolved from Griffin's planning principles.
- (c) maintaining the Garden City and City Beautiful values which underpin Canberra's quality of life.
- (d) continuing to give expression to the principles of the 1918 Griffin Plan - its visual geometry, built form, landscape spaces and cultural vitality - in order to maintain its integrity as a work of cultural significance which is internationally recognised.
- (e) maintaining the metropolitan structure principles of Canberra's planning legacy of environmentally balanced urban extensions: design with nature; undeveloped hills and valleys; landscape containment and greenbelts; low traffic congestion; long-term public transport reservations; provision for walking and cycling; and protection of the Central National Area.

7 National Capital Authority, Amendment 56, p. 1.

- 2.12 The amendment seeks to revitalise *the vision* with growth in the Central National Area by:
- (a) reinstating Griffin’s intended unity between the Central National Area, its setting and the everyday life of the city.
 - (b) delivering the richness and vitality of Griffin’s vision by ensuring that Civic Centre and surrounding neighbourhood precincts are strongly connected with the Central National Area, especially with Lake Burley Griffin and its surrounding parks.
 - (c) accommodating growth in central Canberra to contribute to a compact, sustainable city that fosters a healthy community, and offers: increased housing, employment and recreation choices; ease of movement; integrated transport and land-use; and respect for the natural environment.
 - (d) developing the central areas of Canberra, such as Civic and Constitution Avenue, to the urban scale and diversity intended to consolidate the central areas of Canberra.
 - (e) managing change – particularly in terms of traffic and development – to preserve the historic landscapes, Garden City and City Beautiful values, and the dignity of the Central National Area.
 - (f) using public investment in infrastructure to guide private investment, to enhance the vitality, accessibility and national significance of the public domain of the 1918 Griffin Plan and, to generate economic growth.
- 2.13 The amendment will link the city to the Central National Area by:
- (a) reducing the physical barriers between the Central National Area, Civic Centre and surrounding neighbourhood precincts.
 - (b) fostering exchange between local and national activities.
 - (c) harnessing the cultural and economic links between the Civic Centre and surrounding neighbourhood precincts.
 - (d) facilitating the development of physical connections and urban form to enable greater interaction and exchange between the Australian National University, the Central National Area and Civic Centre.
- 2.14 The amendment will extend the city to the lake by:
- (a) developing a variety of waterfront activities on Lake Burley Griffin which are diverse in urban, recreational and ceremonial character and are accessible to the public along the waterfront.

- (b) enhancing lake-based tourist facilities and experiences.
- (c) maintaining and enhancing the ecological integrity of the lake shore through environmental management requirements for any new development adjacent to or on the lake.
- (d) developing natural drainage corridors as linear parks and pedestrian/cycle paths to connect with the lake parklands.

2.15 The amendment will **reinforce the main avenues** by:

- (a) realising the identified main avenues of Constitution, Northbourne, Commonwealth, Kings, University, Sydney, Brisbane, and part of Canberra and Wentworth Avenues as multi-use boulevards providing corridors of higher-density mixed-use development, public transport, broad tree-lined footpaths with potential for outdoor dining and street parking.
- (b) preventing the Central National Area from being overwhelmed by through traffic.
- (c) providing a flexible, efficient and sustainable public transport and pedestrian and bicycle systems that reduce car dependency.
- (d) developing a sufficient density and mix of land uses to support public transport.

2.16 The amendment will link national attractions by:

- (a) maintaining the Central National Area as the appropriate setting for the presentation of events, ceremonies and celebrations of national and international significance, so that Australians might better understand their culture and history – and showcase them to the world.
- (b) consolidating national and international tourism activity in the Central National Area to enhance the visitor experience and appreciation of the symbolic role of Canberra as the National Capital.
- (c) developing existing and new national cultural attractions to complement the settings of existing memorials and national symbols, and to enhance economic benefits for the Australian Capital Territory community.

Discussion

- 2.17 The submissions on Amendment 56 discussed a range of general aspects about the interpretation of Griffin's legacy to more detailed planning issues.
- 2.18 The Walter Burley Griffin Society (WBGS) rejected the intent of the amendments commenting that 'from any analysis of the documentation it is clear that the NCA proposals are based on an unacceptable, cavalier approach to the principles of city planning, city building and community consultation.'⁸ The WBGS was particularly concerned that 'the Griffin name has been used to advance a mediocre outcome that will compromise Canberra forever.'⁹
- 2.19 The WBGS was concerned that the NCA had not developed a clear implementation plan which would address key concerns from environmental impact to loss of green space. The WBGS commented that an implementation plan would need to address:
- ...the environmental impact of the proposals, with reference to the water quality and quantity of Lake Burley Griffin; the loss of the established tree cover, the grass landscapes of central Canberra; air quality; energy use et cetera; the heritage impact of the proposals; the visual impact of the proposals with respect to major views and vistas in Canberra, including the relationship with Parliament House, national institutions; and, the loss of substantial components of the existing tree canopy. Although the parliamentary vista is technically defined in a way that does not include this area, it is of course a nonsense to say that the proposals do not occur within the views of Parliament House.¹⁰
- 2.20 The WBGS raised a range of additional concerns about the project which they argued had not been adequately examined. Some of the key concerns raised by the WBGS include:
- traffic and transport implications of major changes to the motorways, distributor roads and CBD intersections throughout central Canberra;
 - demographic implications of the proposal;
 - the implications of this new concentration of people and employment in central Canberra on the rest of Canberra in terms of economic
-

8 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 7.

9 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 7.

10 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 7.

development, property values, employment distribution, retail activity, community facilities, public transport et cetera;

- there is no information on the pattern and extent of federal and territory land within the scheme and the effect of this pattern on land release, phasing, timing, infrastructure provision;
- there is no information on the market viability of the proposals in terms of population growth in Canberra, the demographic profile of the Canberra community and the existing patterns of commercial and residential investment throughout the Canberra-Queanbeyan region;
- there are no site-specific controls; and
- there is no control development plan to give statutory force to such issues as floor space ratio, building heights, building-to-street alignments, street setbacks, street frontage heights, building depth and bulk building separation building address, design excellence.¹¹

- 2.21 The WBSG concluded that ‘reconciling these imperatives requires more than a selective reading of Griffin’s ideas to justify property development.’¹² The WBSG further advised that ‘these amendments should be withdrawn, reworked and submitted with the proper planning material that any planning agency should be proud to present – instead of material which in fact is being developed on the run, as we have seen.’¹³
- 2.22 Similarly, Mr Noel Matthews commented that the amendment ‘is a prescription for overdevelopment of the central part of Canberra.’¹⁴ He commented that ‘what we are seeing is essentially the NCA asking for a blank cheque to do what it likes, without any opportunity for the community or indeed the parliament to review what is being proposed.’¹⁵
- 2.23 Dr Jenny Stewart also rejected the intent of the amendments and was concerned that ‘Civic is to become the de facto CBD of Canberra without adequate attention being given to the implications of this change, particularly for public and private transport and for the general amenity of the city.’¹⁶
- 2.24 The NCA, during the roundtable hearing, sought to correct ‘some of the inaccurate statements that have been made.’ First, the NCA sought to

11 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 8.

12 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 9.

13 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 14.

14 Mr Noel Matthews, Executive Committee Chairman, Capital Tower, *Transcript*, p. 11.

15 Mr Noel Matthews, Executive Committee Chairman, Capital Tower, *Transcript*, p. 11.

16 Dr Jenny Stewart, *Transcript*, p. 10.

- dispel the misconception of the increased development that the Griffin Legacy offers.¹⁷ The NCA advised that under the current National Capital Plan there are 1.59 million square metres of gross floor area available for development in the areas covered by the amendments. The NCA noted that 'if the amendments are not disallowed, that figure will change from 1.59 million square metres to 1.9 million square metres.'¹⁸
- 2.25 In terms of hectares available for development, the current National Capital Plan provides 89 hectares. The amendments if not disallowed would provide 102 hectares.¹⁹ The NCA emphasised that 'what is changing is the nature of the development that is permissible to allow a far more mixed and vital type of development than the kind of detailed planning engineering in the current plan.'²⁰
- 2.26 In relation to claims that there has been a lack of technical and expert studies, the NCA responded that 'the draft amendments have been backed up by highly detailed studies which have been available to those people who have asked to see them or have asked specific questions in the course of the consultation.'²¹
- 2.27 Similarly, the NCA rejected criticisms about the extent of detail that should be codified in the plan. The NCA commented that providing a higher level of detail 'would be completely contrary to contemporary planning practice promulgated by the Development Assessment Forum, which looks at statutory planning being strategic and does not support detailed, prescriptive measures being built into the statutory planning.'²²
- 2.28 In regard to concerns that Civic will be overly developed, the NCA responded that 'Civic has always been the pre-eminent centre in Canberra.'²³
- 2.29 The ACT Division of the Property Council of Australia (PCA) supported Amendment 56 but advised that 'there needs to be an implementation plan delivered to sort out the detail.'²⁴ The PCA stated:

17 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 12.

18 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 12.

19 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 12.

20 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 12.

21 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 12.

22 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 12.

23 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 12.

24 Mr Noel McCann, Council Member and Chair, Sustainability Committee, Property Council of Australia, *Transcript*, p. 11.

...whether this is a true interpretation of what Walter Burley Griffin would have done 80 years ago or what he would have done today, this should not really be why anything should stop. This really is a concept of consolidating Civic as the CBD. It is the CBD—it is not a town centre—and it also meets the aspirations of the Property Council in its submissions to the ACT government's Canberra plan or spatial plan in terms of a consolidation of the city. The devil is always in the detail, and that is the implementation plan. But in terms of overarching principles and objectives, we support it.²⁵

- 2.30 Councillor John McInerney, a member of the Griffin Legacy Advisory Panel, and also a long standing member of the Walter Burley Griffin Society supported the amendments. He commented that the Griffin Legacy provides a much needed unifying framework of an overall vision for central Canberra. In relation to the criticisms that the amendments lack detail, Councillor McInerney stated:

It is a long term vision. It does not preclude ongoing social environmental or transport planning within the clear framework establishes by the Griffin Legacy amendments, or the finessing of design outcomes through detailed precinct plans, development control plans and specific architectural proposals. High calibre design review panels can be applied consistent with best practice urban design arrangements adopted in other capitals.²⁶

- 2.31 Dr Romaldo Guirgola was optimistic and forward looking in his appraisal of the Griffin Legacy project. He noted that it represents 'one of the most important presentations by the NCA or by any authority for planning in many years.' Dr Guirgola further commented that 'we have an initiative that has some direction and some interest in certain situations and certain conditions' and 'I think the principle of this proposal of the NCA is very sound and healthy.'²⁷

- 2.32 The ACT Land and Planning Authority (ACTPLA) advised that the ACT Government supports Amendments 56, 59, 60 and 61. ACTPLA indicated that its Canberra Spatial Plan deals with public transport issues, pedestrian movement and bicycle movement. In addition, there are other complementary studies including the Canberra Social Plan and Economic White Paper.

25 Mr Noel McCann, Council Member and Chair, Sustainability Committee, Property Council of Australia, *Transcript*, p. 11.

26 Councillor John McInerney, *Submission 3*, p. 1.

27 Dr Romaldo Guirgola, *Transcript*, p. 11.

- 2.33 The Royal Australian Institute of Architects (RAIA) indicated that it 'broadly supports the intentions of the NCA.'²⁸ However, the RAIA advised that 'this amendment does not reflect closely some of the aspects of the 1918 plan – in particular, in relation to the distribution of open space and buildings on either side of Anzac Parade and the level of development at West Basin.'²⁹
- 2.34 Similarly, the Australian Institute of Landscape Architects (AILA) ACT Group indicated that it generally supports Amendment 56 but held some reservations.
- 2.35 Pedal Power indicated that it supported Amendments 59, 60 and 61 'on the grounds that we consider it very important that the words and drawings of the National Capital Plan appropriately reflect the National Capital Authority's positive attitude towards cycling.'³⁰ Pedal Power stated:
- I want to thank the NCA for the changes they have made to these draft amendments in response to the submissions that we made. We are also very pleased that the National Capital Authority have committed to preparing a cycling master plan for the whole central national area to ensure the facilities between all three of these areas actually link up to each other and put the area into perspective in terms of the relationship to Canberra's wider cycling network.³¹
- 2.36 Mr Colin Stewart, an architect, brought attention to the scope and extent of Amendments 59, 60 and 61 and cautioned that it would be advisable to deal with one at a time and get that right before rushing into all three. Mr Stewart proposed that Amendment 59 – City Hill should be dealt with first because City Hill and London Circuit are the most important and from which the other amendments are linked.³²

Adequacy of consultation

- 2.37 During the roundtable hearing, the participants were asked to comment on the adequacy of the NCA's consultation process. Mr Keith Storey indicated that he prepared four papers which individually addressed each of the four amendments. Mr Storey asserted that this had to be done in a month

28 Mr Robert Thorne, ACT Chapter Planning Committee, RAIA, *Transcript*, p. 18.

29 Mr Robert Thorne, ACT Chapter Planning Committee, RAIA, *Transcript*, p. 18.

30 Mr Kip Tanner, Advocacy Representative, Pedal Power, ACT, *Transcript*, pp. 60-61.

31 Mr Kip Tanner, Advocacy Representative, Pedal Power, ACT, *Transcript*, p. 61.

32 Mr Colin Stewart, Colin Stewart Architects, *Transcript*, p. 67.

and after providing them to the NCA, he noted that he received no response.³³

2.38 The NCA responded that the consultation on the amendments was six weeks and not four. In addition, the NCA advised that 'there were invited public forums and professional forums, as well as the usual advertising and response times.'³⁴

2.39 Dr Jenny Stewart argued that 'consultation is all very well but what tends to happen is that it is stage managed by people who have all the power and take all the decisions, and we the community are invited to give our responses to consultation documents that are often very vaguely expressed or are difficult to understand.'³⁵

2.40 The RAIA indicated that it was satisfied with the amount of consultation it had been able to have with the NCA.³⁶ The AILA added:

Certainly through the national capital process and the Griffin Legacy there has been extensive opportunity for comment. I would say that what is happening is that individual comments reflecting particular views have to meet a compromise and when we feel passionately about our own cause it is sometimes difficult to compromise.³⁷

2.41 The NCA noted that it had received submissions after the consultation process had closed but was intent on considering these submissions nevertheless.

Conclusions

2.42 The committee supports the broad aims of the Griffin Legacy Project. The aim of advancing Griffin's plan to guide the future urban planning of Canberra through the 21st century is enviable.

2.43 The NCA's body of work has been the subject of review and critique. Some groups argued that the NCA has not adequately interpreted Griffin's vision and Amendments 56, 59, 60 and 61 are merely development driven plans. The committee does not consider this debate constructive and there

33 Mr Keith Storey, *Transcript*, p. 14.

34 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 15.

35 Dr Jenny Stewart, *Transcript*, p. 10.

36 Mr Robert Thorne, ACT Chapter Planning Committee, RAIA, *Transcript*, p. 19.

37 Australian Institute of Landscape Architects, Dr Dianne Firth, *Transcript*, p. 19..

- is no reason to doubt that the NCA has acted in good faith to advance Griffin's legacy. Furthermore, it is a useless academic exercise to argue which group of individuals are best placed to interpret Griffin's vision.
- 2.44 The committee, however, believes that the Griffin Legacy Amendments can be improved. Through the roundtable public hearing, evidence was provided which questioned the adequacy of parts of these amendments. These criticisms are not easily dismissed. Specific issues are raised in the following chapters which examine Amendments 59, 60 and 61.
- 2.45 In relation to Amendment 56 concerns were raised about excessive building height, traffic and transport implications, loss of vistas of national significance and loss of green space. In addition, there were concerns about the scale of the proposed developments and the lack of a rigorous planning rationale.
- 2.46 Furthermore, the committee's examination revealed that there were concerns expressed about the adequacy of the NCA's consultation process. Some groups noted the short time available to respond to four draft amendments. A professional organisation noted that it was satisfied with the level of consultation to the professions but the 'community had very little say.' The NCA must improve its community consultation processes. It is not sufficient for the NCA to tell the community what it is doing, it needs to collaborate and give genuine consideration to community views and sentiment.
- 2.47 In addition to these concerns, the NCA has never explained the urgency in tabling these amendments and apparently seeking to rush these amendments through the Parliament. These amendments will guide urban planning in the Central National Area during the next 25 to 30 years.
- 2.48 The committee believes that the Griffin Legacy Amendments should be disallowed so that the NCA can take necessary additional time to rework and enhance the amendments. This is based on specific concerns about features of the amendments, concerns about the adequacy of consultation, and the overriding fact that there is no urgency to table these amendments when additional time will result in an improved product.
- 2.49 Amendments 56, 59, 60 and 61 are disallowable instruments. The disallowance period expires on 29 March 2007. The committee recommends that before 29 March 2007 the Minister for Local Government, Territories and Roads moves to disallow Amendments 56, 59, 60 and 61 so that the National Capital Authority can further refine the amendments taking into account community views and the committee's findings. The NCA should not see this as a setback but as an opportunity to refine the

work already undertaken and ensure that community groups are adequately consulted. The following chapters examine in detail, Amendments 59, 60 and 61 and draw attention to concerns raised through the roundtable public hearing.

- 2.50 The processes of Parliament do not allow for an amendment which has been tabled and has the status of a disallowable instrument to be simply withdrawn. The only course of action to achieve withdrawal is to disallow the amendment. The Minister is responsible for tabling the amendments and, accordingly, it is logical and will create less confusion if the Minister moves disallowance. In addition, if the Minister moves disallowance, the committee is of the view that this will likely ensure that the motion is successful.
- 2.51 Given it has transpired that the committee, through the roundtable public hearing, has identified a range of issues that it believes ought to have been taken into account, including problems with the consultation process, the committee has no option but to ask the Minister to consider taking the only action that will create an opportunity for this advice to be considered, that is, to move to disallow the amendments.
- 2.52 The preferred course of action would have been for the committee to conduct its inquiry before the amendments were tabled. This would have ensured that the Minister could have taken into account the views of the committee before tabling the amendments.

Recommendation 3

- 2.53 **The committee recommends that before 29 March 2007 the Minister for Local Government, Territories and Roads moves to disallow Amendments 56, 59, 60 and 61 so that the National Capital Authority has the opportunity to further refine the amendments taking into account issues raised in the committee's report.**

