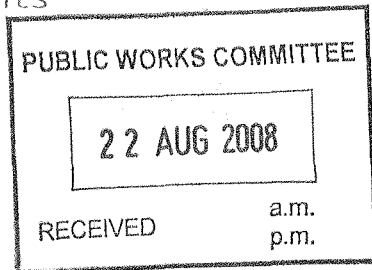




Submission No. 3
(Fit-out for the AFP, Edmund Barton Building)

M.R. 22/08/08

21 August 2008



Mr Mark Butler MP,
Chair, Parliamentary Standing Committee
on Public Works
Parliament House
CANBERRA ACT 2600

BY EMAIL pwc@aph.gov.au

Dear Mr Butler

Attached is a submission on behalf of the Landmark Owners Corporation to the Parliamentary Standing Committee on Public Works inquiry into "Fit-out for the Australian Federal Police of the Edmund Barton Building, Barton, ACT".

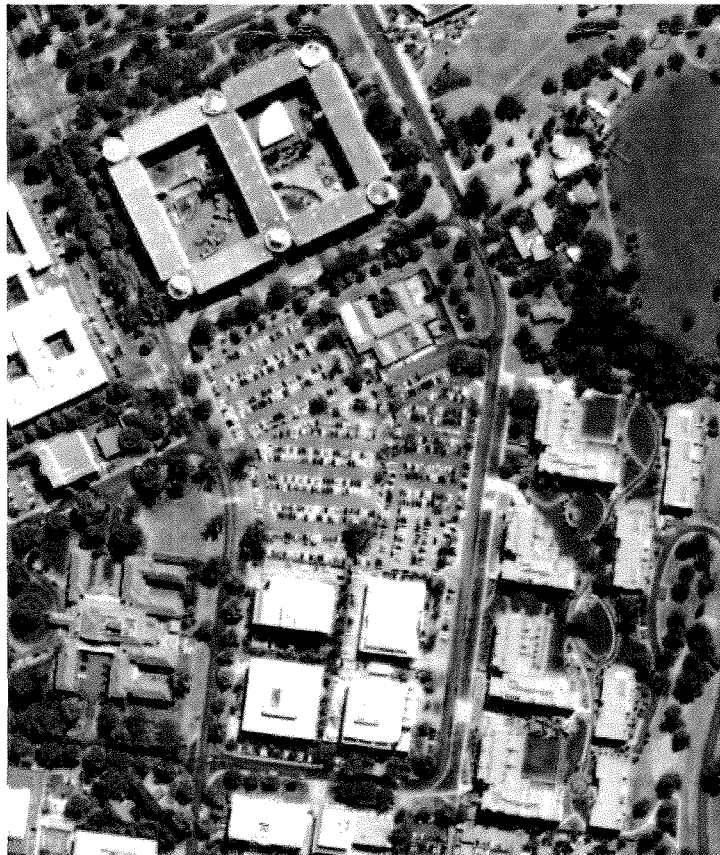
Yours sincerely

A handwritten signature in black ink, appearing to read "Gary Petherbridge".

Gary Petherbridge
CHAIRMAN – EXECUTIVE COMMITTEE
LANDMARK OWNERS CORPORATION

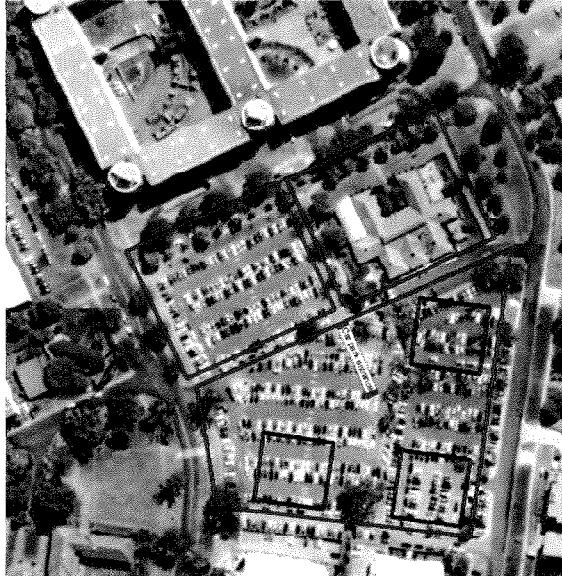
SUBMISSION BY
LANDMARK OWNERS CORPORATION
TO THE
PARLIAMENTARY STANDING COMMITTEE
ON PUBLIC WORKS INQUIRY INTO
"FIT-OUT FOR THE AUSTRALIAN FEDERAL POLICE OF THE
EDMUND BARTON BUILDING, BARTON, ACT"

1. The Landmark Apartments complex in Barton is the nearest residential community to the Edmund Barton Building (EBB), and has been highly praised in publications such as the National Capital Authority's *Design Quality in the Capital*. There are 282 apartments in eight buildings on nearly 37,000m² of land. The Landmark Apartments are the grey-roofed buildings at the lower right of the figure below:



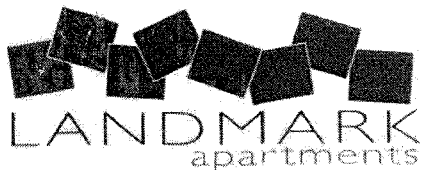
2. The Landmark Owners Corporation Executive Committee is supportive in principle of the Australian Federal Police (AFP) occupancy of EBB. A condition of this support is that vehicular and pedestrian traffic patterns in the area be adequately managed during the fit-out and enhanced, upon completion, to provide sufficient parking for all workers in the area. In particular we note that as Blackall Street is a residential street any heavy vehicle movements should be on Macquarie Street. We also wish to point out that Landmark is a private property and there must be no trespass on or through the property.
3. The status of the car park to the south-east of EBB, Section 9, is currently uncertain due to a National Capital Authority (NCA) draft amendment in the early proposal phase. The recent parliamentary inquiry into the NCA and the delay before any government response compounds this.
4. Under the National Capital Plan (NCP) (Amendment 42), Section 9 is zoned for use as a multi-storey car park with minor retail and other use developments. The current NCP imposes a height limit of AHD 591 in Barton, which would allow for a five or six-storey building.
5. The NCA draft amendment proposes to abolish this height restriction and allow a structure to a height of AHD 617, which would allow for 13 or 14 storeys. The Landmark Owners Corporation Executive Committee is absolutely opposed to any change in the building height limits in Barton, and considers the NCA proposal to be unacceptable. A copy of our letter to NCA is attached as it highlights a number of broader planning issues for Barton that need due consideration.

6. The indicative proposal from NCA is schematically shown below. The red outlines the footprint of the five-storey buildings and the blue squares indicate towers to a total of 14 storeys:



7. The car park is currently used by some 800 cars, and is essentially full. This is with EBB being completely empty. When EBB was occupied, principally by the Department of Agriculture, Fisheries and Forestry, the car park was chaotic and there was significant disruption to residential streets as much as a kilometre away due to people trying to find space to park.
8. Given that EBB will presumably have a similar number of occupants with the AFP, the pressure on parking will only get greater. It is not reasonable that the residents of Barton should be further inconvenienced by AFP occupation of EBB.
9. With the uncertainty around NCA's future, and the justifiably long consultation process over any proposed amendment, any development on Section 9 other than what is currently allowed under the NCP is unlikely to occur for several years.

10. Any development on Section 9 will result in increased disruption to residents and workers in the area as 800 or more cars attempt to find space in which to park during any construction phase. If this development occurs while EBB is occupied by the AFP, the disruption to residents and workers in Barton will be even higher. We urge that any redevelopment of Section 9 be done while EBB is empty and being refurbished, and therefore should only be the multi-storey car park as in the current NCP.
11. We believe that introducing pay parking into the Parliamentary Triangle would address issues relating to the productive use of land currently used as car parks. Furthermore, we note that this would make employment in the Parliamentary Triangle equitable with other employment centres in the ACT where pay parking is normal practice.
12. Careful consideration regarding transient and long-term parking requirements and controls are essential so as to avoid parking mayhem in the whole Barton area.



13 February 2008

COPY

Ms Annabelle Pegrum AM
Chief Executive
National Capital Authority
GPO Box 373
CANBERRA ACT 2601

Dear Ms Pegrum

**Re: Preconsultation response to proposed
Section 9 redevelopment in Barton.**

We are writing to you in response to our recent discussions with Mr Todd Rohl of your Authority, and Ms. Susan Conroy, concerning the possible amendment to the current National Capital Plan for this very large and significant site adjacent to a residential community of 282 apartments, Landmark.

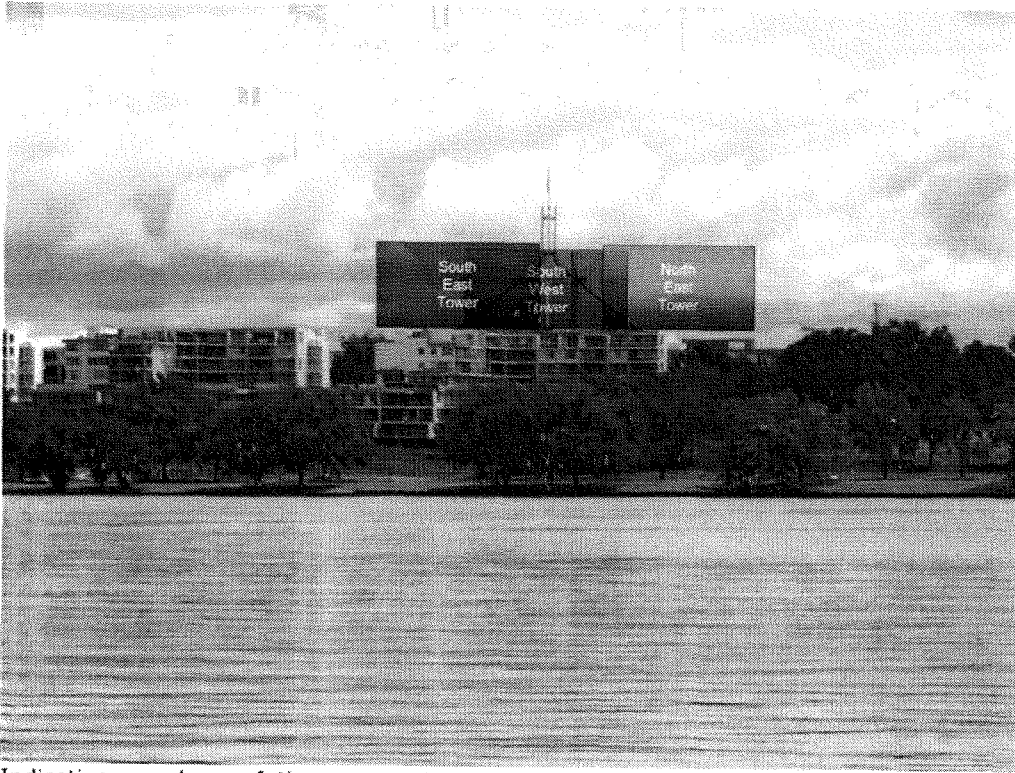
To date we have had no response or acknowledgement of our letter, dated 14 December 2007, to Susan Conroy, a copy of which is attached for your information. We believe that other consultees in our area have expressed similar concerns to those we raised in the letter. Given recent public concern over various NCA amendments and developments such as City Hill, Albert Hall, \$1.8M for two small kiosks, the overlap of functions between NCA and ACTPLA, and now the financial cuts to Constitution Avenue works, we now regard it appropriate to provide further input to the proposed amendment consultation process. Again we express our willingness to work constructively with the NCA to provide a result that will be beneficial to all concerned.

The following comments reflect our response to the draft development plan shown by NCA to the Landmark Executive Committee on 22 November, 2007 at the Landmark complex, but because the drawings were not left with us, some of the specific details of the proposed development may not have been precisely remembered. Should NCA proceed to formal public consultation with a substantially similar draft amendment, these and other issues will be addressed in our formal submission.

58/47 Blackall Street, Barton ACT 2600
T (02) 6161 0280 - F (02) 6161 0288 - E landmarkapartments@grapevine.com.au

The Owners - Units Plan No. 2413
ABN 64 812 041 372

This is what the NCA is proposing:



Indicative envelope of the proposed development above AHD 591 as seen from The BoatHouse Restaurant, East Basin

Although supportive in principle of improvements to the Section 9 site, the Landmark EC regards the new proposal as manifestly inappropriate to the overall planning of our City in many ways. In particular, we are surprised and concerned that NCA would countenance, let alone enthusiastically support, such a proposal that not only flies in the face of many of the good urban design principles articulated in NCA publications, but proposes a radical modification to the National Capital Plan by proposing a dramatic increase in the height of future buildings on this site adjacent to the Parliamentary Triangle.

NCA itself has praised the Landmark complex:

- *"The project displays a high level of integration between a contemporary architectural expression, integrated services and landscape design resulting in high quality urban design outcomes";*
- *"The development has good street definition. Scale and proportion of the building is appropriate to the scale of the street";*
- *"Overall scale and massing of buildings is sympathetic to adjoining buildings";*
- *"Established an open uncrowded character for a relatively dense development and achieved good amenity for residents".*

The proposed development exhibits none of the above. Its location close to the Lake, Parliament House and other architecturally and historically significant buildings such as the Edmund Barton Building and the Kurrajong Hotel, makes the development incongruous against the long-standing height limitations previously applied in accordance with the National Capital Plan and Burley Griffin's explicit design for horizontal development in Canberra.

We note from Appendix U of the National Capital Plan, in reference to Section 6 (Landmark's site), *"It is critical that the form and scale of development of this key site contributes to Kings Avenue and forms an appropriate built form flanking the Parliamentary Zone. All development in this area of Barton is to be of a consistently high design quality befitting its national significance"*. Surely this is also the case for Section 9?

It would seem that the **only** reason for your proposed amendment to the existing building height restrictions in Barton for Section 9 is to allow high rise residential buildings of sufficient height to obtain Lake views over neighbouring buildings. This would, of course, assist in maximising the financial return to the developer, the Territory Government, and the Federal Government through an increased land sale price. We have to question whether such additional income can be justified against the cost to the community of such an irreversible precedent for future development adjacent to the Parliamentary Triangle.

Even if development occurs within the existing height limit of AHD 591, the lack of integrated planning for the whole of Barton and eastern Lake Burley Griffin is a major concern. Where are

- the integrated vehicular and pedestrian traffic studies and plans;
- the assessment of car parking and loading zones for service vehicle access;
- analysis of retail requirements;
- safe and non-trespassing pedestrian paths to access the lake and nationally significant buildings; and
- enhanced open spaces?

We have seen no evidence of these, and can only conclude that the proposed Section 9 amendment is an opportunistic response to maximise revenue at the expense of long term community values.

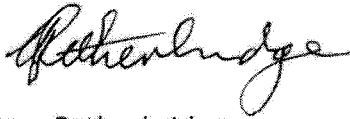
The NCA's role is to *"manage the Australian Government's continuing interest in the planning, promotion, enhancement and maintenance of Canberra as the nation's capital, on behalf of all Australians"*. Further, as stated by NCA Chairman, Michael Ball in *"The Canberra Times"* on January 26, *"every decision we have made has been made solely in the execution of our mission, to build a Capital of which we will be proud"*. This mission is surely not about maximising revenue to the Federal or Territory Governments, or maximising profit for developers and builders. How can NCA genuinely believe the January 26 statement, given the apparent disregard of significant public and professional concern of the recent City Hill land sale and future development, as evidenced by the transcript from the February 2007 public roundtable and other public comments?

Given that NCA is proposing a radical change to the existing National Capital Plan, it is incumbent on the NCA to justify publicly why this change is now both necessary and appropriate. Since existing developments and purchases have occurred in Barton over many years under the expectation that the stringent planning covenants, as controlled by your Authority and its predecessors, would be maintained, it can be expected that there will be considerable public concern, to say the least.

We are aware that the NCA has recently attracted unwanted adverse publicity with a number of proposals, and the changes in the political climate and budget have also placed it under additional pressure. Further, the Federal Government withdrawing funds for Constitution Avenue works shows that development needs to be both holistically planned and funded. Given this situation, we would suggest that now is not the time, nor is Section 9 the site, for proposing such controversial changes that will set an enormous and irreversible precedent for planning and development in the Parliamentary Triangle and immediate surrounds. We strongly urge the NCA to reconsider the proposed amendment for Section 9 and reaffirm the board decision of approximately a year ago that confirmed the intention to use Section 9 as a multi-storey car park, as described in Amendment 42 of the National Capital Plan.

We look forward to continuing to work constructively with your Authority to enhance the Barton area.

Yours sincerely



Gary Petherbridge
CHAIRMAN - EXECUTIVE COMMITTEE

cc. Mr. Michael Ball AM - Chairman NCA