
The Parliament of the Commonwealth of Australia

Review of the Griffin Legacy Amendments

Joint Standing Committee on the National Capital and External Territories

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Canberra

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Chairman's Foreword

The Griffin Legacy amendments are some of the most significant changes proposed for the future urban planning of Canberra. They seek to restate some of the key planning principles Griffin proposed and articulate specific strategic plans for the Central National Area. The amendments examined by the committee include:

- Amendment 56: The Griffin Legacy – Principles and Policies;
- Amendment 59: City Hill Precinct;
- Amendment 60: Constitution Avenue; and
- Amendment 61: West Basin.

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.

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.

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. At the same time, the committee's examination revealed that there were concerns about the adequacy of the NCA's consultation process.

The examination of Amendment 59 revealed concerns about the level of detail, issues about public funding and specific concerns about serious disruptions to traffic and excess building heights and loss of vistas.

Amendment 60 notes that Constitution Avenue will become an elegant and vibrant mixed use grand boulevard linking London Circuit to Russell. The amendment was supported by key stakeholders including, for example, the Returned and Services League of

Australia, the Canberra Institute of Technology and St John's Church. Each of these groups have made valid cases for supporting the amendment.

The committee, however, has noted some of the concerns about the amendment which also cannot be easily dismissed. In particular, the scale of the proposal and the possible negative impact on the vista from Parliament House towards Constitution Avenue which is, perhaps, one of the most significant urban vistas in the nation.

Amendment 61 – West Basin is notable for its size and scope. It is proposed that part of the lake be reclaimed using infill taken from the proposed Parkes Way and Kings Avenue tunnel.

The amendment provides for a land bridge over a section of Parkes Way for streets to extend to the lake. A waterfront promenade will be created and stepped back from that will be a series of buildings. Building height on the waterfront promenade will be limited to 8 metres (maximum of two storeys). The parapet height of buildings fronting the promenade will be a maximum of 16 metres, and taller building elements to a maximum of 25 metres, and not exceeding 30 per cent of the site area may be considered. Taller buildings may be considered on sites north of Parkes Way.

In considering this matter further, the committee examined the NCA's 2004 report, *The Griffin Legacy, Canberra – the Nation's Capital in the 21st Century*.¹ In that report, the NCA set out a plan for West Basin which is moderate in tone, less dominated by development and much more inclusive through the use of extensive green area. Evidence to the committee suggested that the scale of development for West Basin should configure more closely to the NCA's 2004 proposal.

As a result of the committee's findings, the committee has recommended that Amendments 56, 59, 60 and 61 be disallowed so that the NCA has the opportunity to further refine the amendments taking into account issues raised in the committee's report. This fine tuning is necessary and in the interests of Canberra and the nation.

I take this opportunity on behalf of the committee to thank all groups, organisations and individuals who contributed to this inquiry.

Senator Ross Lightfoot
Chairman

¹ National Capital Authority, *The Griffin Legacy, Canberra – the Nation's Capital in the 21st Century*, 2004.



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Membership of the Committee

Chairman Senator Ross Lightfoot

Deputy Chair Senator Kate Lundy (from 29/03/06)

 Senator Trish Crossin (to 28/03/06)

Members The Hon. Ian Causley MP

 Ms Annette Ellis MP

 Mrs Sophie Mirabella MP

 Mr Paul Neville MP

 Mr Patrick Secker MP

 The Hon. Warren Snowdon MP

 Senator Kim Carr (from 08/12/05 and to
08/02/07)

 Senator Trish Crossin (to 28/03/06 and
from 08/02/07)

 Senator John Hogg

 Senator Barnaby Joyce (from 16/08/05)

 Senator Kate Lundy (from 10/08/05)

 Senator Kerry O'Brien (to 10/08/05)

 Senator Nigel Scullion (to 16/08/05)

 Senator Natasha Stott Despoja

Committee Secretariat

Secretary Mr Stephen Boyd

Inquiry Secretary Mr Justin Baker

Administrative Officer Mrs Doris Cooley



List of abbreviations

ACTPLA	ACT Land and Planning Authority
AILA	Australian Institute of Landscape Architects
CBC	Canberra Business Council
CNA	Central National Area
DA	Draft Amendment
FOAB	Friends of Aranda Bushland
NCA	National Capital Authority
NCDC	National Capital Development Commission
NCP	National Capital Plan
NCPA	National Capital Planning Authority
PCA	Property Council of Australia
RAIA	Royal Australian Institute of Architects
RL 617	Building height restriction up to 18 storeys
RSL	Returned and Services League of Australia
WBGS	Walter Burley Griffin Society



Recommendations

Recommendation 1

The committee recommends that the Minister for Local Government, Territories and Roads in the future provides the Joint Standing Committee on the National Capital and External Territories with the option of inquiring into every Draft Amendment to the National Capital Plan.

Where the committee requests an inquiry, the Draft Amendment under consideration should not be tabled until after the committee completes its inquiry.

Recommendation 2

The committee recommends that the National Capital Authority explore options for ensuring that submissions to all the Authority's consultation processes are made publicly available subject to full approval by the submitter and compliance with relevant privacy principles and advise the committee.

Recommendation 3

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.

Introduction

- 1.1 The National Capital Plan (NCP) is the strategic plan for Canberra and the Australian Capital Territory. In particular, the NCP secures the Commonwealth's continuing interest in ensuring that 'Canberra and the Territory are planned and developed in accordance with their national significance.' The purpose of the NCP 'is to ensure that the Commonwealth's national capital interests in the Territory are fully protected, without otherwise involving the Commonwealth in matters that should be the prerogative of the Canberra community.' The NCP came into effect on 21 January 1990.
- 1.2 The *Australian Capital Territory (Planning and Land Management) Act 1988* provides the legislative framework for the NCP and also provides a process for amending the NCP through the introduction of draft amendments.
- 1.3 The Griffin Legacy amendments are some of the most significant amendments to be introduced. They seek to restate some of the key planning principles Griffin proposed and articulate specific strategic plans for the Central National Area (CNA). The amendments under consideration are:
 - Amendment 56: The Griffin Legacy - Principles and Policies;
 - Amendment 59: City Hill Precinct;
 - Amendment 60: Constitution Avenue; and
 - Amendment 61: West Basin.

NCA Consultation

- 1.4 The draft amendments were released by the NCA at different times in August 2006 and public submissions were provided to the NCA during September 2006. For each draft amendment, the NCA produced a 'Report on Consultation' together with a 'submission table' which summarised the key points made and the NCA's response. These documents were made publicly available and loaded on the NCA's website.
- 1.5 For each of the draft amendments, the NCA provided statistical information on the number of submissions received and the number of submissions for and against the amendment. The following table provides key dates and figures for each of the draft amendments. There are no demographic or additional data relating to these statistics.

Table 1.1 Draft Amendment Consultation Process – Key Dates and Submission Statistics

DA	Date Released	Submission deadline	Total Subs received	Support	Support with qualifications	Opposed
56	5 Aug 06	15 Sep 06	76	56	16	4
59	19 Aug 06	29 Sep 06	77	40	17	20
60	19 Aug 06	29 Sep 06	78	35	28	15
61	19 Aug 06	29 Sep 06	92	47	23	22

Source *National Capital Authority: Report on Consultation for DAs 56, 59, 60 and 61, November 2006*

- 1.6 The majority of these submissions were prepared on templates created by the NCA and made available at the public exhibition site. The templates contained three tick boxes where people could select 'I support this amendment', 'I support some of this amendment but have concerns', and 'I do not support this amendment.' Space was also provided for comments.
- 1.7 The NCA through its consultation process did respond to certain issues raised through submissions and made changes to the draft amendments. A summary of these recommended changes is included in each of the respective consultation reports.
- 1.8 The submissions provided to the NCA are confidential and on privacy grounds were not released in a way that could identify the contributors.
- 1.9 On 27 November 2006 the Minister for Local Government, Territories and Roads, the Hon Jim Lloyd, MP, wrote to the committee advising that the consultation process had been finalised, and sought advice from the committee whether it wished to inquire into the draft amendments. On 30 November 2006 the committee advised that it did wish to conduct an

inquiry into the draft amendments. On 6 December 2006 the amendments were tabled in both Houses of the Parliament and subject to a disallowance period which the NCA advised would expire on 29 March 2007.¹

Committee comment

- 1.10 The decision by the Minister, on the advice of the NCA, to table the amendments prior to the committee commencing its own inquiry is a break with convention. The Minister has in the past waited for advice from the committee as to whether it wishes to undertake an inquiry into a draft amendment. In those cases where the committee seeks to undertake an inquiry the Minister has waited for the committee to report before tabling the amendment. This ensures that improvements or modifications discovered by the committee can be considered for incorporation into the draft amendments before they are finalised and tabled in the Parliament. The Minister's 'urgency' in tabling the amendments has placed undue time pressures on the committee and restricted its scrutiny function to ensure transparency and accountability. In spite of this, the committee is pleased that it was able to conduct a highly effective roundtable hearing and table this report before the 29 March 2007 disallowance deadline.
- 1.11 Due process dictates that the committee should have been given sufficient time to scrutinise the Griffin Legacy Amendments. At the conclusion of this process the NCA could have utilised the findings of the committee and considered whether to incorporate them into the amendments before they were tabled in the Parliament. In rejecting this procedure, the Minister has ignored the role of a committee of the Parliament and the contribution that it is entitled to make.
- 1.12 Most significantly, the committee has revealed, through its roundtable public hearing, concerns and possible limitations with certain features of the amendments. These issues are discussed in the following chapters. The key point is that the committee is recommending that the Minister for Local Government, Territories and Roads move to disallow the amendments so that the committee's concerns with the amendments can be ameliorated. This course of action would have been unlikely if the Minister, on the advice of the NCA, had not prematurely sought to have the amendments tabled. This situation must not arise again.
- 1.13 A further issue that concerns the committee is the status of submissions made to the NCA as part of its consultation process. The NCA advised that these submissions are confidential and the names of submitters cannot be

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

released on privacy grounds. This point is accepted though the committee believes that on the grounds of transparency, submissions should where possible be publicly available. This could, for example, be achieved through including on NCA submission templates approval by the submitter to publicly release the submission. Where submissions are received other than on the templates, the NCA should as a matter of course seek approval from the submitter to publicly release the submission. If this situation became the norm, then submissions to the NCA would be public unless a person had a particular reason for not wishing their submission to be publicly available. The committee, therefore, recommends that the NCA explore options for ensuring that submissions to all consultation processes are made publicly available subject to full approval by the submitter and compliance with relevant privacy principles.

Recommendation 1

- 1.14 **The committee recommends that the Minister for Local Government, Territories and Roads in the future provides the Joint Standing Committee on the National Capital and External Territories with the option of inquiring into every Draft Amendment to the National Capital Plan.**

Where the committee requests an inquiry, the Draft Amendment under consideration should not be tabled until after the committee completes its inquiry.

Recommendation 2

- 1.15 **The committee recommends that the National Capital Authority explore options for ensuring that submissions to all the Authority's consultation processes are made publicly available subject to full approval by the submitter and compliance with relevant privacy principles and advise the committee.**

Committee objectives and scope

- 1.16 The committee examines draft amendments to the national capital plan with the purpose of ensuring that proper processes have been followed and the NCA, as an agency of the Executive, is held to account for its performance. In particular, the committee is seeking to ensure that the NCA has conducted an adequate consultation process. We have raised concerns about the adequacy of the NCA's consultation process in previous reports.²
- 1.17 The committee, however, is not another tier of planning. The committee does not have planning powers, nor should it, and it does not claim to have expertise in urban planning. However, the committee can, through its public consultation process, draw on the expertise of individuals and groups who do have expertise in these areas. We can, therefore, ensure that these views are adequately reflected in a report to the Parliament and, in addition, be brought expeditiously to the attention of the Minister and the NCA. The committee strongly believes that it is incumbent upon the Minister to ensure that he receives the best advice available. The committee through its inquiry process can assist with this aim.

Conduct of the review

- 1.18 On 29 November 2006 the committee resolved that it would undertake a roundtable public hearing on 23 February 2007 in which it would examine amendments 56, 59, 60 and 61 concurrently.
- 1.19 The committee advertised the inquiry in the *Canberra Times* on 22 January 2007 and sought expressions of interest to attend the roundtable public hearing.
- 1.20 Two submissions were received which are listed at Appendix A. The transcript of evidence from the roundtable public hearing can be found at the committee's website at <http://www.aph.gov.au/house/committee/ncet/Griffin/index.htm>
- 1.21 A lists of witnesses attending the roundtable public hearing can be found at Appendix B.

2 Joint Standing Committee on the National Capital and External Territories, Inquiry into the role of the National Capital Authority, July 2004, pp. 104-105.

Reader guide and structure of the report

- 1.22 The report has been kept as brief and concise as possible. Each chapter presents the key evidence provided through the roundtable public hearing. The conclusions at the end of each chapter provide a summary of the key issues under consideration and most importantly provide the committee's views on each of the amendments. The conclusions will also provide the rationale for any recommendations that are made.
- 1.23 Readers who do not have the time to read the report in full can read the conclusions separately. The conclusions have been prepared in a 'stand alone' format so that readers can quickly understand the key issues together with the committee's conclusions and reasons for the recommendations.
- 1.24 The chapters are divided according to the amendments. Chapter two focuses on Amendment 56, The Griffin Legacy – Principles and Policies. This is the overarching amendment which outlines the principles and policies that bring effect to the Griffin's legacy as articulated in the 1918 Griffin Plan.
- 1.25 Chapter three examines Amendment 59 – City Hill Precinct. This Amendment sets out the framework and land uses, planning and urban design policies to guide future development of the City Hill Precinct.
- 1.26 Amendment 60 – Constitution Avenue is examined in Chapter four. Constitution Avenue is central to the implementation of the Griffin Legacy.
- 1.27 The final chapter examines Amendment 61 – West Basin. A key objective of this amendment is extending the city to the lake.

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
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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.**

Amendment 59 – City Hill Project

Introduction

- 3.1 Amendment 59 sets out a framework of land uses, planning and urban design policies to guide future development of the City Hill Precinct ‘ensuring it takes its place as the symbolic and geographical centre of Canberra Central.’
- 3.2 The NCA comments that City Hill Precinct is central to the implementation of *The Griffin Legacy*. In particular, the NCA states that ‘City Hill Precinct will be reclaimed as Griffin’s symbolic and geographical centre for Civic – a corner completing the National Triangle as a gateway to the Central National Area and a hub connecting significant main avenues and vistas.’¹
- 3.3 This chapter outlines the key objectives of Amendment 59 and details the key issues raised in the roundtable public hearing.

Key features of Amendment 59

- 3.4 The NCA reported that upon coming into effect, ‘Draft Amendment 59 would provide an urban design framework to guide the design of buildings and infrastructure (roads) and the character of the public domain. A series of planning and urban design principles will be incorporated into the Plan. These relate to:

1 National Capital Authority, Amendment 59 – City Hill Precinct, p. 1.

- reinforcing the City Hill Park surrounded by diverse activity within an urban built form;
- encouraging a mix of land uses;
- extending avenue connections of Constitution Avenue and Edinburgh Avenue to Vernon Circle for local traffic and pedestrians and reducing the reliance on Northbourne and Commonwealth Avenues as the main north-south arterial route;
- modifying Vernon Circle to become a low-speed urban street giving greater priority to pedestrians and providing access to City Hill Park;
- modifying London Circuit to become an urban boulevard operating as the main public transport circuit for Canberra Central and as the bypass to City Hill Park;
- allowing medium rise buildings and landmark buildings at key points to reinforce Griffin's geometric plan structure;
- continuing to implement the peripheral parkways and Civic Centre bypass roads and giving greater priority to pedestrians;
- providing on-street parking and 24 hour access to parking structures in a manner that does not dominate the public domain;
- giving priority to public transport and providing for light rail and/or bus lanes on London Circuit;
- retaining existing laneways and creating new laneways (encouraging active frontages) to provide a permeable urban fabric and create service access; and
- providing clear and legible pedestrian links to facilitate pedestrian connectivity within and between City Hill Park and Canberra Central.

3.5 During the roundtable hearing, the NCA explained the detailed analyses that it undertook in preparing the amendment:

In order to consider how the draft amendment would be framed, we undertook a series of detailed analyses, using consultants in many cases. These were used to establish the economic feasibility, the engineering feasibility, we assessed the traffic, we undertook studies of transport, we looked at various inner-city transport options, we undertook land valuations, infrastructure valuations and we assessed the capacity of the infrastructure that exists in the city. The ACT Planning and Land Authority undertook a number of these studies, including the last one, the pedestrian movement

study. So all of the work that underpinned the way in which this draft amendment was developed was prepared as a comprehensive process prior to the release of the amendment.²

- 3.6 The NCA advised that the area affected by the amendment would have a development capacity of approximately 500 000 square metres which is up from the current capacity of 450 000 square metres.³
- 3.7 In this amendment:
- *City Hill Precinct* refers to the area within and inclusive of London Circuit reservation, including City Hill Park;
 - *City Hill Park* refers to the area within Vernon Circle currently open space; and
 - *Canberra Central* refers to the general area of civic currently open space immediately surrounding City Hill Precinct.⁴
- 3.8 In relation to **City Hill Park**, the amendment states that ‘City Hill Park should be retained and enhanced as an enclosed central park serving a functional role within an urban built form.’ In particular, the amendment states that ‘any buildings located on City Hill Park must be ancillary to this purpose and be designed, sited and of a scale, that complements the landscape character.’⁵ The NCA commented that City Hill Park ‘is essentially a high-speed roundabout in its current form, with Vernon Circle linking Commonwealth Avenue and Northbourne Avenue.’⁶
- 3.9 In relation to **land use**, the amendment states that ‘mixed land uses should be encouraged throughout the City Hill Precinct while allowing flexibility to respond to market demand.’ The NCA assumed at this stage ‘that approximately 50 per cent will be office type use, 30 per cent residential and 20 per cent in the ‘other’ category.’⁷
- 3.10 The amendment will result in changes to **traffic flows and vistas**. In particular, ‘Southbound traffic should be discouraged from using Northbourne Avenue along its length to reduce reliance on Northbourne and Commonwealth Avenues as the main north south arterial route.’⁸ In particular, the ‘intersection of Commonwealth Avenue and London Circuit

2 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 23.

3 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 24.

4 National Capital Authority, Report on Consultation, Draft Amendment 59, p. 3.

5 National Capital Authority, Amendment 59 – City Hill Precinct, p. 4.

6 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 24.

7 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 24.

8 National Capital Authority, Amendment 59 – City Hill Precinct, p. 6.

should be redesigned to encourage the diversion of northbound traffic onto London Circuit and improve pedestrian access and safety.⁹

- 3.11 **Vernon Circle** will become a 'low-speed urban street with a careful blend of through and local traffic, giving priority to pedestrians and providing access to City Hill Park.'¹⁰ **London Circuit** 'should become an urban boulevard operating as the main public transport circuit for Canberra Central. In particular, London Circuit should serve as the main connector between Northbourne and Commonwealth Avenues, but should be discouraged as a through route.'
- 3.12 In relation to vistas, the amendment states that 'view corridors must be retained from radiating avenues to City Hill Park - no buildings should bridge these avenues.'
- 3.13 The amendment specifically comments on **building form, height and landmark buildings**. The amendment states:

Tall **landmark buildings** up to RL 617 (**generally 14-18 storeys**) are restricted to the corners of the main avenues intersecting with London Circuit.

Buildings above 25 metres in height are to be the subject of wind testing, including down draught conditions and turbulence, to ensure development does not have adverse impacts on building entrances and the public domain.

Building heights up to 25 metres (generally six to eight storeys) above adjacent kerb levels of London Circuit, Vernon Circle and Northbourne, Edinburgh, Constitution and Commonwealth Avenues are permissible in all areas of City Hill Precinct with a minimum of 16 metres (equivalent to four storeys) desirable fronting Vernon Circle to create a sense of enclosure around City Hill Park.

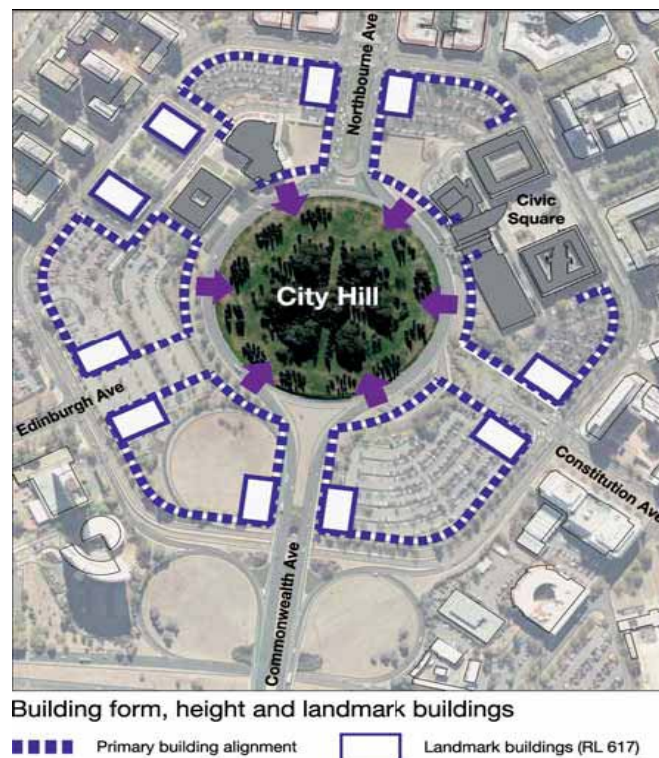
Minor building elements that extend building height above 25 metres will be considered where this enhances the architectural quality of the building and fosters energy efficiency, indoor amenity and appropriate urban scale.¹¹

9 National Capital Authority, Amendment 59 – City Hill Precinct, p. 6.

10 National Capital Authority, Amendment 59 – City Hill Precinct, p. 7.

11 National Capital Authority, Amendment 59 – City Hill Precinct, p. 9.

Figure 3.1 Indicative Building Form, Height and Landmark Buildings



Source *National Capital Authority, Amendment 59 – City Hill, p. 9.*

- 3.14 In relation to **height controls**, the amendment states that these ‘will be determined on a site-by-site basis to achieve performance objects such as:
- maintaining sunlight access to City Hill Park and major pedestrian areas;
 - achieving landmark public buildings, whether through height, siting, form or setting; and
 - addressing the heritage values of the Sydney and Melbourne buildings.¹²
- 3.15 The NCA advised that ‘we assessed building heights and setbacks and looked at the prospect of having taller buildings helping to define the geometry of the main avenues as they join up with City Hill.’¹³
- 3.16 The amendment notes that ‘**new buildings** are encouraged to be delivered through **design competitions** in order to encourage innovation and design excellence.’¹⁴

12 National Capital Authority, Amendment 59 – City Hill Precinct, p. 9.

13 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 24.

14 National Capital Authority, Amendment 59 – City Hill Precinct, p. 9.

- 3.17 Provision for car parking is dealt with by the amendment. The amendment comments that ‘public car parking that is available at all hours must be provided on street as well as in appropriately designed structures that do not dominate the public domain.’ In addition, ‘car parking for new development is to be accommodated in basements or in above ground structures that do not dominate the public domain.’¹⁵

Figure 3.2 City Hill Park looking towards the National Triangle



Source *National Capital Authority, Amendment 59 – City Hill, p. 16.*

1992 Draft Amendment 5: Master Plan Study for City Hill

- 3.18 In 1992 the then Joint Standing Committee on the National Capital and External Territories conducted a review of Draft Amendment 5: Master Plan Study for City Hill. The then committee’s review and report is relevant to the committee’s current review of Amendment 59.
- 3.19 It is important to note that the then committee had significant concerns with DA5 and it was subsequently withdrawn.
- 3.20 In 1993 the committee stated:

In its vision for City Hill, the NCPA is seeking to promote the precinct as an active, vital urban space at the heart of Civic. Vernon Circle becomes a city street instead of a busy arterial. Quality six storey buildings festooned with balconies, colonnades, and porte

15 National Capital Authority, Amendment 59 – City Hill Precinct, p. 10.

cocheres face the Hill. The Hill beckons pedestrians from pocket parks along landscaped pathways. Perhaps light rail vehicles will one day run around a dedicated public transport lane.¹⁶

- 3.21 The committee examined heritage values, traffic, pedestrian access, buildings and heights, and other issues.

Traffic

- 3.22 There are differences between DA 5 and Amendment 59. In particular, a concern raised as part of the review of DA5 was significant concerns with traffic constraints. For example, in 1993, Mr Roger Pegrum stated:

The new layout of Vernon Circle...is guaranteed to turn the Circle into a slow moving and dangerous road, half roundabout and half highway...The combination of drop-off zones and an active frontage will turn Vernon Circle into a nightmare.¹⁷

- 3.23 The then committee concluded that it 'is of the opinion that the plan for the proposed new traffic arrangements for Vernon Circle was completed without sufficient consideration of all the implications.'¹⁸

Building height

- 3.24 The principal reason for DA5 was to change the building height from **three storeys to six storeys** on Vernon Circle. In addition, the '**gateway buildings** on Northbourne would be **eight to nine storeys**. It was proposed that 'lower buildings front London Circuit and taller buildings are located on Vernon Circle, massing the buildings up toward City Hill.'¹⁹ In 1993 there were a range of views for and against the increase in building height.

- 3.25 The then committee commented that 'several respondents considered the eight storey gateway buildings on Northbourne Avenue were not appropriate and **the Committee opposes eight storey gateways**.'²⁰ The then committee stated:

16 Joint Standing Committee on the National Capital and External Territories, *City Hill: Review of the Draft Master Plan*, June 1993, p. 9.

17 Joint Standing Committee on the National Capital and External Territories, *City Hill: Review of the Draft Master Plan*, June 1993, p. 23.

18 Joint Standing Committee on the National Capital and External Territories, *City Hill: Review of the Draft Master Plan*, June 1993, p. 27.

19 National Capital Planning Authority, Draft Amendment No. 5, October 1992, p. 5.

20 Joint Standing Committee on the National Capital and External Territories, *City Hill: Review of the Draft Master Plan*, June 1993, p. 34.

The Committee found the heritage and aesthetic arguments in favour of retaining three storey buildings on Vernon Circle convincing. It was mindful of the lengthy review process which established the current height limit of three storeys. The fact that the development of Vernon Circle is a long term project and implications of a decision to change the maximum permitted building height is significant. **The Committee does not consider there is any urgency at present in locking into a height limit that might be considered a serious mistake in years to come.**²¹

3.26 It is important to note that the proposed building heights that were rejected by the then committee in 1993 are significantly lower than the heights proposed under **Amendment 59 which provides for:**

- **14-18 storey 'landmark buildings'** which are restricted to the corners of main avenues intersecting with London Circuit; and
- buildings, generally **six to eight storeys**, above adjacent kerb levels of London Circuit, Vernon Circle and Northbourne, Edinburgh, Constitution and Commonwealth Avenues are permissible in all areas of City Hill **with a minimum, equivalent to four storeys desirable** fronting Vernon Circle to create a sense of enclosure around City Hill Park.²²

3.27 In relation to the similarities or otherwise between DA 5 and Amendment 59, the NCA commented that the principle of access to City Hill was very much the same. However, the NCA stated:

DA 59 is a far more sensitive piece of work. It looks far more closely at the access points at the extensions of the avenues. I do not think the extensions of the avenues were taken into account in the earlier model. It looks at the laneway connections and it talks about the quality of the space and the design rather than simply being an exchange of scale.²³

Discussion

3.28 The Walter Burley Griffin Society (WBGS) commented that the amendment was too generally written. For example, the WBGS drew attention to a

21 Joint Standing Committee on the National Capital and External Territories, *City Hill: Review of the Draft Master Plan*, June 1993, p. 35.

22 National Capital Authority, Amendment 59 – City Hill Precinct, p. 9.

23 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 30.

finding by the Canberra Central Taskforce which stated that ‘the preliminary financial modelling undertaken by the Taskforce has shown that there would be significant costs in the development, and these costs would most likely not be fully covered by revenues, even in the longer term.’²⁴

- 3.29 In response to the objective of making City Hill Park a ‘people space’, the WBGS stated:

This visual and symbolic role for City Hill Park is sufficient, without the extensive re-structuring of arterial roads, overdevelopment of London Circuit, and extensive landscape works necessary to turn the park into a ‘people space’.

We do not support modification of the topography ‘to create an urban park, accommodate pedestrian desire lines, and integrate with Vernon Circle – in other words, flattening the hill.’²⁵

- 3.30 CB Richard Ellis warned of the pressures upon retail trading if additional retail floor space was added to Canberra’s economy. CB Richard Ellis advised that we ‘need to pause and allow the community’s spending power to catch up before we build another centre.’²⁶ CBRE stated:

We need to allow time for the retail core of Civic to consolidate, and not allow any substantial retailing in the new parts of City Hill, Constitution Avenue or, for that matter, the lake—I think the City Hill amendment areas are more pertinent.²⁷

- 3.31 The ACT Planning and Land Authority (ACTPLA) noted that as result of the leasehold system, the territory government has a major stake in the marketplace in the ACT. ACTPLA commented that ‘we have the ability to manipulate the product that comes out, whether that be commercial, retail or residential, by the way in which we release land and the nature of uses or activities that we allow on each lease.’²⁸

- 3.32 In relation to public funding, ACTPLA commented that the delivery of infrastructure will be the responsibility of the territory government. ACTPLA acknowledged the financial issues raised by the WBGS that one of the key issues for the ACT Government will be ‘its capacity to leverage sufficient funds through its release of land to pay for much of the

24 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 28.

25 Walter Burley Griffin Society, *Submission 1*, p. 12.

26 Mr Tony Adams, Senior Director, CB Richard Ellis, *Transcript*, p. 26.

27 Mr Tony Adams, Senior Director, CB Richard Ellis, *Transcript*, p. 26.

28 Mr Neil Savery, Chief Planning Executive, ACT Planning and Land Authority, *Transcript*, p. 39.

infrastructure required to support the development of the city.²⁹ ACTPLA stated:

Bear in mind that, as was said previously, if we do nothing the city will develop anyway and the territory will be required to provide level of infrastructure. If we do nothing – and I know that no-one is sitting here advocating that we do nothing – we could have a scenario in which a city develops in the absence of a broader planning framework and a territory government that finds it difficult to provide the infrastructure required to sustain that development, and some of the worst scenarios that people were talking about, such as traffic congestion, will materialise anyway.³⁰

3.33 ACTPLA indicated that it was also working on identifying and locating a future site for a new legislative assembly and a future Supreme Court.³¹ The WBS commented that ‘all that is needed at City Hill is the correct siting and design of a new and permanent building for the ACT Legislative Assembly.’³²

3.34 The NCA advised that there seemed to be a misconception that ‘if the Griffin Legacy amendments were not there, nothing would happen and the market would somehow be miraculously controlled.’³³ The NCA stated:

City Hill is currently a development site. What the Griffin Legacy does, in fact, is introduce a layer of flexibility that can respond to the market, because it is far less prescriptive about what those buildings on the hill might be. It is true that it does not say, ‘This is a house and this is an office and this a shop;’ it allows for the market to respond to the needs of the day. In addition to that, the retail hierarchy within the National Capital Plan protects some of the pressures that are brought to bear on the percentage of retail associated with any one area, and there is additional flexibility from the Territory, who are the administrators of all of the land on City Hill, to look at whether or not they exclude certain provisions through their lease clauses.³⁴

3.35 The other key issues raised during the roundtable public hearing included:

29 Mr Neil Savery, Chief Planning Executive, ACT Planning and Land Authority, *Transcript*, p. 39.

30 Mr Neil Savery, Chief Planning Executive, ACT Planning and Land Authority, *Transcript*, p. 39.

31 Mr Neil Savery, Chief Planning Executive, ACT Planning and Land Authority, *Transcript*, p. 40.

32 Walter Burley Griffin Society, *Submission 1*, p. 16.

33 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 29.

34 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 29.

- transport and traffic;
- retention of open space and vistas; and
- shadows and building height.

Transport and traffic

3.36 A number of individuals and groups raised concerns that there could be disruptions to traffic flow as a result of the proposed changes. Mr Shibu Dutta commented that ‘you have to take the through traffic out of City Hill straight to Commonwealth Avenue or to Constitution Avenue.’³⁵ Mr Dutta observed that the dual carriage way for London Circuit will not provide a solution.

3.37 Mr Greg Wolfe raised concerns about the volume of north-south traffic which is predominantly thoroughfare traffic which uses Vernon Circle to commute and the second type is internal city movement. Mr Wolfe stated:

My understanding, and I may be wrong, is that there may be around 60,000 car movements a day through Vernon Circle. Most of those would be thoroughfare traffic, as I said earlier. I am interested in what happens when we merge thoroughfare traffic with local city traffic. What do you get? I would suggest that you would probably get a bottleneck or a gridlock. If somebody is coming from Gungahlin and having to go to Woden or Barton, why would we go to the effort of forcing them through perhaps six sets of additional traffic lights to go through London Circuit just so that somebody can walk across the road safely at Vernon Circle to have a sandwich? We have inconvenienced 60,000 commuters just so that you can safely get across and have your sandwich on City Hill. I am not against using City Hill—it is a magnificent place. What I am asking for is that we find a balance and understand that there is and will be a growing demand of commuters through that area.³⁶

3.38 It was pointed out that ‘Northbourne Avenue, Vernon Circle and Commonwealth Avenue are vital arterial connections and approximately 70 per cent of its traffic was not destined for or exiting from Civic.’³⁷

3.39 The NCA responded that ‘the retention of Vernon Circle as a freeway route for arterial traffic restricts safe access for pedestrians to City Hill

35 Mr Shiva Dutta, *Transcript*, p. 31.

36 Mr Greg Wolfe, *Transcript*, p. 33.

37 National Capital Authority, Report on Consultation, Draft Amendment 59, p. 8.

Park and is contrary to its role as a central park for Civic.³⁸ In addition, the NCA stated:

Implementation of increased east/west connections, and a fine grain network of paths and streets, is necessary to enhance City Hill as a destination and to reduce the predominance of north/south through traffic. There is capacity on London Circuit, if developed as a main avenue in accordance with the DA, to divert a significant share of arterial vehicular through traffic around the City Hill Precinct. The DA proposes an increase in width of London Circuit to 40 m except adjacent to the North and South Buildings and the Reserve Bank and AFP Building and associated squares where the width is retained at 30 metres. It is a sufficient width to create a dignified and boulevard-like city avenue, and improve the legibility of Civic's hierarchy of streets.³⁹

- 3.40 During the roundtable hearing, the NCA advised that more use will have to be made of major connector roads like Limestone Avenue and Clunies Ross Street which 'will all play their part in a broad process of how the city changes and copes with traffic.'⁴⁰ The NCA also suggested that 'there is a need for us to begin a process by which we discourage people who are going north-south or south-north from going through the city.'⁴¹
- 3.41 Mr Colin Stewart of Colin Stewart Architects noted that 'the NCA have made it clear and the Griffin Legacy document has received appropriate accolades as a planning document but I see a lot more work to be done before there is a wonderful detailed design solution.'⁴² As part of his contribution, he particularly commented on the structure of city avenues. Mr Stewart stated:

At the moment the fundamental flaw that has confronted every reputable planner and designer in Australia and overseas for the last 30 years has been how to resolve the problem of the meeting of the avenues at London Circuit. I believe the solution is to widen London Circuit so that it is an avenue and not a narrow street. I live in a street which is – as are most streets in inner Canberra – the same width as London Circuit. Avenues are 60 metres wide, which is double that width. If we are serious about providing an urban framework, it is a unique time in the national capital's history, and

38 National Capital Authority, Report on Consultation, Draft Amendment 59, p. 8.

39 National Capital Authority, Report on Consultation, Draft Amendment 59, p. 8.

40 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 33.

41 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 33.

42 Mr Colin Stewart, Colin Stewart Architects, *Transcript*, p. 37.

of critical importance, that the future of London Circuit be addressed and examined for every opportunity to make it the size of an avenue, not as a 20-lane road but as an avenue of the quality of the other avenues and of, say, Adelaide’s North Terrace, which is half-landscaped and half-traffic, with a grand character.⁴³

3.42 Mr Stewart also commented on the nature of City Hill and its links with other parks. He concluded that ‘a fantastic planning framework has been set up but it needs a lot more work in the detailed design aspects of both the public domain and the private sector.’⁴⁴

3.43 The NCA indicated that it agreed with comments made about the value of avenues and the quality of public infrastructure. The NCA indicated that it had looked at the challenges of widening London Circuit. The major concern is the four buildings that have been built, two of which are on the ACT Heritage List. The NCA acknowledged that there is a barrier to widening the road through its length.⁴⁵ The NCA stated:

The amendment does not prevent that happening and certainly has been on the agenda for discussion between us and the ACT for some time. By using the detailed design documents we produce for sites, as they become available to the market, in order to facilitate it we can also maintain an appropriate width by the setbacks for those buildings on the inside of London Circuit.⁴⁶

3.44 ACTPLA commented that it is ‘planning for London Circuit to be widened in the future, but not to the point where it simply replicates the problems that we see now with Vernon Circle, where we simply move the through-traffic network onto London Circuit only to see it become overly congested, with difficulty of pedestrian movement from one side of London Circuit to the other and then into the inner circle of Vernon Circle.’⁴⁷

Retention of open space, vistas and provision for trees

3.45 A large number of submissions sought the continuation of open space, and the continuation of City Park as it is. Professor Ken Taylor commented that City Hill has magnificent views, and the ‘very idea of blocking those

43 Mr Colin Stewart, Colin Stewart Architects, *Transcript*, p. 37.

44 Mr Colin Stewart, Colin Stewart Architects, *Transcript*, p. 37.

45 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 38.

46 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 38.

47 Mr Neil Savery, Chief Planning Executive, ACT Planning and Land Authority, *Transcript*, p. 39.

views, even if it is like this shown here, is just antithetical to the whole idea of this great city and it should not go ahead.’ Professor Taylor stated:

Within amendment 59, I would like to see more attention paid to open space, to the different volumes of space between buildings, connecting to the central space. I have ambivalent views as to whether Vernon Circle should be maintained, even with traffic lights. Traffic lights and cars stopping and starting around an urban park of the scale of City Hill is not appropriate, in my view, neither is surrounding a city park by tall buildings. It is contrary to the amenity of park users.⁴⁸

3.46 The AILA noted their approval that ‘this amendment now allows City Hill to remain as a park.’⁴⁹ However, the AILA raised other concerns:

Where we do have concerns is that the proposal could easily turn City Hill into an oasis rather than a hill and that those views out from City Hill will not be protected by a 40-metre avenue. You only have to look from the terrace of our building along the land axis to see the way that the views, the vistas, are constrained by tree massings, and certainly they will be by building massings. However, this can be addressed through good form studies and picking up how these vistas can be presented.⁵⁰

3.47 The NCA noted that City Hill was not the only open space in this area and referred to Commonwealth Park. In relation to views through the areas from City Hill, the NCA commented that ‘the other attraction as to the way in which City Hill would work is that you would actually create really strong view corridors by the way in which development around the city would occur.’⁵¹ The NCA further commented that ‘there will be a series of buildings with spaces between the buildings and those spaces can be made to work to create and facilitate those view corridors.’⁵²

3.48 In relation to building height and views, the NCA commented that ‘even at three storeys you could have a ring of buildings around Vernon Circle that would block off views potentially to City Hill park.’⁵³ The NCA stated:

So the extensions of Constitution and Edinburgh avenues actually open vistas through to the park. There are streetscape controls built

48 Professor Ken Taylor, *Transcript*, pp. 31-32.

49 Dr Dianne Firth, Australian Institute of Landscape Architects, *Transcript*, p. 35.

50 Dr Dianne Firth, Australian Institute of Landscape Architects, *Transcript*, p. 35.

51 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 34.

52 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 34.

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

into the amendment. In addition to that we have broadened the vista from City Hill park down along Commonwealth Avenue towards the parliamentary area.⁵⁴

- 3.49 Professor Taylor in response noted that ‘of course three-storey buildings could have a similar effect’ on vistas, but his main point of concern was the space between buildings, and ‘it is critical in this area.’⁵⁵ Professor Taylor stated:

I believe all along that the key to developing the City Hill area – and I reiterate, I strongly welcome keeping City Hill as a park – is the connection of the spaces between the buildings that are, in my view, even more important than the buildings themselves, although I still feel that the idea of 16- to 18-storey buildings is just an anathema and contrary to the whole idea of this precinct.⁵⁶

Building height

- 3.50 Building height was the most contentious issue in relation to Amendment 59. Professor Ken Taylor was opposed to the proposal to have 16 to 18 storey landmark buildings. He could not see any rationale for increasing the current three storeys to four storeys.⁵⁷ He argued against filling this precinct in with buildings that could ruin the nature of the area.
- 3.51 The WBSG commented that ‘although precedents have been established for towers built to the RL617 limit in the City West precinct, they are not precedents worthy of emulation as works of architecture or as urban design gestures.’ The WBSG concluded that it ‘opposes the location of visually dominant structures in the vicinity of City Hill, and emphasises that Griffin explicitly called for horizontal development in Canberra.’⁵⁸
- 3.52 The NCA drew attention to drawings by Walter Burley Griffin which ‘showed a very fine-grain density right around City Hill, right along Northbourne Avenue and right along Constitution Avenue.’⁵⁹ The NCA stated:

The way you make Constitution Avenue, Vernon Circle and Northbourne Avenue come to life is you make them populated, and the way you populate them is you put density along them.

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

55 Professor Ken Taylor, *Transcript*, p. 38.

56 Professor Ken Taylor, *Transcript*, p. 39.

57 Professor Ken Taylor, *Transcript*, p. 31.

58 Walter Burley Griffin Society, *Submission 1*, p. 14.

59 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 33.

You do not build your blocks of apartments in the middle of suburbs; you build them on the main avenues. You develop the density as a mechanism by which you then make public transport, riding bikes and all those things much more viable.⁶⁰

3.53 In relation to concerns about building height, the NCA stated:

The scale of development is appropriate to achieve the objective for City Hill Precinct as a diverse mixed land use precinct and a vibrant heart to the city. The DA allows for buildings up to 25m (6-8 storeys) fronting City Hill. The Magistrates Court is a comparable scale (20m height) to what is proposed for building height and its setback is identical. This provides for enclosure of City Hill as intended by Griffin's plan, and will not overshadow City Hill Park. The 6-8 storey buildings will be set back approximately 30 metres from the park and there is no evidence that buildings of this scale will have significant negative wind impacts on the park. The DA should be amended in relation to the 25 metre building height to allow minor building elements above 25 metres where this enhances architectural quality and environmental performance to ensure consistency with DA60 and DA61.

It is likely that public buildings fronting City Hill Park (eg. new Supreme Court and Legislative Assembly buildings) will be lower rise buildings. Tall landmark buildings up to RL 617 (generally 14-18 storeys) are restricted to the corners of main avenues intersecting with London Circuit. This location reinforces the geometry of Griffin's plan and ensures no overshadowing of City Hill Park. These taller buildings will be set back more than 100m from City Hill Park.⁶¹

3.54 In relation to the preservation of key vistas, the NCA commented that 'comprehensive views to surrounding landscape are difficult to maintain within a city centre, but are provided for along the main avenues.'⁶² In relation to the vista to Parliament House, the NCA commented that this 'is significant and it would be appropriate to increase the width of Commonwealth Avenue between Vernon Circle and London Circuit from 40 meters to 60 metres to respond to this vista.'⁶³

60 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 34.

61 National Capital Authority, Report on Consultation, Draft Amendment 59, p. 12.

62 National Capital Authority, Report on Consultation, Draft Amendment 59, p. 10.

63 National Capital Authority, Report on Consultation, Draft Amendment 59, p. 10.

- 3.55 The WBGS commented that ‘no ground level and heritage vista studies are supplied to support the ‘landmark tower’ proposition, i.e. to establish whether the towers will indeed ‘read’ as meaningful landmarks and markers of Griffin’s geometry at ground level within the city or from significant vantage points in the National Capital.’⁶⁴

Conclusions

- 3.56 The roundtable public hearing examination of Amendment 59 revealed concerns about the level of detail, issues about public funding and specific concerns about serious disruptions to traffic and excess building heights and loss of vistas. Again, it is disappointing for the committee that these concerns remain or have not been adequately addressed during the NCA’s consultation process.
- 3.57 In relation to costs, the Walter Burley Griffin Society drew attention to a finding by the Canberra Central Taskforce that preliminary financial modelling has shown that there would be significant costs in the development, and these costs would most likely not be fully covered by revenues, even in the longer term. The ACT Planning and Land Authority acknowledged that one of the key issues for the ACT Government will be its capacity to leverage sufficient funds through its release of land to pay for much for much of the infrastructure required to support the development of the city. The committee accepts the point that funding for infrastructure is going to be a challenge no matter what planning solution is embraced.
- 3.58 At a more detailed level, there were significant concerns about disruptions to traffic flows through effectively removing Vernon Circle as the main north-south thoroughfare. Notwithstanding this point, there seemed to be widespread support for improving pedestrian access to City Park. However, the committee was not convinced that enough work had been done on delivering real solutions to the traffic disruptions that could occur as a result of Amendment 59.
- 3.59 Amendment 59 states that London Circuit should serve as the main connector between Northbourne and Commonwealth Avenues, but should be *discouraged* as a through route. The obvious concern is that London Circuit would merely become another Vernon Circle. ACTPLA recognised this when it commented that it is planning for London Circuit to be

64 Walter Burley Griffin Society, *Submission 1*, p. 14.

widened in the future, but not to the point where it simply replicates the problems that we now see with Vernon Circle. This is one area that needs to be worked through carefully to ensure that the desired results are achieved.

- 3.60 Building height around City Hill Park and possible *enclosure* of this area was another point of concern. The amendment states that it is desirable if buildings equivalent to four storeys front Vernon Circle creating a sense of enclosure around City Hill Park. Professor Taylor, for example, was opposed to the idea of encircling City Hill Park with buildings.
- 3.61 In relation to building heights proposed in Amendments 59, 60 and 61, the committee is not convinced that there is widespread grassroots support for the level of high rise proposed in these amendments.
- 3.62 In 1993 the then Joint Standing Committee on the National Capital and External Territories reviewed Draft Amendment 5, City Hill and also dealt with the issue of building height in relation to City Hill Park. That committee questioned the need for the increase in building heights. The then committee stated that 'it does not consider there is an urgency at present in locking into a height limit that might be considered a serious mistake in years to come.' The views of our predecessor committee remain cogent and persuasive and should not be ignored.
- 3.63 Amendment 59 will, if not disallowed, provide approval for landmark buildings between 14-18 storeys on the corners of the main avenues intersecting with London Circuit. Building heights between six to eight storeys will be permissible on London Circuit, Vernon Circle and Northbourne, Edinburgh, Constitution and Commonwealth Avenues. The amendment states that buildings equivalent to four storeys be desirable fronting Vernon Circle. The committee, like its predecessor, rejects the need for buildings of this height. Like other groups at the roundtable hearing, we are also concerned about the possible loss of vistas.
- 3.64 The committee has, in recommendation 3, proposed that the Minister move that Amendment 59 be disallowed.

Amendment 60 – Constitution Avenue

Introduction

- 4.1 Constitution Avenue is central to the implementation of the Griffin Legacy. The amendment comments that ‘Constitution Avenue will become an elegant and vibrant mixed use grand boulevard linking London Circuit to Russell, increasing the vitality of the Central National Area and completing the National Triangle.’
- 4.2 The NCA commented that Constitution Avenue ‘was seen—certainly in Griffin’s terms—as a grand boulevard, a mixed-use corridor, a corridor of commerce and residential development of much higher density than the adjacent areas of Reid and what later became Campbell.’¹
- 4.3 This chapter outlines the key measures and objectives of Amendment 60, and highlights the key issues raised in the roundtable public hearing.

Key features of Amendment 60

- 4.4 On coming into effect, Amendment 60 will introduce a series of planning principles and policies which will be incorporated into the Plan. These relate to:

1 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 42.

- contributing to the national significance of Constitution Avenue, the base of the National Triangle, as a diverse and active 'high street' of the city;
- reinforcing and enhancing the geometry of Constitution Avenue as the municipal axis, the Russell apex of the National Triangle and Parkes Way with appropriate built form, landscape design and lighting;
- reinforcing the city's three-dimensional structure based on its topography and the landscape containment of the inner hills;
- developing Constitution Avenue as a prestigious setting for national capital uses, related employment and amenities;
- reducing the barrier created by Parkes Way and high speed intersections along its length by changing the character of Parkes Way to become a boulevard addressed with prestigious buildings, at grade pedestrian crossings, appropriately scaled road reserves and intersections;
- providing a range of land uses that contribute to the creation of a 24 hour community with dynamic activity patterns including retail, restaurants, residential (permanent and transient), personal services and hotels close to public transport, employment areas, cultural attractions and the parklands of Lake Burley Griffin;
- integrating public transport into the design of Constitution Avenue including provision for future light rail;
- providing a transition in building scale and use to protect the amenity of adjoining residential areas;
- ensuring conveniently located parking in a manner that does not dominate the public domain;
- creating an open and legible network of paths and streets that extends and connects Civic and the adjoining suburbs of Reid and Campbell to Constitution Avenue, Kings and Commonwealth Parks and Lake Burley Griffin;
- creating a public domain that is accessible, safe, dignified, and pedestrian-scaled, that promotes walking and use of public transport and minimises reliance on cars;
- integrating perimeter security, if required, with streetscape elements that enhance the public domain; and
- implementing best practice environmentally sustainable development.

- 4.5 A road hierarchy of the relevant areas is shown in Figure 4.1, alongside an artists impression of Constitution Avenue.

Figure 4.1 Amendment 60: Indicative Road Structure



Source National Capital Authority, Amendment 60 – Constitution Avenue, p. 9.

Figure 4.2 An artists impression of Constitution Avenue



Source National Capital Authority, Amendment 60 – Constitution Avenue, p. 17.

4.6 The NCA noted during its outline of Amendment 60 that much of the land is substantially in public ownership. This includes the Departments of Defence, and Finance and Administration at the Russell end, and from the eastern end from the Anzac Park West building through to City Hill is the territory government. In addition, there are a number of private sites which include the Canberra Institute of Technology, St John's Church, the RSL and HIA.²

4.7 In developing the amendment, the NCA undertook to retain where possible some of the arrangements begun in the 1960 but never completed properly. The NCA noted that 'in terms of development along Constitution Avenue, it will require the capacity to be doubled, so it will go from one lane in each direction to two lanes in each direction, on-street parking and a median strip that allows for traffic management in terms of right-turning traffic but also in order to make it an easier road for pedestrians to cross.'³ The NCA stated:

By locating the road to the northern side of the road reservation, we are able to have a broad pedestrian public space along the length of the avenue on the southern side, which of course gets very good solar access. Constitution Avenue does not face east west; it actually swings more to the south-east north-west, which means that in the afternoon, in particular, the northern side of the road will also be well lit with sun.⁴

4.8 In relation to building heights, the NCA stated that 'building heights along Constitution Avenue will follow a constancy curve which is designed to ensure that the buildings are below the saddle that runs between Mount Pleasant and Mount Ainslie and so that constancy of view of the landscape setting of the city will be maintained.'⁵

4.9 In relation to the capacities that are available as arising from the amendment, the NCA stated:

At the western end of Constitution Avenue, between Anzac Parade and the city, the current planning regime allows for approximately 280,000 square metres of development. Under the Griffin Legacy that increases to about 390,000. The Constitution Avenue eastern end, through to just past Blamey Crescent, is unchanged in either the old plan or the current as amended plan at 230,000 square

2 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 42.

3 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, pp. 42-43.

4 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 43.

5 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 43.

metres. The capacity in Russell is in the order of 380,000 square metres, and that is relatively unchanged.⁶

- 4.10 The NCA noted that a critical part of infrastructure that is required as part of the amendment is Parkes Way going under Kings Avenue which is particularly important for the vista along Kings Avenue up to Parliament House.⁷

Discussion

- 4.11 The Walter Burley Griffin Society (WBGs) began its critique by noting that Amendment 60 will have perhaps the most significant visual effect of all the Griffin Legacy amendments. The NCA commented that ‘the provision of essentially a wall of buildings eight-storeys high across the base of the national triangle will make buildings the dominant element as distinct from the tree canopy that we see today in this great landscape.’⁸

- 4.12 The WBGs suggested that the other concern was more about Parkes Way which according to Griffin’s principles would be removed. The WBGs argued that under this amendment, Parkes Way would remain as a car dominated space rather than be changed into an urban boulevard.⁹ The WBGs stated:

That idea of the city, the park and the cultural institutions, which was such a beautiful idea of Griffins, has been departed from over the years. This decision makes sure that it can never be recovered. For all of the rhetoric about following Griffin’s ideas, this is where the departure from Griffin’s ideas will be totally irreversible.¹⁰

- 4.13 The Royal Australian Institute of Architects (RAIA) sought to defend that which Parkes Way has to offer by suggesting that people enjoy a visual experience from their cars as they drive along Parkes Way and this should not be dismissed. The RAIA stated:

...that is exactly what the thinking was back in the 1950s. The vast majority of people wanted to travel by car. That was an aspiration of our country, of everyone in Western societies, and the planners were responding to this. We have here a wonderful example of an

6 Mr Graham Scott-Bohanna, Managing Director Design, NCA, *Transcript*, p. 44.

7 Mr Todd Rohl, Managing Director, Planning and Urban Design, NCA, *Transcript*, p. 44.

8 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 45.

9 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 45.

10 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 45.

urban parkway. We need to think extremely carefully when we start to diminish that or take it away, from a heritage point of view. This so embodied the aspirations of people in Australia at that time, after the Second World War, that I think it has significant heritage aspects.¹¹

- 4.14 The NCA commented that it ‘would be entirely irrational to contemplate removal of Parkes Way at this point in the capital’s history.’¹² The NCA stated that ‘the way in which it relates to the development sites to the north of it will be tremendously important and, as a number of members of the committee have pointed out, the way in which access across it or under it into the parklands is achieved will also be important.’¹³
- 4.15 The WBGS acknowledged that if it were not possible to do away with Parkes Way then ‘there is no point in reconstructing Parkes Way as a car-dominated, lifeless urban arterial, it should be reconstructed as ‘Capital Terrace’, with active frontage along its length, easy street crossings, and direct links to the Central Parklands – in other words, a great urban terrace and overlook.’¹⁴
- 4.16 In relation to the security zone at the eastern end of Constitution Avenue, the WBGS criticised the decision to allow the ASIO building to be built in this location when it could possibly be built at Campbell.¹⁵ The NCA responded that it did not believe that ‘that having ASIO on Constitution Avenue will diminish in any way the role of the national capital.’¹⁶
- 4.17 In relation to building design, the WBGS commented that there should be strong architectural controls over the nature of buildings that will be constructed along Constitution Avenue. The WBGS stated that this ‘is not something that can be worked out on a case-by-case basis or in response to design competitions.’¹⁷
- 4.18 The St John’s Precinct Development Board indicated its support for Amendment 60. St Johns stated that ‘we contend that the success of what we can achieve on this site, not only for St John’s and the people who use

11 Mr Robert Thorne, ACT Chapter Planning Committee, RAIA, *Transcript*, p. 47.

12 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 51.

13 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 51.

14 Walter Burley Griffin Society, *Submission*, p. 19.

15 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 46.

16 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 48.

17 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 46.

that area, but also for the Canberra community, depends very much on the Griffin plan going ahead.¹⁸

4.19 The Returned and Services League (RSL) was similarly supportive commenting that ‘under the Griffin Legacy and this Amendment 60, the building on our present site will establish the cornerstone of Constitution Avenue east, and its presence will provide a significant early element in delivering the vision for Constitution Avenue.’¹⁹

4.20 Some of the other issues raised during the roundtable hearing included:

- parking and cycling access;
- open space, land use and urban infill; and
- building height and form.

Parking and cycling access

4.21 The NCA advised that all of the amendments apply the parking standards of the ACT government, once they are defined, and they consider event parking.²⁰

4.22 In relation to cycling, the NCA advised that the overarching Amendment 56 is prescriptive about encouraging cycling, and ‘we are looking at the way in which there are links down to the parks for cyclists in this proposal, but we are mindful of the separation between recreational cycling and commuter cycling.’²¹ The NCA stated:

One of the issues for us in relation to commuter cycling is the parameters of Constitution Avenue itself. I believe that there have been discussions with Pedal Power on this because my understanding is their preference is a dedicated cycling lane for commuters, and there are difficulties in doing that given the structure of Constitution Avenue unless we remove some of the kerbside parking. That will be fleshed out further in the development of that infrastructure design.²²

18 Mr Leonard Goodman, Chairman, St John’s Precinct Development Board, *Transcript*, p. 54.

19 Mr Derek Robson, National Secretary, Returned and Services League of Australia, *Transcript*, p. 56.

20 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 48.

21 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 48.

22 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 49.

Open space, land use and urban infill

- 4.23 Dr Romaldo Guirgola raised concerns about the possible loss of park land. He commented that ‘it will become quite a narrow park in terms of projecting all this building on the line of park.’²³
- 4.24 Some groups in their submissions raised concerns about loss of open space and buildings encroaching on residential areas. The WBGS cautioned that ‘the scale of development along Constitution Avenue proposed in Amendment 60 will impact on the aesthetic significance of the Lake, the Central Canberra Parklands and the vistas from Parliament House.’ The WBGS noted that ‘Amendment 60 makes no reference to heritage issues at all.’²⁴ The WBGS stated:
- The proposal to construct such an extensive tract of commercial/residential development is not supported by any details of gross floor area, or any details of future employment and resident population numbers. Nor is it supported by any planning study of the demand for this type of land use in Canberra, its relationship to other development areas in the ACT, the environmental performance of the built works, the phasing of land release, the differential outcomes expected in the ‘Commercial’ and ‘National Capital Use’ zones, and the effect of piecemeal development in such a visually-sensitive location over a long period of time.²⁵
- 4.25 In relation to mix of uses, the NCA noted that DA 60 aims to establish Constitution Avenue with higher density development, public transport priority, as well as adding diversity and activity with a mix of shops, cafes, commercial, entertainment and residential uses. However, in relation to Constitution Avenue East, the NCA commented that area ‘will have predominantly office and commercial development with limited residential development due to the southern side of the avenue and Russell being a precinct for high security buildings.’²⁶
- 4.26 The NCA noted in relation to views that ‘the DA provides for significantly greater number of Canberra residents (as well as future workers and residents) to have panoramic views of the lake, the Parliamentary Area and the mountains beyond, consistent with Griffin’s intentions.’²⁷

23 Dr Romaldo Guirgola, *Transcript*, p. 47.

24 Walter Burley Griffin Society, *Submission*, p. 17.

25 Walter Burley Griffin Society, *Submission*, p. 18.

26 National Capital Authority, Report on Consultation, Draft Amendment 60, p. 8.

27 National Capital Authority, Report on Consultation, Draft Amendment 60, p. 12.

Building height, form and location

- 4.27 In relation to building height the WBS commented that ‘the best and safest solution for us all is not to have eight-storey buildings but to have four-storey buildings and to have them within the tree canopy and be done with it.’²⁸
- 4.28 The NCA refuted the suggestion that there will be wall of eight storey buildings along Parkes Way. The NCA stated:
- ...in fact most buildings along Parkes Way will probably be commercial buildings that will have approximately six storeys at a maximum. The height control of 25 metres that we have proposed is the result of some analysis of the heights of existing buildings and the height of built form in relation to the landscape containment of the inner hills. To give you an indication of building heights, the existing Anzac Park East and West buildings, the Porter buildings are 29.2 metres from the ground level to the top of the buildings. So the buildings proposed would be four metres below those buildings. The existing National Library is 27.2 metres in height. The John Gorton building and the Treasury building are approximately the same height at around 27 metres.²⁹
- 4.29 In addition, the NCA advised that the buildings will be substantially set back from Parkes Way. The NCA stated that ‘a 25-metre setback will enable substantial landscaping to be achieved between the buildings and the Parkes Way carriageways.’³⁰ The NCA also noted that the mature height of oak trees on Constitution Avenue will approach 25 metres. The NCA concluded that ‘over time, buildings and built form will be dominated by landscape and the broad landscape setting rather than the reverse.’³¹
- 4.30 Mr Shibu Dutta noted that from his appraisal of Griffin, Constitution Avenue is not a corridor but a terrace, with buildings on one side opening towards Parliament House. Mr Dutta warned that ‘as soon as you start putting buildings on both sides, you make it a corridor.’³²

28 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 46.

29 Mr Ian Wood-Bradley, Principal Town Planner-Urban Designer, National Capital Authority, *Transcript*, p. 51.

30 Mr Ian Wood-Bradley, Principal Town Planner-Urban Designer, National Capital Authority, *Transcript*, p. 51.

31 Mr Ian Wood-Bradley, Principal Town Planner-Urban Designer, National Capital Authority, *Transcript*, p. 51.

32 Mr Shibu Dutta, *Transcript*, p. 52.

- 4.31 Similarly, Ms Rosemarie Willett was concerned that if development comes down to Parkes Way it 'is visually unrecoverable and spatially unrecoverable.'³³ She concluded that the Parliamentary triangle was about space.

Conclusions

- 4.32 Amendment 60 notes that Constitution Avenue will become an elegant and vibrant mixed use grand boulevard linking London Circuit to Russell. The amendment was supported by key stakeholders including, for example, the RSL, the Canberra Institute of Technology and St John's Church. Each of these groups has made valid cases for supporting the amendment.
- 4.33 The committee, however, has noted some of the concerns about the amendment which also cannot be easily dismissed. In particular, the vista from Parliament House towards Constitution Avenue is perhaps one of the most significant urban vistas in the nation. The prospect remains that a wall of eight storey buildings will be formed between Constitution Avenue and Parkes Way stretching across the base of the national triangle. The committee is not convinced that this potential outcome should be the dominant element.
- 4.34 The committee is also concerned about the possible loss of open space arising from this amendment. Dr Romaldo Guirgola, for example, observed that 'it will become quite a narrow park in terms of projecting all this building on the line of the park.' The Walter Burley Griffin Society claimed that the 'the scale of the development along Constitution Avenue proposed in Amendment 60 will impact on the aesthetic significance of the Lake, the Central Canberra Parklands and the vistas from Parliament House.'
- 4.35 In view of these concerns, the committee cannot support Amendment 60 in its present state. As with the other amendments, the NCA should take into account the committee's views and undertake an effective consultation program ensuring that individuals, organisations and professional groups are adequately consulted. The committee's view is that there is not widespread grassroots support for the Griffin Legacy amendments as they currently stand.
- 4.36 The committee has, in recommendation 3, proposed that the Minister move that Amendment 60 be disallowed.
-

33 Ms Rosemarie Willett, *Transcript*, p. 54.

Amendment 61 – West Basin

Introduction

- 5.1 A key objective of Amendment 61 is extending the city to the lake. The amendment states that West Basin will be a vibrant cultural and entertainment precinct on a waterfront promenade. In particular, the amendment states that the 'area will create a new city neighbourhood, extending the city to the lake with a cosmopolitan mixture of shops, businesses, cafes and recreation and tourist activities and accommodation.'
- 5.2 This chapter outlines the key measures and objectives of Amendment 60, and highlights the key issues raised in the roundtable public hearing.

Key features of Amendment 61

- 5.3 On coming into effect, Amendment 61 will introduce a series of planning principles and policies which will be incorporated into the Plan. These relate to:
- extending the city to the lake;
 - reducing the barrier to the lake by covering a section of Parkes Way;
 - reclaiming part of West Basin to build a waterfront promenade for recreation and tourist activities;

- providing for a mix of land uses including cultural, tourism, retail, offices and residential uses;
 - providing pedestrian, cycle, ferry connections between West Basin, the city and national attractions;
 - providing continuous public access on a waterfront promenade around the central basins linking Kings and Commonwealth Parks and the National Museum of Australia;
 - enhancing the role of Edinburgh Avenue as an approach route from the city to the National Museum of Australia, the Australian National University and West Basin;
 - enhancing the Water Axis as a new location for contemporary works (including new national institutions, public spaces and artworks); and
 - developing an active pedestrian promenade along Commonwealth Avenue fronted by buildings to reinforce the National Triangle and extend city activity towards the Parliamentary Zone.
- 5.4 A key principle underpinning Amendment 61 is ‘to conserve and develop Lake Burley Griffin and Foreshores as the major landscape feature which unifies the National Capital's central precincts and the surrounding inner hills; and to provide for National Capital uses and a diversity of recreational opportunities.’¹
- 5.5 The NCA noted that the ‘waterfront promenade will, of course, have continuous public access.’²

Urban Structure

- 5.6 The amendment will ‘reinforce the main avenues framing the National Triangle as important symbolic connections and formal approaches to Parliament House (Commonwealth Avenue) and City Hill (Commonwealth and Edinburgh Avenues).’³ In particular, the amendment will ‘extend the city grid of streets and paths from city to West Basin, maintaining the connectivity and accessibility of the urban block pattern.’⁴
- 5.7 Figure 5.1 depicts the indicative urban structure and process of extending the city to the lake.

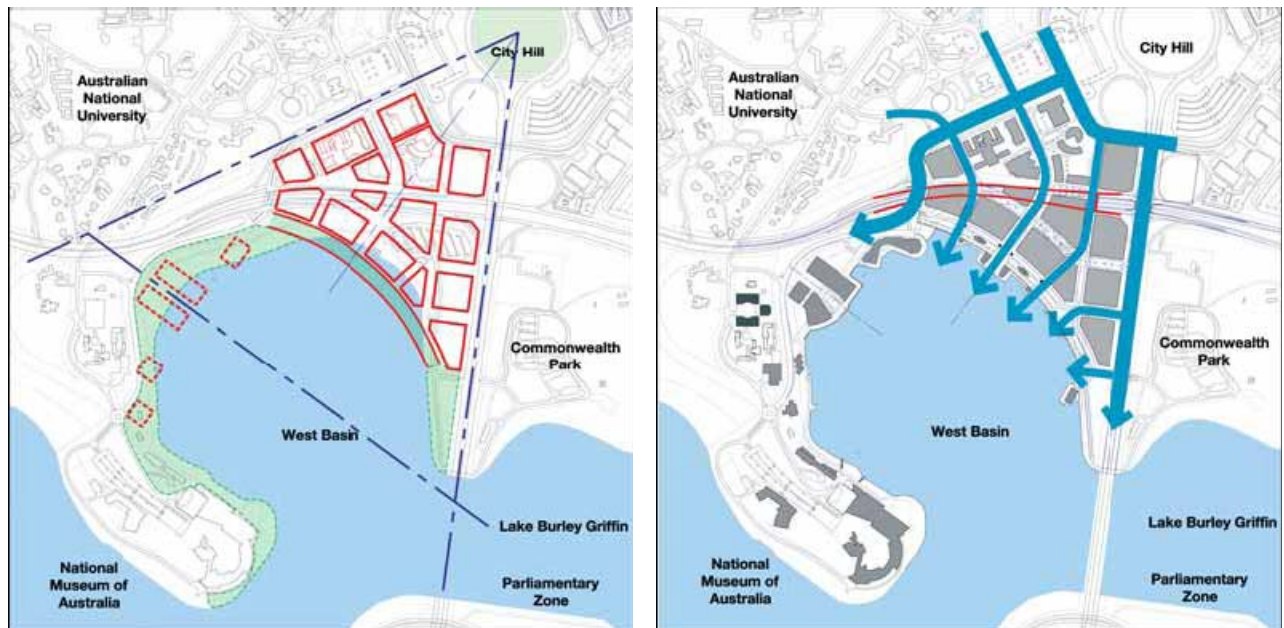
1 National Capital Authority, Report on Consultation, Draft Amendment 61, p. 3.

2 Mr Todd Rohl, Managing Director, Planning and Urban Design, NCA, *Transcript*, p. 57.

3 National Capital Authority, Amendment 61 – West Basin, p.5.

4 National Capital Authority, Amendment 61 – West Basin, p.5.

Figure 5.1 Amendment 61: West Basin indicative urban structure



Source National Capital Authority, Amendment 61 – West Basin, p. 5.

Building height and form

5.8 The amendment indicates that building heights will generally be medium rise up to 25 metres but taller building elements may be considered on sites north of Parkes Way having regard to:

- access to sunlight;
- visual and environmental amenity; and
- microclimate.

5.9 Building height on the waterfront promenade will be limited to 8 metres (maximum of 2 storeys).⁵

5.10 The parapet height of buildings fronting the promenade will be a maximum of 16 metres. Taller building elements to a maximum of 25 metres, and not exceeding 30 per cent of the site area, may be considered.⁶

5.11 The amendment notes that 'buildings above 25 metres in height are to be the subject of wind testing, including down draught conditions and

5 National Capital Authority, Amendment 61 – West Basin, p.6.

6 National Capital Authority, Amendment 61 – West Basin, p.6.

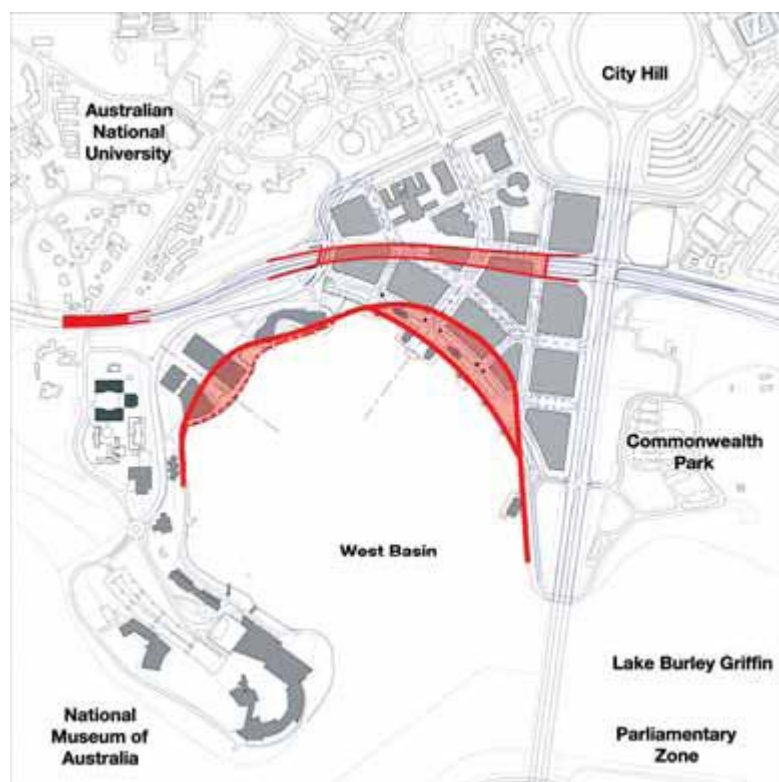
turbulence, to ensure the development does not have adverse impacts on building entrances and the public domain.⁷

- 5.12 In relation to building form, the amendment states that 'new buildings, are encouraged to be delivered through design competitions in order to encourage innovation and design excellence.'⁸

Lake reclamation and land bridge

- 5.13 The amendment will provide for a land bridge over a section of Parkes Way for streets to extend to the lake. In addition, the amendment will reclaim land from the lake to establish a public waterfront promenade, reflecting the geometry of the 1918 Griffin Plan.⁹ Figure 5.2 depicts the proposed area of reclamation and the land bridge.

Figure 5.2 Amendment 61: Indicative Reclamation and Land Bridge



Source National Capital Authority, Amendment 61 – West Basin, p. 5.

7 National Capital Authority, Amendment 61 – West Basin, p.6.

8 National Capital Authority, Amendment 61 – West Basin, p.6.

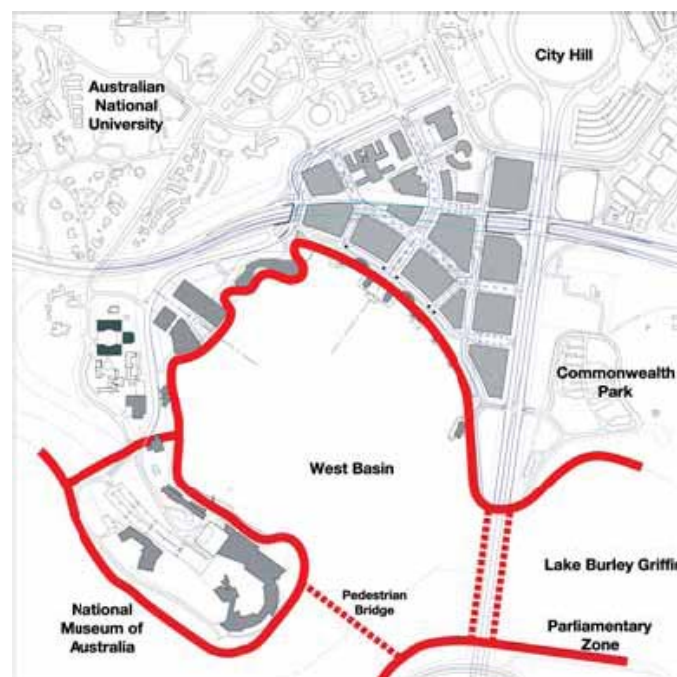
9 National Capital Authority, Amendment 61 – West Basin, p.6.

- 5.14 In relation to the proposal to reclaim part of the lake, the NCA stated that this will deepen the water in this area which will help to reduce algal blooms which are a feature of this area.¹⁰
- 5.15 The NCA advised that storm water discharge from the centre of Civic flowing into the lake would be purified before it reaches the lake.¹¹

Waterfront promenade

- 5.16 The amendment will seek to maintain a ‘continuous public pedestrian network with access to the foreshore with high quality pedestrian amenities including lighting, furniture, signage and landscape materials.’¹²
- 5.17 The promenade will ‘link national attractions with a continuous pedestrian network, including a high-span pedestrian bridge connecting the National Museum and the Parliamentary Zone.’ The indicative waterfront promenade is shown in Figure 5.3 and a cross section is shown in Figure 5.4.
- 5.18 The width of the waterfront promenade will be a minimum of 55 metres.

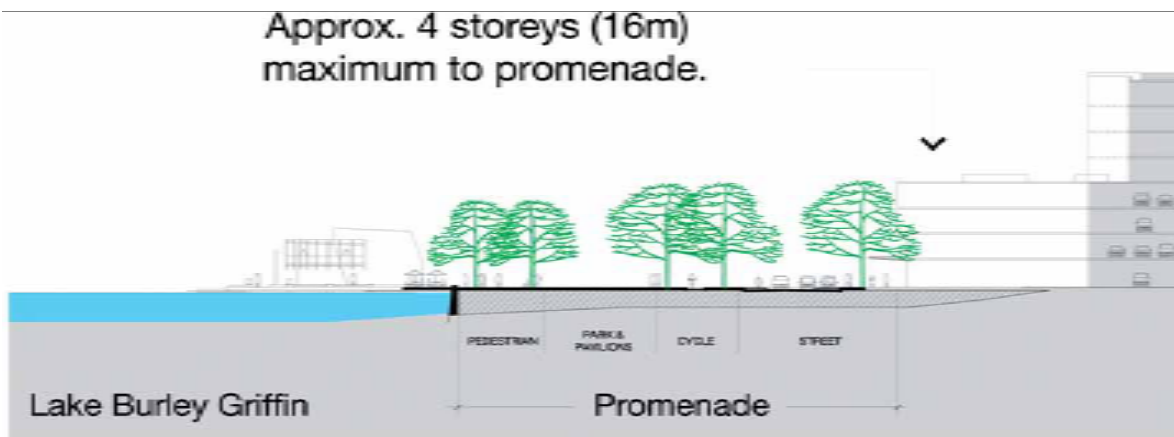
Figure 5.3 Amendment 61: Indicative Waterfront Promenade



Source National Capital Authority, Amendment 61 – West Basin, p. 8.

10 Mr Stuart Mackenzie, Principal Urban Designer, National Capital Authority, *Transcript*, p. 58.
 11 Mr Stuart Mackenzie, Principal Urban Designer, National Capital Authority, *Transcript*, p. 58.
 12 National Capital Authority, Amendment 61 – West Basin, p.8.

Figure 5.4 Amendment 61: Indicative Cross Section of Waterfront Promenade



Source National Capital Authority, Amendment 61 – West Basin, p. 8.

Figure 5.5 Amendment 61: Indicative development



Source National Capital Authority, Amendment 61 – West Basin, p. 8.

Discussion

- 5.19 The complexities of the dual planning regime in the ACT were evident during discussion on Amendment 61. Mr Shanahan, the director and owner of Mr Spokes Bike Hire, which is situated on territory land, requested clarification about the future of his business as a result of Amendment 61.¹³ Mr Shanahan commented that ‘it was up to us to take the initiative’ to approach the NCA, however, ‘there has since been no formal approach from the NCA to us about our future and this certainly concerns us.’¹⁴ Mr Shanahan further commented that ‘it is interesting that St John’s, the RSL and every other player involved in these amendments have been approached but not the little guy who has invested his life savings in a business.’¹⁵
- 5.20 When the committee queried why this business was not consulted as part of the NCA’s normal consultation process and approaches to other organisations, the Authority responded:
- ...this particular business is on territory land and it is in a development node currently in the National Capital Plan, so in effect this does not have a substantial change on Mr Shanahan’s current agreements—and I am not sure if they are a licence or a lease—with the ACT government. So we were not proposing substantial changes to what is currently the climate for Mr Shanahan’s proposal. It is true that if the amendment is not disallowed then there would be other potential for businesses of a similar nature, but I am not aware that there is any exclusivity associated with his current arrangements.¹⁶
- 5.21 The NCA further advised ‘that should the amendments go through we will be willing to sit down and discuss the issues that [Mr Spokes Bike Hire] have raised and as we have put in writing to them.’¹⁷
- 5.22 In response to a question as to whether Mr Spokes would have to move if Amendment 61 proceeded, the NCA advised that ‘is entirely up to the territory, because it is territory land, to determine when and how they will

13 Mr Martin Shanahan, Mr Spokes Bike Hire, *Transcript*, p. 60.

14 Mr Martin Shanahan, Mr Spokes Bike Hire, *Transcript*, p. 60.

15 Mr Martin Shanahan, Mr Spokes Bike Hire, *Transcript*, p. 60.

16 Ms Annabelle Pegrum, Chief Executive, NCA, *Transcript*, p. 64.

17 Mr Todd Rohl, Managing Director, Planning and Urban Design, NCA, *Transcript*, p. 64.

release the sites in that area together with the components of national land associated with any reclamation of the lake.¹⁸

- 5.23 The Canberra Business Council (CBC) registered its support for Amendments 59, 60 and 61 but raised questions about the potential location of a convention centre in the area covered by Amendment 61. The CBC commented that ‘we are just saying as a business council that we would like to see a thorough investigation before a decision is made to place the convention centre in one place.’¹⁹
- 5.24 The NCA responded that ‘there is nothing in this amendment that prescribes that a convention facility will be on this site.’²⁰ The NCA noted that ‘we are on public record as saying that we think West Basin is the best site for a national conference facility and convention facility, but at the recent ministerial forum between our Minister Lloyd and the Chief Minister, John Stanhope, it was agreed that we pursue jointly looking at the best site in Canberra for a national conference facility.’²¹
- 5.25 Some of the additional issues raised during the roundtable public hearing included:
- land reclamation and heritage issue;
 - building height, development incentives and aspect
 - loss of open space

Land reclamation and heritage issues

- 5.26 In relation to filling in the lake, the WBGs commented that it would be a bad precedent and ‘once it is established here it can keep going.’²²
- 5.27 The WBGs was also concerned about placing a major cultural facility in this area where the ‘the principal view, shall we say, from that place is the traffic crossing Commonwealth Avenue bridge.’²³
- 5.28 The WBGs also noted that these buildings would be ‘located on top of a very significant heritage site, a place registered in the Commonwealth Heritage List, which are the limestone outcrops on the edge of what is

18 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 65.

19 Mr John Miller, Executive Director, Canberra Business Council, *Transcript*, p. 61.

20 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 61.

21 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 61.

22 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 62.

23 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 63.

today the lake.’²⁴ The Friends of Aranda Bushland (FOAB) also drew attention to the issue of limestone formations in the area which could possibly be affected by Amendment 60. The FAOB also noted that the Acton Shale on Acton Peninsula is also significant. The FOAB indicated that it would be writing to the ‘ACT Minister for Planning and/or the ACT Minister for the Territory and Municipal Services asking whether the Acton Peninsula Limestone Deposit is or can be protected under the *Heritage Act 2004* (ACT).’²⁵

- 5.29 The NCA was adamant that the ‘West Basin development proposal does not impact on the limestone outcrop.’²⁶
- 5.30 The WBGS argued that in view of the heritage status of the area, ‘this is not a site for a convention centre and a luxury hotel.’²⁷ In addition, the WBGS rejected ‘the idea of two-storey pavilions around the lake, the four restaurants or whatever, because this once again creates the precedent of the urbanising edge of the lake.’²⁸ The WBGS concluded that ‘there may be other parts of Canberra where that type of lake shore experience would be beautiful, but we think that within a central national area the sense of the unfolding landscape against which the city sits is very important.’²⁹
- 5.31 The ACT Heritage Council also brought attention to issue of Parkes Way and the legacy of Holford noting that the views from the road are spectacular. In addition, the Heritage Council raised issues about the tree species and the fact that most planting was done in the early 1960s and the use by life is about 50 to 60 years.³⁰

Building height, development incentives and aspect

- 5.32 In relation to building height, the WBGS commented that this amendment is all about water views which people experience now. The WBGS observed, however, that through Amendment 61 the views would be taken away and sold ‘back to you at \$2 million apiece.’³¹ The WBGS concluded that ‘it is creating a series of apartments which will have spectacular views

24 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 63.

25 Friends of the Aranda Bushland, *Submission 3*, p. 1.

26 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 66.

27 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 63.

28 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 63.

29 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 63.

30 Dr Dianne Firth, Deputy Chair, ACT Heritage Council, *Transcript*, p. 75.

31 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 64.

and will take away part of the wonderful experiences of Canberra as we know it today.’³² The WBGs stated:

The overall point that we want to make about this West Basin development is that if we start saying, ‘Okay, well perhaps we don’t fill in the lake, perhaps we don’t have the convention centre, perhaps we shouldn’t have buildings of that height or bulk or physical extent down Commonwealth Avenue,’ then we have ended up like Monty Python’s knight. What’s left of this proposal? Nothing very much. So the question is whether this proposal should be quietly forgotten and we get back to building the city the way it should be.’³³

5.33 The NCA in response to the WBGs suggested that it has planners and designers in its organisation ‘that have the best grasp on some of Griffin’s intentions for the capital at this point in time.’³⁴ The NCA commented that ‘our understanding is that Griffin proposed five urban waterfront developments for Canberra: one at Yarralumla, one at West Basin, two at Eastlake and another at the bottom of Telopea Park.’³⁵

5.34 In relation to the objective of creating water views, the NCA commented that there is ‘nothing negative about the desire of people to have water views so long as it does not isolate other people’s vistas to a great extent and, more importantly, on this site, still provides public rights and access to the waterfront itself.’³⁶

5.35 The WBGs in response, stated:

A pedestrian walkway on a narrow sliver of land in front of luxury hotel reduces the public to intruders in a world of privilege, as the experience of walking in front of the open window walls of the silver service restaurant at the Hyatt Hotel, Campbell’s Cove, Sydney demonstrates.’³⁷

5.36 The WBGs suggested that in contrast to this outcome, the ‘foreshore must be a wide, generous, continuous zone of open space, planted with a continuous avenue of trees to modulate the pedestrian experience and to screen urban development.’³⁸ The WBGs stated:

32 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 64.

33 Professor James Weirick, President, Walter Burley Griffin Society, *Transcript*, p. 64.

34 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 66.

35 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 66.

36 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 67.

37 Walter Burley Griffin Society, *Submission 1*, p.27.

38 Walter Burley Griffin Society, *Submission 1*, p.27.

The key to achieving this outcome is to zone the foreshore 'Open Space/Waterfront Promenade' all the way around West Basin, ie remove the 'Land Use C' zoning of the Acton Peninsula frontage, remove the convention centre/hotel proposal from contention and return this section of the West Basin scheme to the 'green' condition shown in the 2004 NCA Griffin Legacy document.³⁹

- 5.37 Dr Romaldo Guirgola commented that 'I found this proposal of reaching the water a very natural thing in terms of the extension of the core of the city in relation to something else, rather than being a fortress in itself.'⁴⁰ Dr Guirgola, in relation to directing part of Parkes Way into a tunnel, commented that he is opposed to the idea of a tunnel. He commented that every city is now trying to demolish tunnels and 'we arrive 50 years later to build a tunnel.'⁴¹
- 5.38 The RAIA was also opposed to the aim of making Parkes Way a tunnel on the grounds that it is a gateway to the city. The RAIA noted that we should be celebrating the city at that point on Parkes Way'.⁴²
- 5.39 The NCA responded that Parkes Way is a barrier between the city and waterfront. The NCA stated:

Preserving the landscape as an ornamental landscape for a freeway is a very poor surrogate for a city park. It should be an active place that people can get to easily. At the moment the connections to West Basin are very poor. Most people drive there. Some people are fit enough to cycle there, but there is one small pedestrian bridge and the rest is a maze of major freeways, which is most uninviting. I would like to emphasise that the proposals are not about creating a real estate opportunity; they are about creating public domain and building the sort of urban community that many Canberrans aspire to have in their city centre, which is currently dominated by sterile car parks and this maze of over scaled freeway infrastructure that I was talking about.⁴³

- 5.40 The Canberra Chapter of the WBGS argued that the proposal lacked sufficient analysis in relation to sustainability, and social, environmental and economic implications.⁴⁴ The WBGS stated:

39 Walter Burley Griffin Society, *Submission 1*, p.27.

40 Dr Romaldo Guirgola, *Transcript*, p. 67.

41 Dr Romaldo Guirgola, *Transcript*, p. 67.

42 Mr Robert Thorne, ACT Chapter Planning Committee, RAIA, *Transcript*, p. 71.

43 Mr Stuart Mackenzie, Principal Urban Designer, National Capital Authority, *Transcript*, p. 72.

44 Mr Brett Odgers, *Transcript*, p. 68.

The fact that many of the studies that purport to be available already to underpin these plans are not in fact publicly available and that some of them are not completed suggests that there is still a good deal of work to be done before these three initiatives can be classified as other than 'high risk' for preserving the heritage and sustainability of Canberra as a city.⁴⁵

5.41 In contrast, the Property Council supported the proposal noting also that it has support from the ACT Government.⁴⁶

5.42 The Hindmarsh Group was not opposed to the West Basin proposal but questioned the implementation of the proposal and its impact on the other amendments. Hindmarsh stated:

I hope that the committee, in giving its considerations to these three proposals, might also perhaps address the questions of timing and priorities. We just cannot do everything at once and there is always the danger of not being able to do anything very well and the economic impact that that will have of not being able to at least start something and keep the momentum going.⁴⁷

5.43 The NCA, in response to concerns about implementation, that 'what is really important is not to have a fragmented vision for the central national area.'⁴⁸ The NCA suggested that some flexibility was required and, if for example, in 35 years part of the lake had been reclaimed and a public promenade constructed, this would be 'an important mark without having to go to all the other development opportunities that are within West Basin.'⁴⁹

5.44 The Royal Australian Institute of Architects (RAIA) brought attention to the orientation of the proposed development and the microclimate. The development has a south facing shore with no northerly orientation. The RAIA concluded that 'it is highly questionable, given the slope of the land et cetera, whether it could actually be successful.'⁵⁰

5.45 The RAIA in examining the 1918 Griffin Plan noted that there was no development on the northern side but where development was close to the

45 Mr Brett Odgers, *Transcript*, p. 68.

46 Mr Noel McCann, Council Member and Chair, Sustainable Committee, Property Council of Australia, *Transcript*, p. 69.

47 Mr John Hindmarsh, General Manager, Hindmarsh, *Transcript*, p. 72.

48 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 74.

49 Ms Annabelle Pegrum, Chief Executive, National Capital Authority, *Transcript*, p. 74.

50 Mr Robert Thorne, ACT Chapter Planning Committee, RAIA, *Transcript*, p. 70.

waters edge it 'was all on the south side where it had northern orientation.'⁵¹

- 5.46 The NCA rejected the concerns about the aspect of the development commenting that the 'south-west in Canberra is a beautiful aspect, particularly during Canberra summer and winter evenings.'⁵²

Open space

- 5.47 Mr Keith Storey opposed the amendment commenting that it is inappropriate particularly 'when we are talking about the importance of the parkway in relation to Constitution Avenue.'⁵³ Mr Storey stated:

This is a very narrow area, even if you fill out the lake. My view is that it should remain a strong landscape foreground, in contrast to the built-up area of Civic centre. In the future, I think one important consideration is the university facility that might be provided there as part of the water gate.⁵⁴

- 5.48 The Committee Chairman of Capital Towers noted that 'we oppose any building between the lake at West Basin and the existing road system.'⁵⁵ The Chairman Capital Towers stated:

...as the number of people working and living in the city increases, the demand for parkland will increase as well. Reducing the amount of parkland is just the wrong way to go. We should be retaining the parkland as it is. If it needs any cafes around the edge of the lake or something, that is a different issue, but we should keep what we have and not allow it to be just handed over to developers to make a great deal of money out of it.⁵⁶

- 5.49 The NCA in response to concerns about loss of open space and recreation stated:

The lakeshore is to remain predominantly bushland in character. Only a very small proportion of the total lakeshore, 800m out of 40km, is being altered at West Basin. The foreshores will have continuous public access. Major tree planting along the landscape promenade is designed to screen much of the frontage of the urban

51 Mr Robert Thorne, ACT Chapter Planning Committee, RAlA, *Transcript*, p. 70.

52 Mr Stuart Mackenzie, Principal Urban Designer, National Capital Authority, *Transcript*, p. 72.

53 Mr Keith Storey, *Transcript*, p. 69.

54 Mr Keith Storey, *Transcript*, p. 69.

55 Mr Noel Matthews, Executive Committee Chairman, Capital Towers, *Transcript*, p. 70.

56 Mr Noel Matthews, Executive Committee Chairman, Capital Towers, *Transcript*, p. 70.

development and merge it with the surrounding natural setting, and continue the quality of tree-lined foreshores, outdoor sitting areas and public spaces around the lake. Widening of the promenade from 45 metres (as proposed in the original release of DA 61) to 55 metres can be adopted. This will provide additional tree-planting and landscape space, and accommodate a segregated cycle path.⁵⁷

Conclusions

- 5.50 Amendment 61 – West Basin is notable for its size and scope. It is proposed that part of the lake be reclaimed using infill taken from the proposed Parkes Way, Kings Avenue tunnel.
- 5.51 The amendment provides for a land bridge over a section of Parkes Way for streets to extend to the lake. A waterfront promenade will be created and stepped back from that will be a series of buildings. Building height on the waterfront promenade will be limited to 8 metres (maximum of two storeys). The parapet height of buildings fronting the promenade will be a maximum of 16 metres, and taller building elements to a maximum of 25 metres, and not exceeding 30 per cent of the site area may be considered. Taller buildings may be considered on sites north of Parkes Way.
- 5.52 In considering this matter further, the committee examined the NCA's 2004 report, *The Griffin Legacy, Canberra – the Nation's Capital in the 21st Century*.⁵⁸ In that report, the NCA sets out a plan for West Basin which is moderate in tone, less dominated by development and much more inclusive through the use of extensive green area. The NCA's 2004 artist impression of West Basin is shown in Figure 5.6.
- 5.53 The committee proposes, as with Amendments 56, 59 and 60, that Amendment 61 be disallowed and reworked. One group argued that if the West Basin proposal is to proceed it should be scaled back and conform more closely to the NCA's 2004 proposal rather than the proposal in Amendment 61. The Walter Burley Griffin Society proposed that the foreshore should be zoned 'Open Space/Waterfront Promenade' all the way round West Basin rather than the 'Land Use C' zoning of Acton Peninsula frontage.

57 National Capital Authority, Report on Consultation, Draft Amendment 61, p. 13.

58 National Capital Authority, *The Griffin Legacy, Canberra – the Nation's Capital in the 21st Century*, 2004.

Figure 5.6 NCA West Basin Precinct - 2004

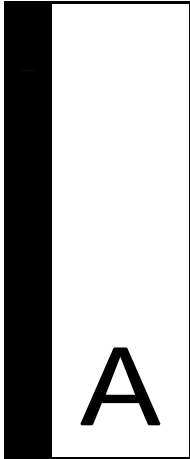


Source *The Griffin Legacy, Canberra – the Nation's Capital in the 21st Century*

- 5.54 The evidence put forward by the operators of Mr Spokes Bike Hire highlighted the ongoing difficulties associated with the dual planning regime which operates in the territory. Under the current regime, NCA decisions can impact significantly on occupiers of territory land, yet these people are often afforded little or no consideration in the decision-making process. This remains an issue of great concern to the committee.
- 5.55 In addition to these comments the committee notes the views of the Royal Australian Institute of Architects which drew attention to the overly south facing aspect and questioned 'whether it could actually be successful.' The NCA responded that the 'south-west in Canberra is a beautiful aspect.' The committee, however, does not dismiss the views of the RAI A.
- 5.56 A range of heritage concerns were also raised during the hearing which again the NCA simply dismissed. The committee does not take these issues lightly and it is for these reasons that we believe that through more work and consultation a better product could be achieved.
- 5.57 In view of these concerns, the committee cannot support Amendment 61 in its present state. As with the other amendments, the NCA should take into account the committee's views and undertake an effective consultation program ensuring that individuals, organisations and professional groups are adequately consulted. The committee's view is that there is not widespread grassroots support for the Griffin Legacy amendments as they currently stand.

- 5.58 The committee has, in recommendation 3, proposed that the Minister move that Amendment 61 be disallowed.

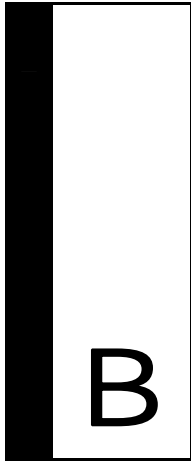
Senator Ross Lightfoot
Chairman
14 March 2007



Appendix A

Submissions to the inquiry

- | No. | Individual / Organisation |
|-----|------------------------------------|
| 1. | Walter Burley Griffin Society |
| 2. | Councillor John McInerney |
| 3. | Friends of the Aranda Bushland Inc |
| 4. | National Capital Authority |
| 5. | Mr Jack Kershaw |



Appendix B

List of hearings and witnesses

Friday, 23 February 2007 – Canberra

National Capital Authority

Ms Annabelle Pegrum – Chief Executive

Mr Graham Scott-Bohanna – Managing Director Design

Mr Todd Rohl – Managing Director, Planning and Urban Design

Mr Ian Wood-Bradley – Principal Town Planner / Urban Designer

Mr Stuart Mackenzie – Principal Urban Designer

Mr Alan Harrison – Compliance Manager, Governance

ACT Planning and Land Authority

Mr Neil Savery – Chief Planning Executive

Mr Magdy Youssef – Manager, Canberra Central Program

Ms Gay Williamson – Manager, Urban Design

Royal Australian Institute of Architects

Ms Melinda Dodson – President, ACT Chapter

Mr Robert Thorne – Planning Committee Representative, ACT Chapter

Property Council of Australia

Ms Catherine Carter – Executive Director (ACT Division)

Mr Noel McCann – Council Member and Chair, Sustainability Committee (ACT Division)

Walter Burley Griffin Society Inc.

Professor James Weirick – President

Mr John Kabos – Treasurer and Public Officer

Mr Brett Odgers – Chair, Canberra Chapter

CB Richard Ellis Consultants

Mr Tony Adams – Senior Director

ACT Heritage Council

Dr Michael Pearson – Chairman

Dr Dianne Firth – Deputy Chair

Canberra Business Council

Mr John Miller – Executive Director

Hindmarsh Group

Mr John Hindmarsh – Managing Director

Mr Brett Smith – Project Manager, ACT Development

Mr Geoff Leach – Consultant

Returned and Services League of Australia

Mr Derek Robson AM – National Secretary

Mr Lincoln Hawkins – Director, Beaconhill Consulting

Pedal Power ACT

Mr Kip Tanner – Advocacy Representative

Mr Luke Wensing – Secretary/ Member

Capital Tower

Mr Noel Matthews – Executive Committee Chairman

Mr Brian Jones – Executive Committee Member

St. Johns Precinct Development Board

Mr Len Goodman – Chairman

Canberra Institute of Technology

Mr Peter Kowald – Dean Corporate Service

Individuals

Mr Keith Storey

Mr Shibu Dutta

Dr Romaldo Giurgola

Mr Jack Kershaw

Mr Martin Shanahan

Dr Jenny Stewart

Mr Colin Stewart

Mr Enrico Taglietti

Professor Ken Taylor

Ms Rosemarie Willett

Mr Greg Wolfe

