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JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL
AND EXTERNAL TERRITORIES

Reference: Draft amendment 39 National Capital Plan

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JOINT COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES

Tuesday, 23 March 2004

Members: Senator Lightfoot (*Chair*), Senator Crossin (*Deputy Chair*), The Deputy President and Chairman of Committees, the Deputy Speaker, Senators Lundy, Scullion and Stott Despoja and Ms Ellis, Mr Neville, Mr Snowdon, Mr Cameron Thompson and Dr Washer

Senators and members in attendance: Senators Crossin, Lightfoot and Lundy and Hon. Ian Causley and Dr Washer

Terms of reference for the inquiry:

To inquire into and report on:

Draft amendment 39 National Capital Plan

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Committee met at 11.34 a.m.

BRYANT, Mr Bernard Daniel, Director, State Circle Developments Pty Ltd

DRUMMOND, Mr Richard James, Director, State Circle Developments Pty Ltd; and Adviser, Becton Corporation Pty Ltd

RING, Mr Terence Philip, Architect Adviser, State Circle Developments Pty Ltd

CHAIRMAN—I declare open this public hearing of the Joint Standing Committee on the National Capital and External Territories in relation to draft amendment 39 of the National Capital Plan. The purpose of this hearing is to examine the revised draft amendment 39 from the perspective of the residents of the area and potential developers. Following this hearing, the committee hope to be better able to advise the minister on our view of the revised draft amendment. Canberra's role as Australia's national capital is of continuing and paramount importance. The heart of the national capital is the parliamentary zone and its setting. The proximity of the Deakin-Forrest residential area to Parliament House gives it national significance. The committee have a duty to ensure that developments in this area reflect the national significance of the area.

I welcome representatives from State Circle Developments Pty Ltd to give evidence. Although the committee does not require witnesses to give evidence under oath, you should understand that these hearings are legal proceedings of the parliament and warrant the same respect as proceedings of parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The committee prefers that evidence be taken in public, but if you wish to give confidential evidence to the committee you may request that the hearings be held in camera and the committee will consider your particular request. Before we ask some questions, do you wish to make an opening statement, Mr Drummond?

Mr Drummond—Thank you, Senator Lightfoot and members of the committee. As we have previously advised this committee, our group have had control of and more recently have acquired a number of properties along State Circle. In particular, we own five houses from the corner of Melbourne Avenue going back towards Hobart Avenue on State Circle. It is our intention to undertake a multiunit residential development when DA39 is finally resolved. Our group, which includes the Becton group of companies, are committed to delivering an outstanding residential project at 17-25 State Circle, Forrest. Becton are a major Australian owned and operated property group which have developed in excess of \$3 billion worth of projects over the past 25 years and have received both national and international awards for our medium density developments throughout Australia.

Becton have been involved in Canberra over the past eight years and have developed Pharmacy House in Barton, which is on the corner of National Circuit and Brisbane Avenue, and more recently we have completed and have retained ownership of the development of Walter Turnbull House, which is on the corner of State Circle and Sydney Avenue. Becton have a strong commitment to developing buildings of the highest quality, and because of our existing association with Canberra we are acutely aware of the national significance of State Circle and its importance as a major avenue in the ACT.

What we seek, as a result of an amendment to the plan, is a set of development controls which can deliver an outstanding development on a main avenue of national significance. We would like to emphasise that. It is our contention that the proposed amendment falls well short of this. At best, it will merely produce a suburban solution in an area of the highest national significance. We would urge the committee to ensure that the form of a final amendment allows for an outcome which is in keeping with the urban and civic role of the State Circle properties as a backdrop to Parliament House.

In formulating the appropriate development controls for the site which fronts State Circle, we do not mean to suggest that any amendment should ignore the rights of the existing residents. Far from it. We agree with the NCA's view, as stated in the proposed amendment, that side and rear setback controls and a development control plan be introduced to ensure that the privacy, overshadowing and the amenity of the rear neighbours on both Somers Crescent and Canterbury Crescent are protected.

At this hearing, we will produce shadow diagrams which clearly show that the amenity of the neighbours is unaffected by shadows on the shortest day of each year, 23 June, between the critical times of 12 noon and 3 p.m. As well, on the basis of generally accepted urban design principles applied throughout Australia and not just in the ACT, a building 18 metres high on State Circle, set back 18 metres from the rear boundary, would cast a shadow during the critical times between 12 and three that would be deemed acceptable in every other planning jurisdiction in Australia save the national capital area. Therefore, a building restricted generally in height to between 12 and 18 metres, or even just to 12 metres as proposed in DA39, would be well within the limits of accepted best practice urban design.

With regard to any multiunit development, the amendment that the NCA has proposed states:

Dwelling units should generally be oriented to the street with living areas to the front and quiet areas (bedrooms) to the rear;

We fully concur with this view and acknowledge that this goes to protect the amenity of the neighbours at the rear. In any design that we come up with, we would be seeking to fully implement what the NCA have recommended. Further, the amendment requires any multiunit development application to be advertised in the principal daily newspaper. We concur with this process. We believe it is important that any residents in the area have the right to comment on any proposal.

Overall, we believe that the proposed amendment provides more than adequate safeguards to protect the amenity of the neighbours to the rear. Their ability to get sunlight at the critical times is protected. The ability to have overlooking is protected. However, it is our deep concern that in seeking to protect the amenity of the neighbours to the rear the NCA has delivered a suburban outcome at the expense of the national significance of State Circle and its relationship to Parliament House. We would direct members of this committee to recommendation 3 on page 51 of the report that was produced by this committee back in October 2002, which states:

Development along State Circle between Hobart and Adelaide Avenues ... be required to achieve a design and landscape outcome appropriate to the setting of Parliament and which reflects the Main Avenue role of State Circle.

We contend that the proposed amendment not only fails to meet those objectives but also is rather inconsistent with the objectives of the recommendation made by the committee. We contend that the proposed amendment subjugates the setting of Parliament House and the significance of State Circle as a major avenue into an inferior role to that of the rights to amenity of the rear neighbours. We think the balance is wrong.

As was acknowledged by the committee, State Circle is arguably the most significant of the major avenues, especially as it relates to Australian federal political matters. State Circle encircles Parliament House. The intersection of Melbourne Avenue and State Circle is the main thoroughfare by which people gain access to the ministerial entrance of Parliament House. It is through this intersection that most foreign dignitaries and heads of state arrive. This is the doorstep for Parliament House. It is important that what happens on State Circle are buildings of national significance. Accordingly we believe that the development controls established by the NCA should encourage the high quality of design outcome that this area deserves. As I said before, this is the doorstep to Parliament House.

Unfortunately, as structured, the proposed prescriptive controls will result in a multiunit development of the lowest architectural and design merit. At best you will end up with a 150 metre long sausage, three storeys high without much articulation. It will be a 1960s style apartment building. We do not think that that is a good outcome. At worst, the imposition of prescriptive controls will encourage limited or small townhouse developments or dual occupancies. Each of these outcomes is inconsistent with the recommendations of this committee in your report of October 2002. At that time, the committee saw an opportunity to do dual occupancies on State Circle and it rejected that as an outcome. We also reject that as an outcome suitable for an avenue of such significance.

In particular we are concerned that the imposition of an arbitrary plot ratio does not foster or encourage high-quality design outcomes. Restrictive plot ratios do not recognise or recompense for significantly higher building costs associated with medium density development. Recent statistics in the *Australian Financial Review* indicated that build costs in Australia have risen by about 30 per cent over the past six to nine months when property prices have started to stabilise. All that restrictive plot ratios do is serve to restrict design outcomes and deliver design outcomes of a lower order.

In order to achieve high-quality design outcomes it is sufficient for the NCA to establish setbacks and height controls which in turn establish a development envelope. The NCA has done this in the proposed amendment. It has rear setbacks, side setbacks and front setbacks. They have height and development control planes. That sets a development envelope in which a building can be made to fit. These controls, in conjunction with performance based controls as proposed by the NCA in the proposed amendment, will result in a design and landscape outcome appropriate to the setting of parliament which reflects the main avenue role of State Circle. It will deliver what the committee required in recommendation 3.

As I said earlier, the height and setback controls on their own ensure that the amenity of the rear neighbours is protected—overshadowing and overlooking are both protected through that control. But, very importantly, the height and setback controls do not constrain the potential for high-quality design outcomes. The quality of any development is further enhanced with the setting of performance based controls.

CHAIRMAN—It might be appropriate for me to remind you that we have a finite time this morning and I am sure that some of my colleagues would like to ask you some questions. Please feel free to proceed with your opening statement, but I think questions may turn out to be more fruitful than a rather interesting but nonetheless longish opening statement.

Mr Drummond—Thank you, I will take note of that. I have one more point and then I am happy to receive questions. The NCA have an established precedent for development of medium-unit residential development on a main avenue. That is contained in DCP 1712/01/0001. That building is now under construction. I am happy to hand that to the committee for them to review. In this situation, the NCA set no plot ratio but rather established front, side and rear setbacks with a height limit and a development plane. They also established performance based controls. There is a building now on the market in Canberra which we think is of high quality and has been allowed because there are no plot ratios.

On closing, we urge that the NCA be directed to apply that same precedent and remove any requirement for plot ratios or at least allow for a higher plot ratio. A plot ratio of 1:1 would give scope for a high-quality design. As it currently stands, at 0.8 with medium-density development, we will be forced back to low order, low quality and poor design at best or at worst we end up with dual occupancies—neither of which I think are good outcomes on an avenue of major significance. Thank you.

Senator LUNDY—For the benefit of the committee, can you describe what the physical impact of the plot ratio at 0.8 is as opposed to the ratio of 1:1 you described? How does that equate to a poorer design outcome?

Mr Drummond—If you have a restrictive plot ratio of, say, 0.8, you do not have the ability to spend money on creating a building with significant articulation. Because the site faces north there is a great opportunity to have a building that has large landscape courts in the front of the building rather than to the rear of the building. That increases the surface area that you are constructing and the cost of that rises as a proportion of that. If you do not have the ability to put in that articulation—

Senator LUNDY—Sorry, but by articulation do you mean different angles in the walls of the building and different shapes and a more interesting design feature?

Mr Drummond—Correct; changes to that facade. The evidence of the restrictive plot ratio appears particularly in Canberra's inner north, in Turner and Braddon, where you have singularly blank facades. The reason that approach is commonly adopted by developers is that with straight walls, less footings and less cost, the building is sort of monochrome in its presentation and builders seek to exploit the maximum NLA, or net lettable area, from the restrictive plot ratio. Richard is arguing that, with the absence of a plot ratio or the benefit of a higher plot ratio, more consideration can be given to design which will provide better features to the building.

Senator LUNDY—I am not an architect, so I was wanting to draw out what the significance of changing the plot ratio was. Thank you for that, Mr Bryant.

Mr Drummond—I can also say that within the development controls as set by the NCA with the rear setback it is possible to get a building which would have a 1:1 plot ratio and still stay

within those guidelines. So 0.8 is a further restriction on development controls, the setbacks and the height controls, which have already been established. What it effectively does is tie one hand behind your back in trying to get—

Senator LUNDY—Another way of describing it would be a smaller footprint on the site.

Mr Bryant—Correct. In his evidence Mr Drummond said that in base terms with a 0.8 plot ratio you would have a building of 150 metres in length and 22 metres in depth. The reason for that is the front setback of 10 coupled with the rear setback of 18 against a block width of 50 metres. The simple solution in terms of build outcome is to have the 1960s style apartment block, as is in evidence at No. 11 State Circle on the corner of Hobart Avenue and State Circle.

Mr Drummond—That would have a site coverage of 26 per cent, so 74 per cent of the site would have no buildings on it. That would be a unique position to have in one's national capital.

Senator LUNDY—To go one step further, what is proposed does not insist that that is the outcome but, if the developer were going to optimise the return from their development and get maximum floor space, that would be the outcome. Is that what you are contending?

Mr Bryant—A multiunit development—the sausage development, as Richard described it—would provide the developer with the least building cost. The alternative, if one were to not undertake a multiunit development and thereby avoid a basement car park, would simply be a set of five pairs of dual occupancies along that ribbon.

Senator LUNDY—In terms of the approval process as you understand it, if such a proposal, this sort of bland worst-case scenario to fit what is proposed, were put to the NCA, what is your understanding of the level of discretion the NCA would have under what is now proposed to approve that, to reject that or in fact to insist that stronger design features were built into it, albeit complying with the 0.8 ratio?

Mr Drummond—The NCA would have the ability to not approve any development as submitted. In our dealings with the NCA before and the buildings we have built, Pharmacy House and Walter Turnbull House are buildings approved by the National Capital Authority. Once you have your development controls set there is a healthy and robust dialogue with the national capital planners in terms of what the final built form will look like. It is a good healthy process where you end up with a good result. As an example, with Walter Turnbull House we argued to put a copper roof on that building. It cost us more money but we thought it was appropriate to spend more money on it. We had an argument with the NCA. They wanted a tile roof. Fortunately through the process we came up with an outcome which we think is going to have a building which will stand the test of time. So there is this robust negotiation design process where you end up with a building which is of good quality. The NCA has that desire, as we do.

Senator LUNDY—That is the theory anyway.

Mr Drummond—I would say that is not only the theory but also the practice, in our experience with the NCA. It is a painful process, I must say, but it is a process that does end up with, we believe, a good design outcome.

Senator LUNDY—I have one more question. Many people making submissions to this inquiry have expressed some surprise at the fact that the NCA have changed their views since last time we inquired into this matter. What role have State Circle developments played in lobbying or trying to convince the NCA to change their view on the State Circle frontage? I know you are not happy with it, but some of the changes do reflect that, in particular the rise from two to three storeys. Some views were expressed in the original submission, from memory, and the submissions you made, Mr Drummond, about improving in your eyes the potential for a better outcome.

Mr Bryant—There is an assertion on the final page of the submission from the residents that the proposed draft amendment as we see it today is a response to lobbying by developers. I can honestly assert that neither Richard Drummond nor I nor anyone connected with either State Circle Developments Pty Ltd or the Becton group of companies has met with the NCA since January 2002.

CHAIRMAN—You did not mention Mr Terry Ring. Does that include Mr Ring?

Mr Drummond—Yes.

Mr Bryant—Except to say that Mr Ring may have met them in connection with his other work but not in connection with any business of State Circle Developments.

Mr Drummond—The NCA have gone to great lengths to refuse any discussion with us. They have said that they do not want there ever to be any assertions made that developers have talked to the NCA.

CHAIRMAN—For the *Hansard* record, Mr Ring, could you verify what Mr Bryant has said?

Mr Ring—That is true.

Senator LUNDY—What observation do you make about the change of heart by the NCA in this matter? From your point of view is it partly good but perhaps not everything you wanted?

Mr Drummond—We think it has come as a response to the report this committee put out in October 2002.

Senator LUNDY—Even though there was not one recommendation that opened the door to the shift from two to three storeys, which seems to be the main point of contention, certainly from the residents' point of view?

Mr Drummond—I think the committee did that in recommendation 3. The committee correctly acknowledged the significance of State Circle as a major avenue and as an avenue that fronts State Circle. We have to look also at the history. When the residential development in this part of Forrest was released in the 1960s, Parliament House did not exist. This is not the original Forrest that was built in the 1920s. This was a land release in the 1960s. Since that time Parliament House has developed and Barton as an employment zone has developed. We have built DFAT's building on State Circle and there has been a growth of embassies in the area. There has been a change over the past 50 years since this land was released. There will be

change over the next 20 or 30 years. We are asking this committee to recognise that there will be change and that the change reflects what is there today, which is this house.

Senator Lundy, if we were trying to build Parliament House today I am sure we would have real problems because there would be an antidevelopment lobby saying, 'We don't want you to build anything because you are going to destroy our views of the bush to Capital Hill.' Change is inevitable. Canberra as a city has grown. The importance of Canberra as the national capital has grown since Parliament House was built. It is vital that any development on State Circle that is going to happen over the next five to 10 years, and that will be here for the next 50 years, recognises and enhances the role of Parliament House. That is all we want to see. We think dual occupancies and two-storey buildings along there are a shame when all around State Circle you have four-storey buildings.

Senator LUNDY—Thank you. I think we are running out of time. For the record I want to state that the Labor minority addendum to the report did identify an eight-metre limit. Our view was that there was an eight-metre limit. I do not want the whole report to be misrepresented in that way.

Mr Drummond—That is correct. I hand to the committee some sun shadow diagrams, two of which in particular show a 12-metre structure 18 metres from the boundary. At the critical time between 12 and 3 o'clock, the structure throws no shadow over the neighbours to the rear.

CHAIRMAN—Thank you.

Mr CAUSLEY—I want to ask a clarifying question. I think I understand what you are saying. You are arguing that if you are allowed to build a three-storey building, you can get a better return on your investment and therefore build a better quality building on State Circle. You are also arguing that that type of development is not going to disadvantage the neighbours. Is that exactly what you are saying?

Mr Drummond—That is correct. It would be three storeys with a plot of ratio of 1:1.

Mr CAUSLEY—So that is the simple argument?

Mr Drummond—It is very simple. Otherwise, we can live with the revised controls as proposed by the NCA. We would like to see changes, but we can live with them.

Mr CAUSLEY—Do you see that type of development servicing Parliament House?

Mr Drummond—Some of it would. The tests that we have done in terms of market demand show that there will be demand from residents in Forrest and Deakin who want to move out of their large houses but stay in the area. We see demand from the diplomatic community in terms of housing senior diplomats close to their embassies and demand from lobbyists and potentially some parliamentarians who want residences close to Parliament House. That is the market that we see would seek to occupy these premises.

Dr WASHER—You are saying that the issue involves three-storey buildings that are not environmentally going to impact upon the neighbours in any great way but will probably value

add to their properties because you will build better architecture. In other words, property values will reflect on your neighbour's properties, so to speak.

Mr Drummond—We would argue that what we build there will not diminish the value of their properties. We will not take any amenity away from them in terms of overshadowing, overlooking et cetera.

Senator CROSSIN—You should be aware that the National Capital Authority have provided to this committee submissions that they have received. One is from your company in December of last year. As part of that submission, you have done a comparison between the DA 39 proposed controls and the DCP regulations. If you have a look at that diagram, does it mean that your proposed three- or four-storey building would have a decline at the rear of it?

Mr Drummond—A setback.

Senator CROSSIN—Is that the architectural term? Like Senator Lundy, I do not have that background. That is what you would be proposing as a uniform—

Mr Drummond—We see it as the potential to repeat the rhythm of the street. Currently when you drive along there you see these decaying but large houses. We would like to repeat that pattern.

Senator CROSSIN—Really?

Mr Drummond—I can tell you they are decaying; I have been inside them.

Senator CROSSIN—I drive past there twice a day.

Mr Drummond—I welcome you to come and look at the leaking places, Senator. We would like to repeat that rhythm of large houses with deep landscape zones between those nodes. We see the ability to put some of the residential more than 10 metres from the front of the street. We see the ability to articulate in height at the corner of Melbourne Avenue and State Circle from an architectural point of view. I think Mr Ring would agree that you can design an element that holds the corner. Then you can drop the scale of the development as you come along. We would see the need to ensure that whatever happened closest to the dual occupancies, which are at the far end of our site, the scale and mass are in harmony with that. That is when we get into the realms of the architect. We would see the ability to heavily articulate how the building sits on the site, coming to the 10-metre boundary and shifting back from that 10-metre boundary at the front.

Senator CROSSIN—In that submission you also say that you are acutely conscious of the national significance of State Circle.

Mr Drummond—Yes.

Senator CROSSIN—What is it about your consciousness of State Circle that you believe is aligned with this proposed development? In other words, how do you see that consciousness having any realisation in your proposed development?

Mr Drummond—I have had the benefit of having travelled to Ottawa and Washington and of having seen the way their planners have allowed buildings to address the national capital. What they have done is create quite hard urban edges that face their parliament houses. Whilst, given our druthers, we would argue that that is probably the appropriate thing to do in State Circle, we respect the recommendations of this committee that it should remain residential. But, in doing a residential development, we think it has to have a built form and an edge that is more urban and more civic—as we have stated—rather than being totally residential, rather than being suburban.

Senator CROSSIN—What features or characteristics might also realise that consciousness?

Mr Drummond—Again, we are happy to hand this up. Burley Griffin was heavily influenced by Frank Lloyd Wright and that is reflected through residential architecture in the older part of Forrest, not in the Somers Crescent area or the Canterbury Crescent area. We think there are influences that go back to Frank Lloyd Wright that can be reproduced in any development here, so we are not talking about putting up something modern which is out of context. We are saying there is an interpretation of that architecture and that form that can be developed here, and people could drive up Melbourne Avenue and have a look at Forrest and say, ‘I can see the architectural elements up there being repeated in this development.’ Again, we are happy to hand that up. That costs money, I have got to say. The sausage factories do not cost much money. To put in that sort of style and form is expensive. We want you to give us the opportunity to spend some serious money in this area.

CHAIRMAN—Mr Bryant, Mr Drummond and Mr Ring, thank you for your attendance here today. If there are any matters on which we need additional information, the secretary will write to you. You will be sent a copy of the transcript of your evidence to which you may make editorial corrections. On behalf of the committee, thank you for coming along today.

[12.14 p.m.]

PASTRELLO, Mr Robert, (Private capacity)

CHAIRMAN—Mr Pastrello, in what capacity are you appearing today?

Mr Pastrello—I am appearing on behalf of my parents, who reside at 35 State Circle in Deakin.

CHAIRMAN—Although the committee does not require witnesses to give evidence under oath, you should understand that these hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The committee prefers that evidence be taken in public but, if you wish to give confidential evidence to the committee, you may request that hearings be held in camera and the committee will consider your request. Before we ask some questions, do you wish to make an opening statement?

Mr Pastrello—No, I would not. I just wish to hand over a couple of letters.

CHAIRMAN—So you have documents that you wish to table?

Mr Pastrello—Yes. They are on behalf of my parents.

CHAIRMAN—Is it the wish of the committee that the documents be accepted? There being no objection, they will be. We will go to questions.

Dr WASHER—Mr Pastrello, what is your main objection to the three-storey, 1:1 plot ratio concept?

Mr Pastrello—The objection is that the valuation of my parents' block will be diminished considerably. That was their nest egg for retirement. The value of my parents' block would be taken away if they did decide to sell to a developer or someone else. That was their retirement fund, which they wished to live off. There is favouritism, I think, as to corner blocks in the sense that people would be able to build up to 40 per cent on a corner block. With my parents' block being towards the end of the street, they would not be able to maximise building unless they amalgamated with a neighbour on that, therefore reducing the value of my parents' block.

Dr WASHER—So what you are saying is that, because of this development, ultimately you would be restricted as to the amount of redevelopment on your parents' property?

Mr Pastrello—Yes, in the sense of monetary terms in case my parents were to sell their actual house to a developer or to someone who wished to develop the area. I can see that they would have to amalgamate with a neighbour to actually benefit through the two blocks and to have maximum benefit out of their actual block itself.

Mr CAUSLEY—I am looking at your submission. Towards the end of it, in the second last paragraph, you are really saying that in fact you believe there should be a capacity to put more developments on the blocks than three-storey ones. You say that if it were allowable to have from four to 12 storeys that in fact would be better value for the block. Is that what you are arguing?

Mr Pastrello—That is correct. The valuations on the blocks are constrained.

Mr CAUSLEY—I could not quite follow your argument earlier on because my understanding of these issues was that the more density you get on a block the more value you might get for it. So that is in fact what you are arguing?

Mr Pastrello—Yes. I think that with the amendment, with the setbacks that are a constraint on my parents' block, my parents would have to have an amalgamation with a neighbouring block to get the maximum benefit.

Mr CAUSLEY—Because it is a corner block?

Mr Pastrello—Because it is an end block; that is right.

Senator CROSSIN—Mr Pastrello, how long have your parents been in that house?

Mr Pastrello—My parents have been in that area for 10 years, if not 12 years.

Senator CROSSIN—You say in one of the letters here that you believe the NCA is, in a peculiar way, partially picking up the planning policies of the ACT government and attempting to prescribe a suburban solution. Can you explain something to me? When people like your parents bought on State Circle, was it because they wanted to move away from that modern suburban look with their house? Were they looking for something particularly special by buying on State Circle?

Mr Pastrello—It was more of an investment property for my father, which he was hoping to retire on. He bought in that area hoping to retire on the income that he would have generated. He bought it at what was a reasonable price back then, and that was going to be his nest egg for retirement.

Senator CROSSIN—Is there anything in the contract at all that says that these kinds of developments can occur and proceed without any agreement by the owner? There is no caveat in the contract or the title of the land at the time?

Mr Pastrello—I have not actually read the contract.

Senator CROSSIN—Do you know if the National Capital Authority has looked at people's titles to land and property to see whether or not this conflicts with any conditions of sale at that time?

Mr Pastrello—Sorry, I cannot answer that.

Senator CROSSIN—Okay, maybe it is a question we can ask the NCA. You are effectively saying to us that if the plot ratio goes to 80 per cent then there is significantly less value on the resale of that home in future years?

Mr Pastrello—Yes, that is correct.

Senator LUNDY—I think the letter really states it all. You are concerned that the return on the investment property will be less if the development is restricted in the way that is currently being proposed. Is it a fair comment to say that you are more happy with the latest proposals than you were with the earlier NCA proposals, which had even stricter limitations on what could be redeveloped on the site?

Mr Pastrello—We would be happier with allowing maximum building on the block.

Senator LUNDY—Given that the most recent proposal for this area that we have received from the NCA has greater scope—the main change is that it allows three storeys rather than two—that is a better outcome for you than before.

Mr Pastrello—Naturally, yes. It would be more value for my parents.

Senator LUNDY—Have you made submissions previously?

Mr Pastrello—No, I have not.

CHAIRMAN—Mr Pastrello, in your last paragraph you refer to ‘we’. I assume that is you and your family?

Mr Pastrello—That is right.

CHAIRMAN—You say:

We cannot understand why lesser development would be allowed on State Circle, the most significant of the Main Avenues to Parliament House.

You finish by saying:

Some say, it is because senior Authority personnel live nearby, and don’t want development in their vicinity. If that’s the case, perhaps there is a conflict of interest.

What evidence do you have to make a statement of that nature?

Mr Pastrello—I do not have any evidence of that. I have just made that statement with my father.

CHAIRMAN—It is an assumption, is it?

Mr Pastrello—That is right.

CHAIRMAN—I mean, it is fine to have assumptions. You say you would be happy with the maximum buildings on the plot, so you would be happy to extend the plot ratio and favour the buildings. Instead of a 1:1 plot ratio or, as the NCA prefers, a 0.8 plot ratio—less than 1:1—you would be happy with a maximum rather than a minimum.

Mr Pastrello—That is correct.

CHAIRMAN—I guess that would maximise the return because you could have more tenants with the larger plot ratio.

Mr Pastrello—That is right.

CHAIRMAN—I think that is about all the questions I have. On behalf of the committee, thank you for your attendance here today and for the evidence you have given.

[12.27 p.m.]

BAIN, Mrs Anne Espie, Member and Spokesperson, ROCS (Residents of Canterbury and Somers Crescents)

BAIN, Mr James, (private capacity)

BOARDMAN, Dr Norman Keith, (private capacity)

NATTEY, Mr Robert John, (private capacity)

SNELL, Mr Keith Eddy, (private capacity)

TAN, Mrs Helen, (private capacity)

DRUMMOND, Mr Richard James, Director, State Circle Developments Pty Ltd; and Adviser, Becton Corporation Pty Ltd

CHAIRMAN—Welcome.

Dr Boardman—I am appearing as a representative of a group of residents lessees in an area which neighbours State Circle.

Mr Bain—I am appearing as a resident of Canterbury Crescent, which backs onto the site of the proposed plan in State Circle.

Mr Nattey—I am appearing as an owner and resident of 10 Canterbury Crescent since 1973 and as a member of the group of Canterbury and Somers crescents residents.

Mrs Tan—I am a resident of 33 State Circle, and I am appearing with this group. Hopefully you will find that I am appearing in the interests of the public.

Mrs Bain—I am a resident of Canterbury Crescent and I am appearing on behalf of residents of Canterbury and Somers crescents and our friends in State Circle.

Mr Snell—I am the owner of 15/2 State Circle, the most recent construction in that area. I am also a member of this group.

CHAIRMAN—Thank you all. Although the committee does not require witnesses to give evidence under oath, you should understand that these hearings are legal proceedings of the parliament and warrant the same respect as parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as contempt of parliament. The committee prefers that evidence be taken in public, but if any of you wish to give confidential evidence to the committee you may request that the hearings be held in camera and the committee will consider your particular request. Before we ask you some questions, do any of you wish to make an opening statement?

Dr Boardman—Thank you, Chairman, for this opportunity to appear before the committee. There are two issues first. We presented a submission to the secretary this morning. Do we need that to be tabled?

CHAIRMAN—We all have a copy of that, Dr Boardman.

Dr Boardman—We also have a petition from the residents of the whole Deakin-Forrest residential area between State Circle and National Circuit. It is a substantial agreement. We had enormous support against the three-storey development on State Circle. Leaving aside the people in the embassies, who of course always feel that they should not comment, there has been tremendous enthusiasm for our cause. Can I have permission to table this too?

CHAIRMAN—There being no objection, it may be tabled. Thank you very much.

Dr Boardman—You have been handed the submission, but fairly late, so I will briefly go through it.

CHAIRMAN—Are you going to go through what you propose to table?

Dr Boardman—Briefly, yes.

CHAIRMAN—There is no need to table it if you are going to read it into *Hansard*. Please proceed.

Dr Boardman—At the 2002 inquiry of this joint committee, the National Capital Authority provided a major submission and presentation by a senior team which included the chief executive. Their submission and presentation argued strongly for retention of the residential status of the area, with development throughout the area limited to two storeys and at no point more than eight metres above ground level. On sites fronting State Circle they proposed a mandatory two storeys for any redevelopment or consolidation of blocks. The plot ratio for residential development on existing blocks was to be 0.4 but for blocks that were amalgamated they proposed a plot ratio of 0.6.

In December 2003 the NCA proposed some major changes to the draft amendment, which conflicted with the views that they presented to the committee on 21 June. As we have heard, it now proposes developments of three storeys and a height of ‘generally’ 12 metres above ground level, which implies that they can approve heights above 12 metres if they so choose. The plot ratio has now been raised to an allowable level of 0.8. There are two blocks on the corner of Melbourne Avenue, in very prominent positions on the corner of State Circle and Melbourne Avenue, where the National Capital Authority are proposing to allow a 0.8 plot ratio and presumably three storeys on single blocks on that corner. So it is not just the amalgamated blocks but those blocks as well.

The members of the group here are unanimous in their strong opposition. The main arguments we use are: a major impact on amenities, in spite of what we have heard today; and the fact that it is completely out of character with the ambience of a very distinguished garden suburb which includes the Prime Minister’s Lodge, the embassies of Switzerland, Austria and Cambodia and

that delightful green corridor between the Prime Minister's Lodge and the ministerial wing of Parliament House.

Before I go on, we should look at some visuals by Mrs Bain of the area we are looking at and State Circle. I should mention that when the Chief Executive of that National Capital Authority appeared last time she called this area a beautiful area adjacent to Parliament House. Is there any objection from the committee?

CHAIRMAN—There being no objection, please proceed. If anyone in the audience wishes to come down here and have a look at the visuals they are quite welcome to. That includes the NCA, of course—it mostly includes the NCA!

Slides were then shown—

Mrs Bain—The aim of this slide presentation is to demonstrate visually why three-storey, medium-density unit development is not appropriate for the Forrest-Deakin section of State Circle that lies between Hobart Avenue and the Lodge park. The circumference of State Circle is three kilometres. The area addressed in draft amendment 39 is half a kilometre. This is one-sixth of State Circle.

This is the area that we are discussing just here. Please take note before we continue of the three approaches to Parliament House. We have Commonwealth Avenue, Kings Avenue and Melbourne Avenue. It is this entrance at Melbourne Avenue that we are focusing on today and its close proximity to the ministerial entrance of Parliament House and the area of State Circle referred to in draft amendment 39.

The next five slides show that State Circle is a green belt. Most of the three kilometres of State Circle comprise green open space, featuring the occasional bridge and road signs. Most of State Circle is this green belt, but there are three buildings on State Circle: the RG Casey Building, St Andrews Church and the South African Embassy. None of these three buildings dominate the parliament. They are, in fact, not visible standing up at Parliament House—I have been up there and I have had a look.

If you look at the next photographs of Commonwealth Avenue, this entrance to the parliament has no buildings encumbering on the view of the parliament. There are actually three buildings to the right—the British, Canadian and New Zealand high commissions. They are behind trees, they are well set back and they are two-storey buildings.

The next slide shows Kings Avenue. We have Kings Avenue with no buildings encroaching on the entrance to parliament. It is a beautiful, green, landscaped area. We do have the National Archives over to the right. That is a two-storey building and is not visible.

The next slide shows Melbourne Avenue. This is a very attractive, tree-lined approach to Parliament House. We would like to question the appropriateness of dominating the ministerial entrance to Parliament House from the Melbourne Avenue approach. The next slide is a view of the corner of Melbourne Avenue and State Circle as of last weekend. The next slide is the view of a proposed three-storey development on State Circle, abutting the Melbourne Avenue approach to Parliament House.

Parliament House is the nation's most prestigious and acclaimed building and is renowned for the stunning eucalyptus-inspired entrance hall, the wonderful art collection, landscaped gardens and for the general perfection in design of Australian furniture and fittings throughout the building. One might wonder what possible benefit a three-storey unit development so close to the entrance of such a distinguished building could be to the nation or to the national capital. The National Capital Authority appears to have diverged from its duty of care in protecting the amenity of the parliament, the residents and the Lodge.

This slide shows the view from 6 Somers Crescent looking towards Parliament House. It shows views through the dwellings from the residence behind the dual occupancy. It is reduced to a single storey at the back, to reduce shadowing. We residents do not want block amalgamation; we would like to have dual occupancy so that we get these through vistas. This is only two storeys. Can you imagine what that would look like from your back garden if it were three storeys on an amalgamated block?

This is the image I wish you to take away with you today, firmly imprinted on your minds. If you look at the yellow arrow on the left side of the picture, you will see the roof of the Austrian Embassy, one block back from State Circle. This is a two-storey building. The line is the expected impact of three-storey development on this most famous view. Approval of draft 39 will ruin this view for all Australians forever.

We believe that the dual occupancy development on State Circle and the owner-occupied single dwellings are an acceptable backdrop to Parliament House and the Lodge in this Bush Capital. We have become aware of the enormous amount of time that this committee has already been obliged to spend in relation to this small strip of real estate—half a kilometre in a three-kilometre circle—due to the influence of a few non-resident property speculators. We thank you for allowing us to present our objections.

CHAIRMAN—Thank you, Mrs Bain. Are there any further statements?

Mr Snell—I have just two diagrams which will help the committee.

CHAIRMAN—Are you requesting that they be tabled, Mr Snell?

Mr Snell—Yes, and for use at this time.

CHAIRMAN—Are there any objections? There is no objection. Thank you, Mr Snell.

Mr Snell—I am the owner of unit 2, 15 State Circle, which, as I said in the opening, is the most recent structure. The diagram behind that picture shows an extract from amendment 39. It shows on amendment 39 the existing two-storey dwelling, which is my property. There are a couple of observations to make about this diagram. There is a setback of 10 metres from the front boundary and a setback of 18 metres from the rear boundary. The dual occupancy setback was prescribed at around 12 metres, even though it does not look so from the photograph of the two units. That has a 12-metre setback, not a 10-metre setback. If you look at that diagram you will notice that the side boundary envelope shows a six-metre setback from the side boundary. Where those trees are on the right-hand side of the slide, six metres into that, rising a storey above that begins a three-metre construction.

The issue is that, unlike perhaps the arguments about rear boundaries, there will be significant shadowing in the late afternoon. I am not too certain why we call the hours from 12 to three core hours—I am not too certain whose core hours they are. Canberrans have a habit of being outside until five or six o'clock, and until at least four o'clock in the winter. Those trees lose their leaves. There is a recreation area down the right-hand side of that building. My view of this side boundary envelope diagram reflects a situation where they are looking not at an amendment for the area in general but a specific development over the five adjoining blocks to the right of that print.

Specifically, that diagram shows a three-storey building with balconies—and even an encroachment to the six metres, to the area of four metres, at the balcony area which appears on the side of the building. To me, draft amendment 39 as at November 2003 is misleading. It implies little or no change until you read it in depth. It seems to be contrary to the concept of residential areas. We have a tendency to forget that the development criteria 'provide for residential development of a scale and character appropriate to the settings of Parliament House and the main avenue role of State Circle'. So they do say 'provide for residential development'.

I guess in fact what I see is that the entire residential community, except for those who are speculating, have a quite different view of what is appropriate from that of those who wish to develop that in a different way. Almost 90-something per cent of the people living there would be opposed to that development. In my case, I believe, I am more significantly impacted upon by that, but that is not my purpose in being here; my purpose in being here is to put my belief that this development is inappropriate for State Circle.

Senator CROSSIN—Could you just go back in your slides and show me the view of the corner from Parliament House as it currently is?

Mrs Bain—This slide shows the corner of Melbourne Avenue and State Circle, where the five blocks have been purchased.

Senator CROSSIN—Yes. Could you just take me to the next one? I drove past there the other day and had a look at this. In my mind, I was picturing that the second storey at the moment goes to about the top of the trees so the third storey would actually go above the trees. Is that the case?

Mrs Bain—Probably. We did not want to over-exaggerate—but we hope that has given you a bit of an impact.

Senator CROSSIN—I am trying to help your case here, I think.

Mrs Bain—I know.

Senator CROSSIN—So is one of your concerns that, in terms of the aesthetics, when you actually look around the broader area of State Circle—except for the department of foreign affairs building—this will create an elevation that produces a level above the trees as they currently are and will create a building that is higher than any other building around State Circle?

Mrs Bain—Well, if you drive down Melbourne Avenue, or as you drive along Adelaide Avenue and look down or as you drive around National Circuit you will look down on it. From everywhere—from all angles—you will see this structure sitting up above the trees from everywhere. The problem is that at the moment most of the houses are single storey. So they all have lovely trees. As we have said, this is a green belt. It is a green area; it is not an area that will sustain large buildings. They will just stick out. Three storeys is very high. If you drive around Canberra to Turner and have look at those three-storey developments—or go down to the new ones at Garran—you will see that they are imposing.

Senator CROSSIN—You should come to Darwin. We are having an argument about 33-storey buildings in Darwin at the moment.

Mrs Bain—Well, Darwin is not a garden city, is it?

Senator CROSSIN—It is. I want to take you to the photo of the established houses. You are also saying to us that, in an amalgamated block, that arcade—or vista—is diminished or in fact eradicated, basically, and if you have the block behind that—

Mr Snell—Their view will be diminished.

Senator CROSSIN—Because you enjoy looking at the flagpole on the top of Parliament House: is that essentially it?

Mrs Bain—Yes. And although we have fancy shading drawings submitted today, there will be shading, but we cannot prove it.

Senator CROSSIN—What has been your avenue for putting your views to the National Capital Authority during this process? Could you tell me what you have done so that I can have an idea about what consultation there has been.

Mr Bain—One of the issues we have as a group is the lack of consultation we have had with the NCA. We are a group of residents, many of whom have been there for many years—bringing up their families, investing in the area, improving their gardens. In fact, we did not receive advice of the latest notice, which came out at the end of November, nor did anybody else on the side of Canterbury Crescent adjacent to the development. I only heard about it about four weeks ago, when a neighbour mentioned it. We did not hear about the submission that was being put up. We did not have time to comment. For those who did get the notice, it was only out for comment for a little over two weeks. It was delivered in the last week of November, and comments had to be in by the middle of December.

Senator CROSSIN—You say ‘delivered’. Was this a personal letter to residents from the NCA, or was it a flyer?

Mr Bain—It was a general letter, hand-delivered to each property, as we understand it.

Senator LUNDY—Did everybody in Canterbury Crescent get the letter?

Mr Bain—We have identified, I think, two people on the opposite side of the street who did receive it. Is that right, Anne?

Mrs Bain—Three people received it.

Mr Bain—Three people.

Senator LUNDY—But not any of the Canterbury Crescent properties adjacent to or backing onto the State Circle property?

Mr Bain—Correct.

Senator LUNDY—Do you know why that is the case? Have you been able to find out?

Mr Bain—We spoke to the NCA, and they advised us that they were hand-delivered and that they did put them in the letterboxes. But Mr Nattey checks his mail and we check our mail, and we did not find it.

Dr Boardman—It is true also that the people on State Circle, including Mr Snell and his neighbour, did not receive the notice.

Senator LUNDY—How many people on State Circle did not receive it?

CHAIRMAN—Approximately.

Mr Snell—There are a number of vacant houses there—certainly 15/1 and 15/2 did not receive it. Helen, did you—

Mrs Tan—I did receive it, yes. I live on State Circle, and I received it.

Senator CROSSIN—So it was not advertised in, say, the *Canberra Times*; or there was not a follow-up letter, saying—

Mr Bain—We did not see anything.

Senator LUNDY—Can you clarify how many residents on State Circle did not receive the letter.

Mrs Bain—We cannot answer that. State Circle is interesting. Because the developers have bought five houses, we do not know whether they have received—

Mr Snell—And they are largely vacant, I think.

Mrs Bain—The house on the corner of Melbourne Avenue and State Circle, on the Lodge side, is vacant at the moment. There are four tenants in the house on the corner of Hobart Avenue. They signed the petition to say that they did not want a three-storey development, but

they were not actually asked whether they received copies. But we assume that a copy went to the owner, Sir Lenox Hewitt. So, really, there are not that many people to receive them in fact.

Senator LUNDY—Do you have any knowledge of someone on State Circle who would have been in a position to receive it who did not?

Mr Snell—Certainly I did not receive it.

Senator LUNDY—You did not receive it, and you are in 15/1 and 15/2.

Mr Snell—My neighbour did not receive it either.

Mrs Bain—Certainly these three people here that would like to develop their blocks received it.

Senator LUNDY—But 15/1 and 15/2—

Mr Snell—Did not receive it.

Senator LUNDY—and No. 17—your neighbour—did not receive it. Is that correct?

Mr Snell—No, 15/1 and 15/2 are the two that I am aware of.

Senator LUNDY—Chairman, I do not know if it is possible, but Mr Drummond looks like he could at least indicate to the committee whether or not they received that letter of consultation. Is it possible to get that on the record?

CHAIRMAN—Is that the information you wanted to give, Mr Drummond?

Mr Drummond—If you would like it, yes.

CHAIRMAN—Is there any objection to that? There being no objection, please take a seat, Mr Drummond.

Mr Drummond—Of the five houses we own, only one notice was received. It was placed in the box of one of the vacant houses. We did not get to know about it until one of the neighbours rang us and said that there was a notice. It was not received in four of the five houses.

CHAIRMAN—In your opinion, Mr Drummond, how many houses are there that are the subject of this discussion today?

Mr Drummond—If you include the houses backing on to State Circle, there are approximately another 13 houses in addition to the 13 on State Circle.

CHAIRMAN—So there are about 26 houses?

Mr Drummond—Yes, there are approximately 26 houses.

CHAIRMAN—But only three houses received notices. Is that the consensus, Dr Boardman?

Dr Boardman—No, we are talking about State Circle but I think Mr Drummond is also talking about the residences on Canterbury Crescent and Somers Crescent.

CHAIRMAN—Behind State Circle.

Dr Boardman—Some people got the notice—I certainly got it—but, as Mr Bain said, several residents of Canterbury Crescent did not get it. The delivery of the notices was very spotty. They were hand-delivered; they were addressed to the lessee/resident. There was nothing on the envelope to say, ‘This is an important document.’ We believe that it affects the whole area so much that the National Capital Authority should have, for such a crucial issue, allowed for a meeting of the residents of the total area under the National Capital Authority between State Circle and National Circuit. It should have allowed for them to have an opportunity to be addressed by the proposed developers of State Circle. It did not do that.

CHAIRMAN—Would it be fair to say, with respect to State Circle and Canterbury and Somers crescents, that they comprise approximately 26 dwellings? Is that correct, more or less? Are there 26 houses, or is there more or less?

Mrs Bain—There are 36 houses.

CHAIRMAN—What evidence is there of documentation from the National Capital Authority actually being delivered? We know we have got one in five from the proposed developers, and I think you mentioned three from State Circle and three from—

Senator LUNDY—Chairman, it was three from Canterbury Crescent, but it was not on the side most directly affected, so at this stage I think we technically have none on the affected side of Canterbury Crescent.

CHAIRMAN—So how many altogether where the potentially affected residents live?

Dr Boardman—Certainly, some on Somers Crescent did get the documentation.

CHAIRMAN—They are potentially affected?

Dr Boardman—Some are and some are not. The person on the corner of Melbourne Avenue and Somers Crescent did not get it.

CHAIRMAN—Can I put it this way? What evidence is there that the approximately 36 people that could be potentially affected as residents of State Circle and Canterbury and Somers crescents were contacted? Do you have any idea of the notices that were received by those potentially affected people? That is really what I am trying to get at.

Mr Bain—I suggest that it might be a quarter; probably a similar ratio to Mr Drummond’s one in five.

CHAIRMAN—So one in five people.

Mr Drummond—The only group who could possibly answer that is the NCA. It would have had somebody deliver those notices. That is possibly a question that should go to the NCA rather than to us. Based on our five houses, we got one out of five.

CHAIRMAN—That would be another figure. I do not think that would be disputed.

Mr Nattey—I have a copy of the letter, if it would assist your committee to see how it is addressed. I am happy to provide that.

CHAIRMAN—We have a copy of the letter; thank you for that, Mr Nattey.

Dr Boardman—Mrs Tan may wish to say something about three-storey development which pertain to the aesthetics.

CHAIRMAN—We are into question time in the Senate, but if you wish to make a short statement, Mrs Tan, please proceed.

Mrs Tan—The presentation that has been shown to you is very eloquent in relation to the aesthetic issues. This is part of the national heritage. I am not trying to be excessive about this but this is such a significant place for the whole country from the point of view of what it represents that no-one could possibly lightly contemplate erecting any sort of structure whatsoever without some very careful consideration. It appears from what we have heard so far that there are many arguments related to private interests. People are entirely entitled to represent their private interests, whether they be about increased volume of traffic, light or shadow, height of buildings or development desires which are driven by the normal profit motive in a capitalist economy and so on and so forth. The committee has an opportunity to consider the national interest and the public interest in relation to this question. I simply wish that you will not overlook the issue of what might be in the public interest.

The current residences are not distinguished particularly. They probably will not one day have heritage classifications or anything like that. But they are very typically Australian in their setting and in their profile. With single title ownership you have the potential and the capacity to change buildings that do not stand the test of time. Once you move to multiunit development, you move to multiple strata title ownership. Buildings do not generally stand the test of time in domestic architecture. We know that. We have only to look around the bays and coastlines of Bondi, Clovelly and Coogee. We have only to look around us at the nicest apartment blocks in 1910 and 1920 right through to 1990. They were beautiful the day they were built, and of the highest standard and much admired, but they have not stood the test of time. There is an opportunity here not to close off the ability to retain the flexibility that single unit development represents in standing that test of time and in preserving an area of national significance.

The picture itself speaks volumes. Most people seem to be unhappy with the draft amendment. Those that would wish 12 storeys are unhappy; those that would wish 1:1 plot ratio are unhappy; those that would wish two storey not three are unhappy; those that would wish none at all, as is my case, are not happy. I simply urge you to consider what is in the public interest in relation to this site.

CHAIRMAN—Thank you, Mrs Tan. The committee is certainly going to consider to the best of its ability all aspects and all interested parties that have some interest or some equity in the streets and circle before us this morning.

Senator LUNDY—Can anyone identify residents in Somers Crescent backing onto State Circle who did not receive the letter in November?

Dr Boardman—There is certainly one person, and that is the person on the corner of Melbourne Avenue and Somers Crescent.

Mrs Bain—There was one other; the house that was sold.

Dr Boardman—Yes. There are two we know of.

Mrs Bain—Two of them are diplomatic residences, so it was not appropriate to ask them.

Senator LUNDY—For the sake of completeness I wanted to get as strong an idea as possible about the effectiveness of that. The committee has been provided with a copy of that letter—it caused a great deal of concern and you were able at least in all or in part to get together and talk about it as a group of residents. Can you summarise the response you got or what interaction was offered by the National Capital Authority once you had received this documentation, analysed it and got a sense that this was going to be a change that you were concerned about?

Dr Boardman—I personally called Mr David Wright and he inferred that the whole thing had been submitted to the minister and that we would have an opportunity to comment at a later time when the developer had produced plans to the NCA. But we were not given any assistance to consider the draft amendment because, I think, they wanted to close it off and for it to be considered by the minister.

Senator LUNDY—Did anyone else at the table contact the NCA and are you in a position to give an insight to the committee as to the response?

Mr Nattey—I telephoned the NCA and spoke to Mr Ted Schultheis, who understood what I was calling about. I explained that I had just become aware of the letter concerned and that the closing date for comments had been 15 December and that it was now February. I expressed my disgust—I think that is the best way of putting it—at not having been made aware of it. I talked to him for a few minutes, and he indicated that comments could still be received after 15 December, as a consequence of which I wrote the letter dated 23 February, which I think you have copies of; if you do not, I would be very happy for it to be incorporated.

CHAIRMAN—We do have copies, but thank you for the offer.

Mr Nattey—Because of my concern at the lack of consultation, I originated a letter to the minister, Senator Campbell, which I suspect has also been circulated to the committee.

CHAIRMAN—That is correct.

Mr Nattey—So, in effect, I was grateful to Mr Schultheis for telling me that I could still lodge comments, but I was not greatly impressed by the fact that this was attempted to be a fait accompli by 15 December.

Senator LUNDY—Was there anyone else?

Mr Bain—I also spoke to David Wright, probably on about 20 February, and I was given the same impression that Dr Boardman was given: that it was too late, that it had closed off on 15 December and that it had gone to the minister. The period that it was open for comment—the two weeks immediately prior to Christmas, when people are busy doing things—is not a good time to get positive response from the community. Comments on planning documents are normally out for 60 days or even 90 days.

Senator LUNDY—Can you go back and describe the way in which it was delivered to the house? Was it in a National Capital Authority envelope or did it have ‘Important notice for the householder’, or anything like that, on the envelope?

Mr Nattey—We did not receive a copy. My copy came by way of having bumped into the resident of the corner of Melbourne Avenue and Somers Crescent walking the dog. He asked me whether I was interested in the three-storey development on State Circle, to which I asked, ‘What development?’ He explained that there had been a document produced, of which he had not got a copy but had then obtained a copy, and the following day he provided me with a photocopy.

Senator LUNDY—First of all, can anyone else provide me with an insight into a conversation or follow-up with the National Capital Authority?

Mrs Bain—I spoke to Mr Schultheis and said that we were very upset that we had not heard about it. He said, ‘Something was delivered to your letterbox.’ I said, ‘No, it was not.’ He said that it was; he was most insistent that it was. I said: ‘I have been to the National Capital Authority twice in the last month. Because of the water restrictions in Canberra I was thinking that maybe we could do dual occupancy to reduce some of the garden area that we have to water. So anything that had come from the National Capital Authority I would have whisked inside and had a look at.

Anyway, we differed on that point. I think I got a little bit upset about being told that I had received something that I had not, so I wrote a rather strong letter which you probably have a copy of, which my husband said did not have the right sort of tone. But it was quite explicit. Then I thought I would deliver this letter, so I went to the National Capital Authority to deliver it and I asked for David Wright, but Mr Schultheis came out. He said, ‘Do you just want to give me this letter?’ ‘Oh no,’ I said, ‘I would like to talk about it too.’ So we sat down and we talked about it, and he said, ‘There’s nothing new in this letter.’ I said, ‘Okay, thank you very much.’ So then I think we got a little bit more active after that.

Senator LUNDY—You got organised. So can anyone at the table describe the envelope in which this letter was delivered—or did no-one at the table actually get one in their letterbox?

Mrs Bain—Mr Schultheis told me that it was addressed to the householder lessee. I asked: ‘Did it have the National Capital Authority on the outside of the envelope?’ and he said, ‘Yes, it did,’ but I have not seen one.

Dr Boardman—I think that is right, that it was addressed to the resident lessee and had the NCA on the outside.

Senator LUNDY—We can ask the NCA. I am just trying to get a clear idea. Obviously it has been a source of great frustration, in that it was not delivered in such a way that everyone got one, which inhibited your ability to contemplate the proposals. You need to understand too that, as a committee member, I certainly share that frustration in having to go searching for this information once it was brought to my attention.

Dr Boardman—I believe the frustration was partly due to the fact that the committee submitted its report to parliament in November 2002, I think it was, and here we were, in November 2003, suddenly being given two weeks to comment on a significant change from the proposal that they had presented to this committee. It was such a change in the proposal that I would have thought that the NCA would have allowed more time and more consultation, in view of the fact that they had changed their concept.

Mr Nattey—I would also add that I am aware that the lack of consultation was a main consideration during the earlier committee deliberations, and that it was a significant outcome, if not recommendation, of the committee’s report that the NCA would ensure that this did not happen in future.

Senator LUNDY—Indeed, that is quite correct, Mr Nattey, and it is certainly something that weighs heavily on my mind.

Dr WASHER—Dr Boardman, I guess you agree with the statement in here that you feel that property values definitely would decline with this type of development. Do you have any basis on which to say that?

Dr Boardman—One probably could not make that statement about every property in the area, but I would think that a number of properties, particularly that one on Melbourne Avenue, would be very close to a three-storey development—and I do not know what sort of setbacks you would have on a corner block. Certainly the owner of that property believes very much that his property value would decrease. I think he only bought the property within the last two years, on the understanding that there would not be a three-storey building going up very close to him. He feels quite strongly that the property value would decline.

It is very difficult, without getting valuations before and after such a proposal, to say specifically what the valuation change would be, but I think that Mr Mick Toller, the person on the corner of Hobart Avenue and Somers Crescent, believes—and I think he said in his submission to the National Capital Authority—that his residence would be devalued if there were a three-storey block next to him. What the NCA said in the amendment is that this sort of development is restricted to State Circle, whereas the rest of the area is to have a two-storey maximum with a 0.4 plot ratio. So the question you ask of course is related partly to the

proposals for State Circle and partly to the conditions for the rest of the residential area back to National Circuit.

Mr Snell—Having recently purchased 15/2 State Circle, I would not have contemplated buying that if I had been aware of a development next door. I personally felt that this would be the safest bet ever in my life—that the required standards would be maintained in State Circle and that this would be perhaps the most protected area in Canberra. Certainly at the price that I paid, which I thought was a reasonable price at the time, I would not even contemplate buying it again if I knew that this development had been approved.

CHAIRMAN—Can you give the committee some idea—I am just looking for a generic answer—of how many of your residential neighbours agree with the particular stance that your group is taking?

Dr Boardman—There are two issues here. One is the group that we represent, which is the closer neighbours. Earlier you gave me permission to table a letter from residents in the area between State Circle and National Circuit. There are about 80 residences there. You will find, on looking at the signatures, that over 60 of those people have signed this letter, where they say that they strongly oppose the provision of the proposed amendment which allows three storeys and a plot ratio up to 0.8.

CHAIRMAN—Can you give the committee a percentage?

Dr Boardman—That would be 60 out of 80. We got signatures from almost 100 per cent of the people whom we found to be at home when we called. Some of the residences are vacant at the moment, so I think this could be regarded as a very high percentage of the people we were able to talk to. And it was not just a matter of saying, ‘Sign this.’ We talked about what the implications of this would be for this garden residential area, which is close to Parliament House and which, as the NCA said, is beautiful. People also discussed why this little segment of State Circle should not be treated like all the other parts of State Circle. They were sort of amused by the fact that the National Capital Authority in their submission to the previous committee hearing said:

... from our point of view this is not an approach avenue in the same sense as Canberra Avenue. This is a residential precinct that forms part of the immediate circle surrounding Parliament House ...

That is, in fact, why we got such an outstandingly good response from the residents that we talked to.

CHAIRMAN—Do you agree with the concept of two floors below ground for parking in future developments?

Dr Boardman—On this particular site?

CHAIRMAN—Yes; we are talking about the site of State Circle and the crescents.

Dr Boardman—From an aesthetic point of view one might not object. Other people might object from the point of view of traffic problems and the like, but from an aesthetic point of view

two floors below ground would not conflict with the things that we have said. I do not know what the rest of the members think.

CHAIRMAN—We only have a couple of minutes, so unless their thoughts differ significantly from those of Dr Boardman we will go on.

Mr Nattey—Could I make just one quick point? I am interested in the concept of two floors below ground level, but I think the committee should be aware that the park between the Lodge and my residence at 10 Canterbury Crescent is actually a 100-year flood bowl. I would hope that whatever is in the second storey underground is well and truly waterproof.

CHAIRMAN—Perhaps that is good insurance. It might leave you with one floor that is not flooded!

Mr Snell—Two floors below probably means three or more storeys above. That is the issue, I think.

CHAIRMAN—I would not put that on. I think you are being very cautious, Mr Snell! Dr Boardman, we have had several plot ratios mentioned this morning—0.4 with respect to the original planning; 0.6 with the amalgamation of the blocks; 0.8, which the NCA currently favour; and a 1:1 plot ratio, which the developers currently favour. If you can speak for your group on this issue, what is your group's preferred plot ratio? Everyone would like to be surrounded by vast areas of clean green trees and open space, but what is your logical plot ratio preference?

Dr Boardman—Our preference was sorted out after the development of the dual occupancy and presented by Mr Snell. I think it was 0.6.

Mr Snell—It is 0.6.

Dr Boardman—We would see that 0.6 would be okay for that sort of development.

CHAIRMAN—You are saying that that is your preference with amalgamation?

Dr Boardman—No, that is without amalgamation. I argued before this committee in June 2002 that I opposed the increase with amalgamation, but if we are saying we are happy with dual occupancies at 0.6 we would say to keep it at 0.6 with amalgamation.

CHAIRMAN—Thank you very much.

Senator LUNDY—I am interested in whether the residents' group has had or has sought the opportunity to speak directly with the developers about the sorts of proposals that they are considering and whether or not that is on their agenda.

Dr Boardman—As I say, if we had been given the opportunity by the National Capital Authority for them to come along and present the amendment, we would have been quite happy to have listened to the developers and seen the proposals or the alternative proposals and concepts that they were proposing.

Senator LUNDY—But that was never facilitated by the NCA in any way, shape or form?

Dr Boardman—No.

Mr Nattey—There appears to be very little requirement on the NCA, in statute at least, to have such information presented.

Senator LUNDY—Indeed. Thank you.

CHAIRMAN—I thank you, ladies and gentlemen, for your attendance here today. If there are any matters on which we need additional information, the secretary will write to you. You will be sent a copy of the transcript of your evidence, to which you may make editorial corrections. On behalf of the committee, I thank you most sincerely for coming along today.

[1.24 p.m.]

MACKENZIE, Mr Stuart, Principal Architect, National Capital Authority

PEGRUM, Ms Annabelle, Chief Executive, National Capital Authority

SCHULTHEIS, Mr Ted, Principal Planner, National Capital Authority

WRIGHT, Mr David, Director, National Capital Plan, National Capital Authority

CHAIRMAN—Welcome, Ms Pegrum, and welcome also to the colleagues with you again today. Although the committee does not require witnesses to give evidence under oath, you should understand that these proceedings are legal proceedings of the parliament and warrant the same respect as the proceedings of parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The committee prefers that evidence be taken in public, but if you wish to give confidential evidence to the committee you may request that hearings be held in camera and the committee will consider your particular request. Before we proceed to some questions, do you wish to make an opening statement, Ms Pegrum?

Ms Pegrum—Yes, thank you. We did have a PowerPoint presentation but we appear to be having some difficulties opening it, so, with your leave, I will table the copy of that and work through some of the content of it. We have hard copy drawings of some of the sections that might assist the committee.

CHAIRMAN—There being no objections, please proceed.

Ms Pegrum—I was going to briefly go through the current provisions of draft amendment 39. They look at the existing conditions, the context of the State Circle Forrest residential precinct, the building envelopes that have been included and were the subject of the November consultation, the indicative cross-sections included as diagrams in those and the kinds of ways that block amalgamation could take place on those sites that front State Circle itself. Importantly, there are also some indicative plans and elevations related to the State Circle frontage and the public consultation requirements that have been included for new developments.

CHAIRMAN—I am sorry to interrupt you, Ms Pegrum. I understand Senator Lundy is required in the chamber.

Senator LUNDY—I did understand we were going to finish on time. I was hoping that we could get given as much information as possible and then use the time we have to ask questions.

Ms Pegrum—Thank you. I think the public consultation provisions are important in the context of some of the evidence that has just been given. I think it is important for the committee to recognise that this particular draft amendment is not for a particular development proposal before us; it is for a precinct. Whilst there might be a development proposal under consideration at the moment by some of the owners of blocks in this area, this is intended to be a development

for the whole of the area over time. But importantly, coming in particular out of the earlier inquiry by this committee, we have now included in the plan itself public consultation requirements that include notification of any development in a local daily newspaper, notification of immediate neighbours and notification by a sign displayed on the site. With respect to a particular proposal which is before us, residents of that area would have an ability to sit down with ourselves and/or with the developers associated with a particular proposal.

The primary considerations in the draft amendment that is currently before the minister—that is, what we call the February version—is primarily the same as that included in the November 2003 consultation. It is in plain English, with some revised diagrams. It includes a statement that quantitative standards are subject to demonstrated excellence in urban design, although building height and plot ratio remain prescriptive controls. It allows discretion for a plot ratio up to 0.8 on those blocks fronting State Circle. It has a scope for minor intrusion of built articulation elements into the 10-metre front setback on State Circle. It has basement parking as preferred for amalgamated blocks fronting State Circle. And, as I have described, there is an enhancement of the public consultation processes.

Much has been made of the changes to plot ratio and to the height potential for those developments on the blocks fronting State Circle. In particular, there is the envelope that was included in the draft amendment 6 to provide the kinds of considerations that allow things like sun angles, overshadowing and the like to be taken into consideration with any particular development proposal. We have prepared a number of sections—two in effect which we unfortunately do not have on the PowerPoint presentation, but which I will have circulated to the committee and note those as evidence before you—which look at a section through the centre of the precinct on the eastern side of Melbourne Avenue and another on the western side of Melbourne Avenue. What you can see is that these take into account the existing contours of the area and look at the height of a three-storey residential development compared with blocks behind and with the increase in height working towards Parliament House.

CHAIRMAN—One of our staff might be kind enough to bring that a little closer to old blokes like me whose eyesight seems to be diminishing.

Senator LUNDY—I am not quite as old as you, Mr Chairman, but I am a bit short-sighted too, so I would appreciate it.

CHAIRMAN—The old cat said, ‘The mice seem to be running a bit faster this year’!

Ms Pegrum—We also have a detailed blow-up of one of those components that shows you the kinds of provisions and landscape that you get by having a permissible three-storey building with the 0.8 block ratio and the encouragement to basement parking which in fact provides a lesser building footprint potentially on the site and increases the capacity for landscaping between the developments and the rear block. We have also included an example, as I said, towards the Canterbury Crescent end which, if you like, is the scenario where the 12 metres would have the greatest, although we contend marginal, impact on the amenity of the rear blocks. We also have some photographs of existing buildings on State Circle, including the dual occupancy which was referred to. If I could correct the record, the plot ratio for that dual occupancy under the current provisions was 0.4, not 0.6 and, in fact, all development in that area

would be restricted to 0.4 under the current provisions. That is an important correction for the committee's consideration.

CHAIRMAN—Would that incorporate or enshrine the height of a skillion roof as opposed to the height of a pitched roof with a ridge and hips?

Ms Pegrum—It is an important question because the 12 metre recommended height for three storeys is regardless of flat or pitched roof. The other example we had for you with photographs, although we do have this section, is of the existing building on the western corner of Melbourne Avenue and State Circle with a pitched roof, which is getting very close to a three-storey development. In fact, our estimate is that it is about 11 metres to the top of the pitch. In effect, our amendment provides for what we see as high-quality, urban results on those blocks fronting State Circle but provides also for the amenity and protection of the blocks towards the rear within the precinct. In effect, what we have done is to balance the requirements for a high-quality setting for Parliament House but in a way that retains very much the residential character of the area, which is important, and will balance the amenity concerns of developments behind. Importantly, as we have pointed out, we have new consultation procedures that would allow development by input from neighbours and other residents in that precinct. I am happy to take questions, as are my colleagues.

Dr WASHER—From these sketches, it is hard to envisage any overshadowing or some of the other environmental issues that have been brought up. Would there be any perception that you could see that would devalue, if this was allowed, the properties surrounding it?

Ms Pegrum—Certainly not in our opinion. Our view, which was stated at the previous hearing, is that there are true advantages in lifting the architectural and urban expression on the State Circle frontage whilst retaining the residential character of the area. We have not done the sums around investment. That was not the intention, but I think the sort of urban excellence that we are expecting would certainly not devalue the properties and would potentially increase the value in that area.

Dr WASHER—The reason I asked is that complaints against this type of development were mainly centred on environmental and valuation issues.

Ms Pegrum—Absolutely correct, yes.

Dr WASHER—And environmental issues—if you look at that sketch and if it is accurate, which I accept it is—would be hard to imagine.

Ms Pegrum—We feel very strongly that we are protecting the environmental considerations of that area. The kinds of envelopes that are included in there—the protection of the large trees that are found near the rear boundaries of many of those properties, the drip line protection, the encouragement of things like basement car parking—limit the footprint on the site in comparison to, say, a two-storey with surface car parking and surface car parking structures. In our view, we are comfortable that those provisions do provide for the kind of environmental amenity that would be expected by the residents but that afford a quality urban design outcome.

Senator LUNDY—With respect to the corner block, can you clarify for me whether the current DA39 proposes different treatment of the corner blocks on Melbourne Avenue than on other blocks?

Ms Pegrum—No, it does not. They are consistent now across all of the blocks fronting State Circle, including those that might be isolated by, say, an amalgamation and a development.

Senator LUNDY—So 0.8 and three storeys or 12 metres applies to those corner blocks as well?

Ms Pegrum—Permissible three storey and maximum up to 0.8, yes.

Senator LUNDY—When we were hearing the residents' presentation, they showed a picture of the vista looking down the Mount Ainslie view, across Old Parliament House to new Parliament House at an elevation that had a yellow line illustrating where the sort of development that we are discussing today—up to three storeys—would be visible. It left a very strong impression in my mind about the potential interference with that vista or the destruction of that vista with the tree backdrop to Parliament House. Can the NCA undertake to give us your impression of the visual impact of the type of development that is proposed under the current DA39, taking into account at least a couple of block amalgamations—five-block amalgamations we know are proposed—to give a view from the NCA's perspective about the impact on that vista?

Ms Pegrum—We can do that as an additional drawing, if you would like it, that replicates as closely as possible what is being presented—I myself did not see that. We have provided you with a long section that includes Parliament House and in the amendment as proposed there is an indicative development plane that shows an elevation. What I think might be useful, though, is for Mr Mackenzie to outline in words what that vista is likely to be. It has obviously been a consideration to us and the contouring of the area is very important. He might point out the provisions for additional landscaping that this amendment actually encourages.

Mr Mackenzie—Some of the things that the residents were saying about the national significance of the garden city setting of that area are absolutely true. But in terms of the interpretation of the potential physical impacts of the development, particularly as represented in the computer-generated collage, I do not think that they provide a true indication of the outcome that we would expect on that site, particularly the landscape setback which we have considered to be imperative to preserving that landscape quality to State Circle.

Senator LUNDY—Can I clarify that. When the three-storey buildings were imposed in that presentation, it does look to me like it is reflective of the sorts of drawings the NCA is circulating. I think they have tried to be as true as possible to the indicative drawings the NCA is circulating.

Mr Mackenzie—For instance, with the before and after photographs, there are a number of mature trees which are in the front of the pre-existing block and which were removed in the collage. In terms of the intent of the development controls, we would not accept removal of mature, high-value trees which are so important for the values of that garden suburb setting.

Senator LUNDY—Is the integrity of the design you are proposing reliant upon the presence of mature trees between the development and State Circle?

Mr Mackenzie—That is right. It has been a guiding principle of the development controls to allow generous landscape setbacks to the front and—

Senator LUNDY—Sorry, I am just trying to work out what ‘generous landscape setback’ means. You might understand it to mean full-grown trees that will screen that view, but I do not know what it means, so you need to tell the committee what ‘generous landscape treatment’ means.

Mr Mackenzie—Take 10 metres from the block boundary and add to that the nature strip or the verge to the kerb of State Circle which also contains street trees—and we would see an upgrading of those street trees as well to add substantive trees along there. So you virtually will not see those buildings. They will be behind a screen or a filter of foliage. For instance, that aerial photograph we saw looking over Parliament House back into Deakin—

Senator LUNDY—You mean this one with the yellow line?

Mr Mackenzie—Yes. There is virtually a three-storey building—Annabelle was referring to it a moment ago—which includes basement car parking, and you cannot see that building in that particular image. It is 11 metres high, which is very close to the maximum building envelope line.

Senator LUNDY—Isn’t that right behind the flagpole, though?

Ms Pegrum—No, Melbourne Avenue is on axis with the flagpole.

Senator LUNDY—That is correct. That is why you would not be able to see it.

Mr Mackenzie—It is behind a screen of large trees. That is why you cannot see it.

Ms Pegrum—And as I said, we do have photographs of those which I will table as part of the PowerPoint material. Just for clarification for the committee, what Mr Mackenzie is pointing out is that the setback is the line that he has described from the front of the lease boundary to the actual building line. In addition, you have what is already a generous verge. Some newer areas have far more restricted verges and minimal setbacks which do not allow for those sorts of plantings to occur.

Senator LUNDY—What is the current setback?

Ms Pegrum—I think it is 10 metres now.

Senator LUNDY—And that is what is proposed?

Ms Pegrum—Yes.

Senator LUNDY—I have one more question—I am very conscious of time—that goes to the points made by Mr Drummond. He is contending that the plot ratio of 0.8 has an inhibiting effect on some of the design features and potentially could exacerbate the ‘blockiness’ of the development—I am not an architect and not familiar with the correct terms—as opposed to perhaps having more interesting shapes, such as making the top storey smaller and the bottom storey bigger, that is, enlarging the footprint. Just for the record, what is the NCA’s response to that issue?

Ms Pegrum—Firstly I say that we would not approve of ‘blocky’ development. There are controls in here about urban excellence and design that we take seriously, so somebody coming in with a minimalist block building would not see approval, but in terms of the principle—

Senator LUNDY—You have a lot of subjective discretion on those approvals, don’t you?

Ms Pegrum—I would say professional discretion, not subjective. The kinds of plot ratio that Mr Drummond is referring to are found in some other areas, but they are different types of characteristics to this on State Circle. The residents made the point that it is a residential area; it is not a commercial area and it is not the same as the Canberra Avenue precinct. But I think if you looked at 1:1 developments and 0.8 developments you would find that the quality of the design itself is not being led by the plot ratio but rather by the experience being put into the creation of the design.

Senator LUNDY—Finally, why didn’t you call a meeting of the residents, invite the developers and just get everybody talking to each other and answer the residents’ questions?

Ms Pegrum—Because this particular draft amendment is not about the developer’s proposal. It is about development possibilities along the State Circle frontage and retaining—

Senator LUNDY—Why did you not do it without the developer there?

Ms Pegrum—We have taken into account residents’ statements and I have informed previously that some residents claim that they did not receive the letter. They have been spoken to where they have made contact with the authority, but there was a public inquiry on this and the residents had an opportunity to make their submissions again. There was another opportunity afforded in November, as indeed there was for prospective developers in the area. We believed that the time had come for us to take into account all of those submissions and make a balanced judgment, which we believe we did do. However, if this amendment is supported and approved and not disallowed in both houses of parliament, then when there is an application before us there are now consultation processes that are statutory within the plan that would require the kinds of consultation requested.

I make one other comment about the consultation which goes to the time lapse twixt the inquiry and the November version going out to the residents. During that time there were referrals to the previous minister and, as is his right under the statutory processes, referral back to us for further consideration of matters, such as access onto State Circle, and there were some detailed studies done in response to that. We did have a change of minister during that period of time that therefore required additional briefings.

CHAIRMAN—I have two brief questions, and I would like comprehensive but brief answers—if that is not a contradiction—because of the time. What were the seminal reasons for changing the previous DA39 mark 1, as compared to the reasons today—plot ratio, setback, amalgamations et cetera?

Ms Pegrum—I will call mark 1 the one that was the subject of the first public inquiry. We took into account the submissions made and the recommendations of the committee report and the government's response to those, which included the recommendation that we relook at the kinds of controls associated with urban excellence. Some of the comments made, including those of the Planning Institute of Australia, related specifically to the height of the development. They viewed that two storeys would not give the opportunity for the kind of strong and considered architectural statement to the frontage of State Circle that, for example, a three-storey might do and in some instances were even recommending four storeys, as per Canberra Avenue. We took that on balance and did some additional urban design assessments, such as the ones that we have circulated today. We looked at the impacting footprint on the sites and included the design envelope considerations in order to control that threshold between the rear boundaries and the front boundaries. Having done those assessments, it was our view that a permissible three-storey should be included in the draft amendment and that the plot ratio could increase, with an encouragement towards basement car parking and the way in which the gross floor areas would be calculated. Our view was that we met the requirements, along with the government's response to the committee's report, and we took on board some of the comments made after detailed study by the professionals in our organisation—

CHAIRMAN—Your organisation—the NCA?

Ms Pegrum—the National Capital Authority—to achieve what we believe is a very good result for this precinct.

CHAIRMAN—Given the development of the two-storey twin houses—from memory, I walked past them for several years; I think it was the old Serbian embassy site or an embassy of a former Yugoslavian state—how do they then fit now with your planning? Was approval given for those two twin houses because they only applied for two-storey structures at that stage or was that the limit of the height? You can take it on notice if you do not have the details.

Ms Pegrum—Those approvals were given under the current provisions of the plan, with the plot ratio of 0.4 and two-storey maximum permissible height. I think the height to the top of the ridge of those houses is about 7.8 metres, to give you some comparison. Tomorrow, we would be able to address an application for another dual occupancy under those provisions.

CHAIRMAN—But with your preference for a three-storey development?

Ms Pegrum—It is not a preference; it is a permissible. We have said mandatory two storey for new developments on State Circle with a permissible three storey. If you had a mix of two and three storeys I think you will get a very good solution around that edge with some of the existing buildings being retained and with some of the new developments. We would anticipate that the kind of development applications coming forward would have a mix of movement around that 12-metre qualitative envelope standard.

CHAIRMAN—I want to thank you, Ms Pegrum, and your colleagues for attendance here today. If there are any matters on which we might need additional information, the secretary will write to you. You will be sent a copy of the proof transcript of your evidence, to which you may make editorial corrections. On behalf of the remaining committee members, may I thank you again for your attendance.

Ms Pegrum—Thank you, Mr Chairman. If any of the other people making submissions would like a copy of the PowerPoint presentation, the authority would be happy to provide it to them so they can see it.

CHAIRMAN—Excellent. I would like to thank, once again, all the witnesses who appeared before the committee today. I also thank Hansard and my exemplary committee that always does such a fine job at these hearings.

Resolved (on motion by **Dr Washer**):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 1.50 p.m.