

SUBMISSION 6

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The Secretary
Joint Standing Committee
on the National Capital and
External Territories
Parliament House
CANBERRA ACT 2600



Dear Sir or Madam

**National Capital Plan
Draft Amendment No 39**

I would be grateful if the attached Submission could be forwarded to the Committee for its consideration.

At this stage I am unable to confirm whether I will be able to participate in the public hearing scheduled for 21 June. This is because I have a long standing commitment to appear as an expert planning witness in a case to be heard by the Australian Administrative Tribunal. The case will begin on 18 June but it is impossible to say at this stage whether the case will run for 3 days or 4 days, or conceivably even longer. The position will not become clear until possibly late afternoon on 20 June.

In the event that I am unable to attend the Committee's hearings I would be grateful if my written evidence could form an input to the Committee's deliberations.

Yours faithfully

Malcolm Smith
Director

13 June 2002

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DRAFT AMENDMENT NO 39 TO NATIONAL CAPITAL PLAN

SUBMISSION BY MALCOLM SMITH TO JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES

BACKGROUND

1. This is a submission by **MALCOLM PHILLIP SMITH**, a Director of Smith Kostyrko Cohen Middleton Pty Ltd (Town Planning Consultants and Architects).
2. I was appointed first Chief Planner of the National Capital Planning Authority, and held this and equivalent positions until April 1993, when I left the Authority. Prior to 1989 I held the position of Director of Policy Planning at the National Capital Development Commission.
3. I am a qualified Town Planner and Fellow of the Royal Australian Planning Institute. I have served terms as both Divisional President and National Councillor of the Institute.
4. I have worked continuously as a town planner in Canberra since 1970 and have developed a strong interest, in and understanding of, the significant national capital aspects of Canberra's planning and development.
5. I have undertaken study tours of other new national capitals, including Washington, Ottawa, New Delhi and Ankara. I have given papers at international conferences (e.g. Cairo, Saskatoon, Delhi and Ankara), both on the planning and development of Canberra as the National Capital, and on its role as a successful model of sustainable urban development.
6. Although I have previously provided town planning advice to Richard Drummond, a potential developer of land fronting State Circle, I make this submission in my own name, as a person with a professional interest in the matters before the Committee.

LOCATIONAL CONSIDERATIONS

7. It is understood that the Draft Amendment No 39, if approved, will apply to all areas identified at Figure 7 of the Plan as "Residential". The Draft Amendment contains however specific Principles and Policies which apply only to residential sites fronting State Circle between Hobart Avenue and Adelaide Avenue. It is the proposals for the State Circle frontages which I have mainly addressed in this submission.
8. State Circle was prominent on Griffins Plans as part of a system of concentric roads circling Capital Hill, which in descending order comprise

Capital Circle, State Circle, National Circuit, Dominion Circuit, and Empire Circuit. Only Capital Circle and State Circle have been built in their entirety.

9. State Circle is a corridor of immense national capital significance, as is the land fronting it. The inside of State Circle contains Parliament House and its associated landscaping. A range of different land uses and development forms front the outer edge of State Circle.
10. State Circle is also important in that it connects the radiating National Avenues, i.e. Commonwealth Avenue, Kings Avenue, Brisbane Avenue, Sydney Avenue, Canberra Avenue, Hobart Avenue, Melbourne Avenue, Adelaide Avenue, and Perth Avenue.
11. Consequently State Circle has significant symbolic and functional importance in the structure of the Central National Area, an importance which needs to be reflected in the type, character and quality of development which addresses it.

PLANNING RESPONSIBILITY

12. I am aware that the previous Draft Amendment proposed that the status of the land as a Designated Area of the National Capital Plan be removed. Although the land would have remained subject to the Special Requirements of the Plan, the result would have seen planning responsibility transfer to the Territory.
13. The current Draft Amendment before the Committee proposes that the land remain a Designated Area, meaning that full planning responsibility stays with the Commonwealth (National Capital Authority). The Territory Planning Minister has openly criticised what he saw as a reversal of a previous agreement. In essence he is claiming that the Commonwealth does not have a legitimate interest in administering planning and development control in the residential areas of the City, i.e. deliberating over car ports and pergolas.
14. I strongly support the intent to retain the designated status of the land. Under Clause 10(1) of the *(ACT (Planning and Land Management) Act 1988* the National Capital Plan "*may specify areas of land that have the special characteristics of the National Capital to be Designated Areas*".
15. There is little doubt in my mind that the land in question has the special characteristics of the National Capital. The role and form of State Circle can be traced back to Griffin, and has been re-inforced by successive planning administrations since. For instance the National Capital Development Commission's 1973 Design and Siting Policies contained

the following policy under the heading of **Areas of Special National Concern**.

Main Avenues

High standards of planning and development must be applied to the main City avenues. Land-use planning must recognise the intention to develop these avenues as Ceremonial and Processional Ways on State occasions, and/or as important traffic routes. Special care will be required in the grouping of buildings and in their external design to achieve dignity and harmony. The emphasis will be on light coloured, maintenance free materials of good quality, and adequate on site parking and ample landscaping will be required. The main Avenues concerned are:

*Northbourne Avenue
London Circuit
Constitution Avenue
Parkes Way
Anzac Parade
State Circle
Adelaide Avenue
Commonwealth Avenue
Kings Avenue
Canberra Avenue
Ainslie Avenue
Brisbane Avenue
Morshead Drive*

The above special considerations are to apply to buildings developed on land fronting on these Avenues, and on land adjacent to such avenues where development could affect the high visual quality of the Avenues.

The concept and definition of specific policies for the Areas of Special National Concern had previously been approved by Cabinet Decision No 223 on 13 May 1964.

16. The Territory would in my view be unable to assure that the quality of new development in the area would be commensurate with its national capital significance. Most assessment officers in the ACT Planning and Land Management Group would not have the necessary skill and experience to undertake assessment of development proposals in areas of national capital significance. Their focus is naturally on achieving compliance with Territory Plans and Policies, irrespective of whether the Special Requirements of the National Capital Plan apply or not. It is likely that

assessments by the Territory would be against housing codes which may have the same applicability in outer Gungahlin and Tuggeranong as in State Circle.

17. There may be some argument that only the land fronting State Circle has national capital significance, and need be under the control of the Commonwealth. It is important however to protect the integrity of a homogeneous precinct by ensuring that a consistent set of planning controls apply. For this reason National Circuit represents an appropriate outer boundary for the Designated Area, particularly as it also represents the Designated Area boundary in the contiguous areas of Forrest and Barton.

EXISTING POLICY

18. The current policy in the National Capital Plan is derived from Figure 7, and a number of Appendices including H (Design and Siting Conditions), M (Residential Land Use), and P (Dual Occupancy of Detached House Blocks). The effect of these provisions will generally lead to low density detached housing or dual occupancy developments, with some level of integrated home business use. In my view this is not an appropriate form of development for such a significant site, as can be evidenced by the one dual occupancy development already constructed. I therefore support the Authority's proposal to Amend the Plan in respect of the policies and controls that apply to this land. As described below however I do not regard the detailed provisions of the draft Amendment an appropriate response to this very important land.

THE DRAFT AMENDMENT

19. I note that the Draft Amendment, with respect to residential land within the area incorporates the following main principles:

- retain residential character
- 2 storey (8 metre) height limit

With regard to land fronting State Circle additional controls are proposed, i.e.:

- mandatory 2 storey form
- plot ratio single sites 0.4
- plot ratio amalgamated sites 0.6
- 10 metre landscaped front set back
- courtyard walls allowed on State Circle subject to 6 metre set back

20. The above proposals, although an improvement on existing policy, fail to capture the opportunity for a prominent and distinctive interface between Parliament House and its encircling development. The proposals are more typical of the policies which would apply to development that interfaces with a suburban shopping centre, rather than one that interfaces with the most important building and democratic institution in the nation.
21. The Authority has previously recognised the importance of the State Circle interface in establishing the York Park Master Plan (Appendix T2 of the Plan), and its approval of the DFAT building. Although the York Park precinct is intended for office developments, the principles that have driven the detailed conditions of urban design and urban form at Appendix T2, have similar relevance to the subject land, albeit in a residential context.
22. Some lessees in the residential area in question may choose not to participate in redevelopment, and it is important therefore to ensure that detailed conditions reflect the need to provide reasonable protection of residential amenity. However this needs to be balanced with the need to ensure that the quality and presentation of development on prime land fronting State Circle is consistent with its broad scale, important role and direct interface with Parliament House.
23. High quality results are more capable of being achieved where substantial parcels are assembled through amalgamation of blocks. Detailed conditions need to include better incentives for amalgamation i.e. a plot ratio significantly more generous than the 0.6 proposed, with height limits extended to 3 to 4 storeys, subject to appropriate controls regarding front and rear set backs, overlooking and overshadowing, and screen landscaping etc. Such controls can be expressed as performance measures, with the onus put on the developer to undertake neighbourhood consultation, and demonstrate compliance and acceptability. In my view, subject to a minimum amalgamation of 3 to 4 blocks, a plot ratio of about 1.0 would be appropriate. The 0.6 proposed plot ratio could still apply to a 2 block amalgamation. Dual occupancy developments are not appropriate in my view on land fronting State Circle.
24. As a comparison NCA have previously supported multi-unit developments fronting major National Avenues e.g. Canberra Avenue and Brisbane Avenue. For example "The National" residential development currently being constructed on a site fronting Brisbane Avenue, has an approved plot ratio of 1.37 to 1.
25. Currently Parliament House appears remote from the city that surrounds it. This is a result of a number of factors including the perceived physical barriers created by two heavily trafficked roads (Capital Circle and to a

lesser extent, State Circle), the ever maturing landscape which is obstructing some of the visual connections, and the low density and openness of the development encircling it. In a report published by the National Capital Development Commission in 1974 on the siting, planning and design of the new Parliament House, it is stated:

If a Parliament House is built on Capital Hill then measures will need to be taken to relate the building closely to the surroundings. This can be done by careful choice of the land uses which are planned in the areas adjacent to Capital Hill and to the improvement of access to the site. The western segment leased by embassies and much of the southern area leased privately cannot readily be considered for uses directly associated with Parliament. Nevertheless, there are likely to be many opportunities for integration in the longer term.

The "longer term" referred to in this report published 28 years ago has in my view arrived, and the opportunity for "integration" should be taken through the current draft Amendment, in a more effective way than currently proposed.

26. There is also some value in drawing comparisons with Ottawa and Washington, particularly in relation to the visual and functional linkages between the National Capital (Parliamentary) Areas and surrounding city environment. Photographs are attached to this submission showing the Central Areas of Washington and Ottawa, where the interfaces are strong and provide a much higher degree of integration between national and city areas than occurs in Canberra. Their national areas are inclusive and accessible rather than remote, and vital and alive rather than inactive and distant. A more imaginative response to potential redevelopment of State Circle frontages will assist in breaking down perception of the remoteness (from the rest of the City) of Parliament House.

AN ALTERNATIVE APPROACH

27. I have seen some preliminary urban design analysis prepared by Billard Leece (Architects) on behalf of Mr Drummond in relation to the possible redevelopment of 5 contiguous blocks fronting State Circle. The sketches show a comprehensive residential development comprising a mix of high quality town houses and apartments with underground parking. The sketches show generally a two storey building form, but with a degree of vertical and horizontal articulation to break up what might otherwise be a monotonous, linear building mass. An important element in achieving the necessary articulation are 4 generous, landscaped open spaces flowing from State Circle to create attractive and spacious communal gardens between the various building elements. Cleverly integrated three storey

(penthouse) elements, also contribute positively to the design composition and ensure repetitive and monotonous building form is avoided.

There is also significant articulation of the rear façade of the building, with generous set backs of most elements. 3 storey components are located away from the rear boundary to avoid overlooking and overshadowing. The existing extensive planting on the rear boundary is reinforced to provide an effective visual and acoustic screen, thereby largely minimising amenity problems.

28. Whilst it is not my intent to lobby for approval of this particular proposal, I do point out that it is not capable of being approved under the detailed conditions contained in the current draft Amendment. Yet it represents a much better outcome than the alternative of a series of separate dual occupancy developments, which is a likely outcome under the draft Amendment. The land, particularly the State Circle frontage, deserves, and should get, a much better response than is possible under the Draft Amendment.

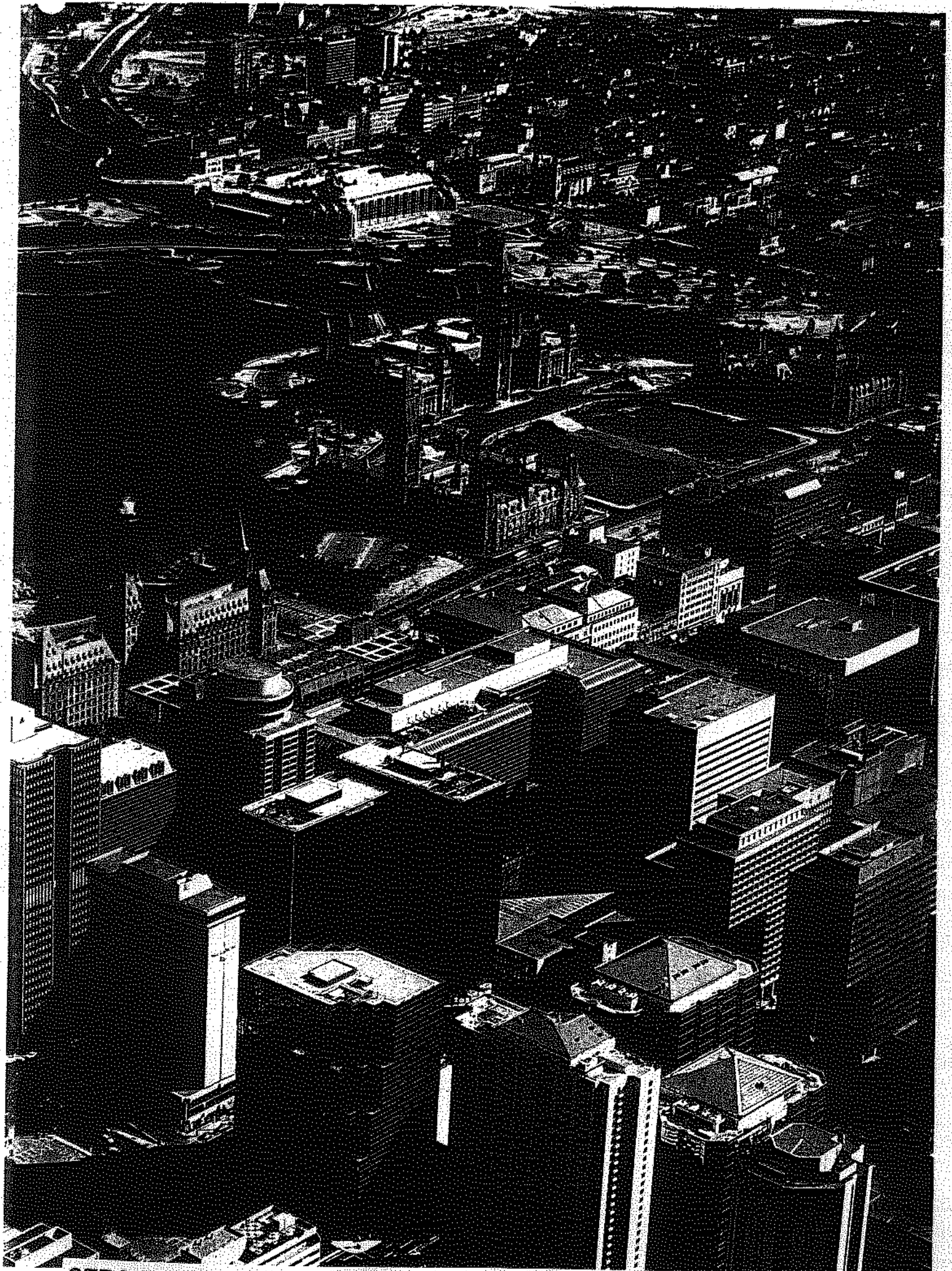
CONCLUSIONS

29. It would appear that the Authority has formulated a set of conditions aimed more at appeasing likely objections from existing residents, than dealing with the national significance of the site. Their position is understandable, as they must take account of a general community desire to retain the status quo.
30. However they must also be visionary and innovative in their responsibility for planning of Designated Areas. Difficult trade offs must be made in the interests of what is best for the National Capital. Planning and design leadership is important.
31. I am of the view that a set of conditions can be formulated which more adequately reconciles national capital interests with residents interest.
32. I would recommend that the conditions be revised to facilitate a more appropriate and imaginative response to the Parliament House interface than could be achieved under the currently proposed draft Amendment. Mr Drummond's proposals have demonstrated to me that a more intensive and comprehensive development approach can be achieved in a manner which will not unduly affect the amenity of adjoining residential property.

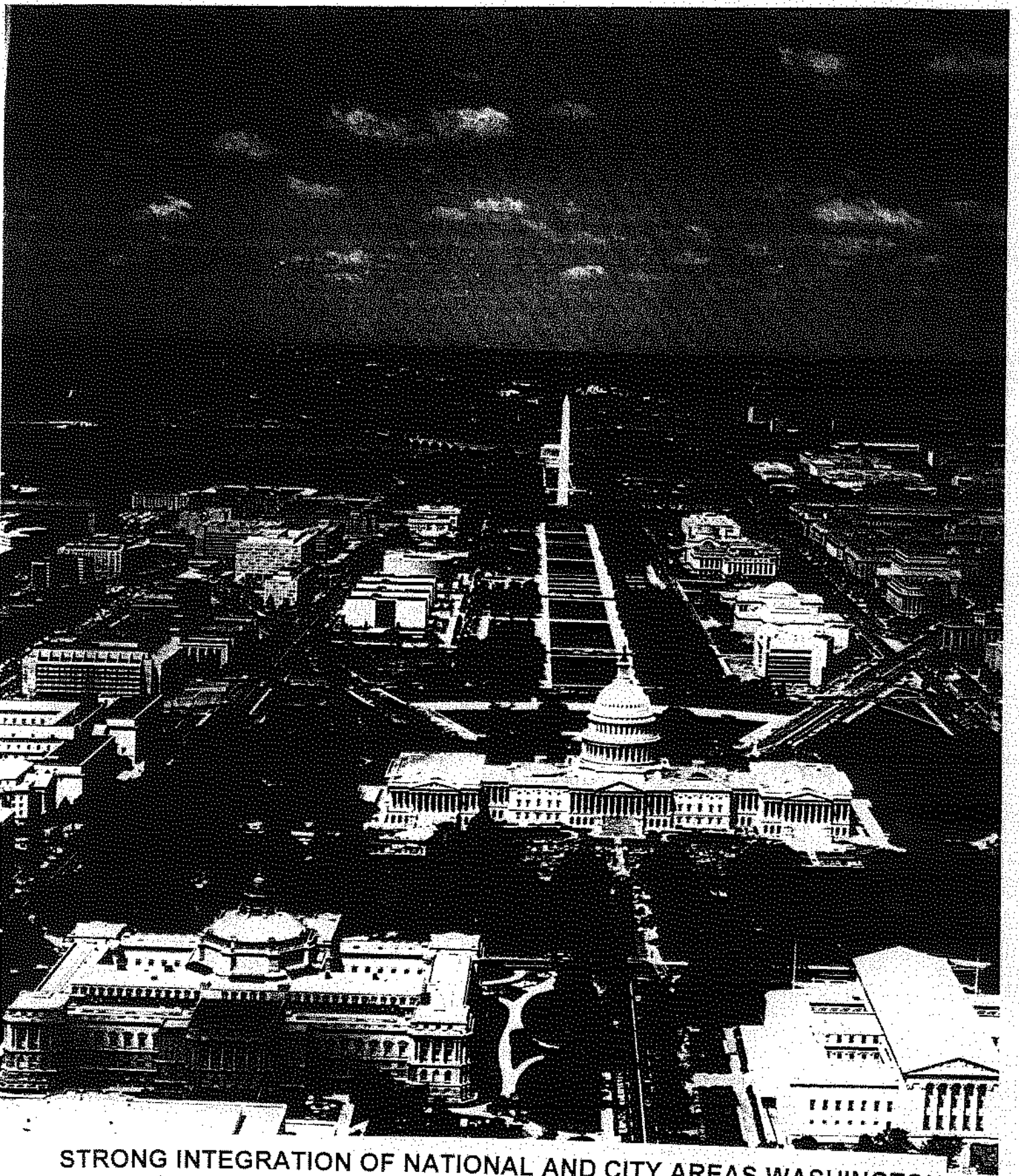
In my view the National Capital Plan should be amended in a way that encourages proposals of this type of design excellence, rather than prevent them.

Malcolm Smith.

Malcolm Smith
Director
SKCM Planners



STRONG INTEGRATION OF NATIONAL AND CITY AREAS OTTAWA



STRONG INTEGRATION OF NATIONAL AND CITY AREAS WASHINGTON



POOR RELATIONSHIP BETWEEN NATIONAL AND CITY AREAS CANBERRA