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10 April 2008

Committee Secretary  
Joint Standing Committee on the National Capital and External Territories  
Department of the House of Representatives  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600

Dear Committee Secretary

Attached is a Submission on behalf of Friends of the Albert Hall Inc to the Parliamentary Inquiry into the role of the National Capital Authority announced on 12 March 2008 and addressing the five terms of reference for the Inquiry as provided by the Minister for Home Affairs, the Hon Bob Debus MP.

The Submission has been authorized by the Committee of Friends of the Albert Hall Inc.

As required, contact details for further information about Friends of the Albert Hall Inc and this Submission are

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Yours sincerely

Di Johnstone  
Secretary  
Friends of the Albert Hall Inc

**SUBMISSION BY FRIENDS OF THE ALBERT HALL INC  
TO THE JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL AND  
EXTERNAL TERRITORIES INQUIRY INTO THE ROLE OF THE NATIONAL  
CAPITAL AUTHORITY (NCA) IN THE PLANNING, DEVELOPMENT AND  
PROMOTION OF THE NATIONAL CAPITAL**

Executive Summary

Friends of the Albert Hall Inc strongly supports reduction of “red tape”, removal of duplication of municipal and planning functions and the harmonisation of planning systems. We propose a new approach to planning for “designated areas”, including for the Albert Hall Precinct, and a new approach for appointments to the Authority. We encourage cooperative arrangements between Commonwealth and ACT planning authorities that would include representatives of the Canberra community. We propose improved, well-resourced NCA public consultation arrangements. We suggest new arrangements for the promotion of the national capital and heritage assets such as the Albert Hall. We propose new legislation. We call on the Committee to recommend the immediate withdrawal of Draft Amendment 53 (DA53) and we contest the NCA’s view that Amendment 33 allows for the removal of Flynn Drive.

Background

1. Friends of the Albert Hall (The Friends) is an incorporated association, registered under the Associations Incorporation Act, ACT (Association Number: A04623). It is a non-profit organization.
2. Initially The Friends was a community network of groups and individuals formed in direct response to widespread public concern following the publication in February 2007 by the NCA of Draft Amendment 53 to the National Capital Plan. Community opposition to the NCA’s plans became focused with a community petition organized by the Yarralumla Residents’ Association in association with many concerned groups and individuals. The petition demanded the NCA immediately withdraw DA53 and begin planning in the Albert Hall Precinct in genuine consultation with the community. The petition was signed by 3364 people and lodged with the Federal Parliament by Ms Annette Ellis MP, Member for Canberra.
3. A large number of individuals and groups made Submissions to the NCA about the deficiencies of DA53. As background, a detailed account of the deficiencies of the original DA53 and about the community response, is in two Submissions to the NCA by founding members of The Friends at Attachment “A”.
4. In response to strong public demand for a group to represent the community’s interests in Albert Hall and its Precinct, in March 2007 Dr Lenore Coltheart, a prominent local historian, heritage expert and historical consultant on

the Albert Hall Conservation Management and Landscape Plan 2007, convened Friends of the Albert Hall with supporters. In response to continuing public demand for a community forum about planning in the Albert Hall Precinct, the National Trust of Australia (ACT), The Friends and 10 other community partners and associates organized a public meeting at Albert Hall on 24 May 2007 to discuss "A future for our Albert Hall". The public meeting appointed an Implementation Committee which later incorporated to become Friends of the Albert Hall Inc on 13 August 2007.

5. The objects of The Friends are in Attachment "B".

6. It is against this background that Friends of the Albert Hall Inc makes the following Submission in respect to each of the terms of reference for the Inquiry, as referred to the Parliament by the Minister for Home Affairs, the Hon Bob Debus MP.

Reference (1)

The administration of the National Capital Plan with particular emphasis on the reduction of red tape and duplication of municipal and local planning functions, the jurisdiction of ACT spatial policy and harmonisation of planning systems.

*Reduction of "red tape"*

7. As a community group, Friends of the Albert Hall is keen reduce unnecessary "red tape", as this imposes additional costs on governments and hence the community, including as taxpayers and ratepayers. Duplication of planning functions creates unnecessary "red tape" and the major source of duplication of planning functions is the existence in the national capital of "designated land".

8. Arrangements for community consultations are not "red tape". We expect this might be a view of developers and others with an interest in reducing community involvement in the planning processes. Community engagement in NCA planning needs to be improved not reduced.

*Duplication of planning functions*

9. The duplication of planning systems in the Albert Hall Precinct has caused great confusion. The NCA sought to impose new site-specific planning controls through DA53 on land - "designated land" - belonging to the ACT government and on which the ACT government has responsibility for management. In addition, the ACT government is the manager of Albert Hall, the central building in the Precinct, and a building that has effectively operated for some 80 years as a municipal facility, and is widely regarded as Canberra's Town Hall.

10. When first published, DA53 placed a commercial overlay over Albert Hall, which was entirely inconsistent with the role of the Hall as a municipal and community facility. Permitted land uses included café, bar, restaurants, clubs and hotel/motel. Planned four storey buildings around the Hall, which we understand were intended for bedrooms for the adjoining hotel and other massed commercial

development in the Precinct, did not reflect the "public land" overlay in the Territory Plan, the registered Albert Hall Heritage Precinct and the ACT Government's Conservation and Management Plan 2007 for the Hall and the Precinct.

11. Following community outrage over DA53, the NCA varied DA53 and removed the commercial overlay over Albert Hall, but it has not withdrawn many other elements which do not reflect ACT heritage and planning controls.

12. Overall, DA53 is not supported by the ACT Planning and Land Authority (ACTPLA) which has statutory authority for planning in the ACT. In a Submission to the NCA on 5 April 2007, ACTPLA advised that it considered the NCA's argument for revitalizing the Precinct, the basis for DA53, "presupposes that the area is degraded and requires 'revitalisation', however the argument for this supposition is not substantiated, and more importantly, is not placed in any metropolitan development context". ACTPLA also advised it that it was not clear "how the urban form proposed interprets and realises" Griffin's intentions and went on to outline many serious problems with what the NCA was proposing. A letter dated 5 April 2007 from Mr Neil Savery, ACT Chief Planning Executive, to the NCA and ACTPLA's Submission Part "B" is at Attachment "C".

13. Given this confusion about planning overlap, a public meeting called by The Friends on 24 May 2007 called for the formation of a tripartite body to deal with planning and management issues for a sustainable future for the Precinct – to include ACT and Federal governments and with full participation by the ACT community. This proposal was communicated to ACT and Federal Governments. It was rejected by the NCA's then Minister, the Hon Jim Lloyd MP, on the basis that "the proposed joint body is not required..... and there needs to be a clear separation of the statutory responsibility of the National Capital Authority to prepare and consider draft amendments and my involvement in their approval". (Letter dated 11 July 2007 from the Hon Jim Lloyd MP at Attachment "D"). Should site-specific Amendments continue, an issue we address under 'harmonisation' issues below, The Friends look forward to a recommendation by the Joint Parliamentary Committee for a tripartite planning process for the Albert Hall Precinct.

14. Duplication of planning systems imposes significant additional costs for the community. This begins with the requirement on concerned members of the community to deal with more than one government and the complexity of two planning systems over the same area of land – as in the Albert Hall Precinct. The cost to the community of dealing with two planning authorities is not easy to quantify but nevertheless very significant in community time and resources

15. There are also costs to both governments which are a further cost to the taxpayer and hence the community. Primarily, these are the costs of not consulting and of duplication. The additional costs can be difficult to quantify. In the case of the Albert Hall Precinct, we do not have access to government records and cannot provide these costs.

*Harmonisation of systems*

16. As noted by Minister Debus in an Answer to a Question without Notice in the House of Representatives on 19 February 2008 "it is time to take a fresh look at the NCA's role to see that it operates effectively, that it has its planning responsibilities clearly defined and, once and for all, to end the wrangling over Canberra's designated areas". It is the view of The Friends that this "wrangling" should stop as it imposes costs on the community and on taxpayers and ratepayers.

17. In our view, and as a first step, the ACT should be invited to indicate, in a publicly transparent way, what "designated land" should be reclassified as land for which ACTPLA undertakes planning. The community should be also consulted in this process. As a general view we consider that, for "designated land" under the control of the ACT, the NCA should not engage in a detailed site-by-site approach through site-specific Amendments to the National Capital Plan.

18. In the Albert Hall Precinct where the principal facility (Albert Hall) has national significance and a local municipal function and is on ACT public land, site-specific planning should be undertaken by the ACT government, with the required community consultation and appeal processes, and be consistent with the general policies set by the National Capital Plan. Nevertheless, the NCA's general planning principles should address issues of national heritage significance and, as applied to the Albert Hall Precinct, which has national heritage significance, should require National Heritage Listing in advance of any planning for the Precinct.

Reference 2

Whether the governance arrangements for the NCA provide a sufficient balance between the independence of the Authority's planning decisions and its accountability for its operations

19. The NCA was established by and operates under the Australian Capital Territory (Planning and Land Management) ACT 1988 "the Act". The Act provides that the Authority comprise a chairperson and four other members, including the full time Chief Executive. The present composition of the Authority does not provide a balance between the NCA's planning decisions and its accountability for operations. None of the present members of the Authority, with the exception of the Chief Executive, has the experience and professional qualifications to provide the desired independence and due diligence in respect of planning proposals that are submitted for approval.

20. The fiasco of DA53 shows inadequate understanding at Authority level of the issues involved in DA53 or DA53 would not have appeared in the form that it did. There was clearly an Authority failure to consider the consequences of the proposed planning or any real understanding of the impact of such planning in

the Canberra community. The fact that four of the five members do not live in Canberra may help to explain this.

21. There was also a complete Authority misjudgment of the depth of community outrage, leading to a failure to take sufficient measures to deal with this. The Authority eventually produced two limited face-saving backdowns - on 2 April 2007 and 22 May 2007 - and despite these continues to allow the NCA to retain and continue work on an entirely unacceptable planning document. When the very serious deficiencies of DA53 became clear, at the outset, the Authority should have immediately directed that DA53 be withdrawn.

22. The failure of the Authority over DA53 has helped to bring the NCA into further disrepute in Canberra, to the serious cost of the reputation of the NCA. It has also imposed major resource costs on the Commonwealth. Many of these costs could have been avoided if the NCA had carried out beforehand heritage, traffic, Griffin Legacy, asset valuation, usage and other basic studies that normally precede a DA formulation. There will be further costs should the proposed workshops proceed, given the reportedly large number of people now interested in attending these. Many of these costs could well have been avoided if the NCA had included key community stakeholders and Hall users at the drafting stage and taken due account of their input.

23. The Friends is also of the view that people appointed to the Authority of the NCA should have appropriate qualifications and be appointed on merit and experience in fields in which they have the authority and mandate under the Act to operate. The experience of DA53 indicates that the current Authority does not have required expert input or understanding of planning issues in the Canberra community. In our view the Authority should comprise not only representatives who bring high level skills in the following areas: architecture, landscape architecture, town planning and corporate governance, but as planning of the national capital directly affects residents of the national capital, also include community representation.

24. The current members of the Authority (excluding the Chief Executive) are political appointees. In an era when corporate governance and accountability is paramount, Friends of the Albert Hall takes the view that any appointment should be consistent with current government guidelines for appointments to statutory authorities announced by Special Minister for State, Senator the Hon John Faulkner on 5 February 2008.

### Reference 3

The appropriate level of oversight required to achieve the highest standards in design for areas of national significance

25. The Albert Hall Precinct has national significance and the ACT government has sought National Heritage Listing for Albert Hall. Friends of the Albert Hall is prepared to accept that some appropriate development may take place in the Precinct, as long as this is in consultation with the community and

Hall users as key stakeholders. If there is to be any continuing role of the NCA in the Precinct the designs would need to be appropriate, consistent with the heritage value of the Precinct and undertaken by a reputable architect. The community would need to be extensively consulted about any such designs.

#### Reference 4

#### Opportunities to ensure cooperation with the ACT planning authority and increased engagement with the Canberra community

##### *Cooperation with ACT planning authorities*

26. The Inquiry provides an opportunity for a new understanding about what areas should be solely under the control of the ACT government and what should remain the primary responsibility of the NCA. The Friends hope that this outcome can be achieved through a consensus, in which the community would also be engaged. If consensus cannot be achieved, we would recommend that the issues be mediated with representatives of the community as part of the mediation.

27. We would see value in consideration of Recommendation 5 of the 2004 Inquiry into the NCA by the Joint Committee, "A national capital, a place to live", that there be reciprocal representation by ACTPLA and the NCA on respective boards.

##### *Increased engagement with the Canberra community*

28. As a community group, The Friends would welcome increased NCA engagement with the Canberra community that included consultation processes ensuring community views are taken fully into account and reflected in NCA planning process. This will require changes in NCA processes, including the Consultation Protocol. Major issues that should be addressed are identified below.

##### *Key stakeholders*

29. In drafting DA53, the NCA focused primarily on the commercial interest of the adjoining Hyatt international hotel owners who appear to have been the key stakeholders consulted at the drafting stage (the NCA has still not released the list of the stakeholders consulted). When initially released, DA53 showed commercial development overlay across Albert Hall and buildings around and up to the back door which clearly intended to allow for Albert Hall to be absorbed by the international hotel. Other additions - such as an eight storey building by the lake and the failure to understand the serious traffic implications - reflected the planning priorities of an agency totally out of touch with the Canberra community.

30. Despite the municipal role of Albert Hall, the NCA did not consider community or resident groups as key stakeholders at the drafting stage. Later defensive assertions by the NCA Chairman (Letter to the Canberra Times, 6 March 2008) that such stakeholders were not known are incorrect. Albert Hall is a public hall and there were many public events in the hall involving major users and interest groups over the period in which the NCA was preparing DA53.

Following the publication of DA53 it took very little time for Friends of the Albert Hall, with far fewer resources than the NCA, to determine who were the major users and stakeholders and to contact them.

31. Following community comments at the draft stage, the NCA's Consultation Protocol, released in July 2007 after the outrage over DA53, includes "community and/or resident groups" as "stakeholders" in the consultation phase of a DA. However the NCA is not required to consider community and/or resident groups as "key" stakeholders at the drafting stage. The judgment about who constitutes "key" stakeholders is left to the NCA. If the Committee accepts that the NCA should continue to produce Draft Amendments to the National Capital Plan, The Friends consider that community and resident groups must be considered "key stakeholders" and included at the drafting stage.

#### *Documentation*

32. In any NCA consultation process the community starts from a serious disadvantage. This begins in not knowing how the NCA came to produce planning proposals. The NCA's planning process is opaque and there is no open access to NCA files on the development of Amendments. In the case of DA53 the NCA has not yet produced a clear timeline of how DA53 was developed, who was involved in its formulation and which key stakeholders were consulted before it was published. To produce a more level playing field, this information should be made publicly available by the NCA as part of any public consultation process.

33. Following the community reaction to DA53, in mid 2007 the NCA commercially commissioned a heritage study of the Precinct and undertook to make this publicly available. Community groups and other organizations expended significant resources participating in the consultations, but the heritage study is still unavailable.

34. The Friends has sought from the NCA by 11 April 2008 both an account of pre-public stakeholder consultations and the heritage study. Should this not be produced by the NCA in this time frame, The Friends will make application for this material under FOI.

35. Most members of the community do not have a planning background and rely heavily on the accuracy of NCA documentation in making judgments about proposed planning changes. However recent NCA visual material has not always been accurate. In the case of DA53, the controversial eight storey building was drawn with seven floors, presumably to show this in a less unflattering light. The NCA should be enjoined to ensure that documentation for public consultation processes is not biased to promote an outcome.

#### *Access*

36. Genuine consultation requires that information about the proposed changes and the consultation process needs to reach a wide community. The community cannot comment on what they have not been told. The requirements outlined in the Consultation Protocol are sufficient for the planning community



and industry, but not for the general community. If there are to continue to be site-specific amendments, such as DA53, the most effective way to inform the community is by prominent notices prominently displayed at the site and/or nearby places where people gather or will see these in the normal course - notices at shops, billboards at main entrances of suburbs. An even more effective approach is by direct mail to residents with a particular postcode. This is possible for politicians to do with electoral material, so it should not be impossible for the NCA to reach residents in the same way.

*Genuine account of community views*

37. NCA consultation processes need to provide a genuine prospect that a well-argued case can change the outcome. The outcome should not be pre-determined – as the community fears has been the case in at least one recent instance also involving the NCA. In case of DA53 there remains the fear that the NCA is committed to pursue many unacceptable elements of DA53 and for this reason it has not been formally withdrawn.

38. The Consultation Protocol also needs to allow properly for petitions. A petition is not a direct and original Submission to the NCA - it is to a Parliament - although it can be given to the NCA or drawn to the NCA's attention. While it does not fit neatly into current guidelines, which requires that a Submission be made to the NCA, it should have a recognised status in the consultation process and be given due weight. An NCA official has advised no matter how many people signed it, a petition would be regarded as a single expression of view and weighted accordingly. This is clearly ridiculous.

*Resources*

39. Given the need for more effective engagement with the Canberra community, The Friends ask the Committee to ensure that recommendations relating to the work of the NCA do not reduce resources required for effective community consultations.

Reference 5

The effective national promotion of the National Capital, and the roles of the NCA and the ACT Government in advocacy for new infrastructure projects including responsibility for events and developing the distinctive character of the National Capital.

40. The Friends believe that effective promotion of the national capital, including national heritage attractions such as Albert Hall, should be the joint responsibility of the relevant ACT government department and a separate non-planning unit of the NCA. There should also continue to be opportunities for volunteers to participate in the promotion of nationally significant places. Ideally the separate unit should have its own budget with contributions by the ACT and Federal governments. While the relevant Minister should decide what functions should be undertaken about promotion of the national capital, The Friends would welcome better promotion of nationally significant ACT heritage assets such as Albert Hall.

### General comments

41. In principle, the Australian Capital Territory (Planning and Land Management) Act 1988 should be repealed and new legislation should reduce overlap and duplication between planning systems and the 'blame game' over planning. The criteria for appointment of members of the NCA should reflect the new roles and responsibilities of the NCA. A regime of appeals should be included in new legislation along the lines of current policy which should dictate the transparency of decisions of the NCA.

42. The Friends have requested that no further work be done on DA53 and that it be withdrawn. The Friends believe strongly that the future of Albert Hall and its continued use by the community is threatened until DA53 is withdrawn. We call on the Committee to require DA53 to be immediately withdrawn.

43. Moreover, the NCA has asserted that the replacement of the clover leaf ramp at Flynn Drive is based on the recommendations of the Parliamentary Zone Review 2000 which forms the basis of Amendment 33 of the National Capital Plan. We do not believe that, on any interpretation of Amendment 33, there is approval for the replacement of the clover leaf ramps at Flynn Drive. The basis for view is outlined in a letter dated 28 February 2008 from the President of Friends of the Albert Hall to the NCA in Attachment "E". Correspondence from Mr Todd Rohl, Planning and Urban Design, NCA dated 27 March 2008, confirms the Friends' view is indeed correct. This correspondence is attached at Attachment "F".

44. The members of The Friends remain concerned about many other aspects of the NCA's role and planning for the national capital. Although these views are not consistent with the terms of reference, we have been enjoined by them to let you know. These views are outlined in Attachment "G".

45. Friends of the Albert Hall is prepared to appear before the Committee about this Submission.

## **SUBMISSION ON DRAFT AMENDMENT 53—ALBERT HALL PRECINCT**

### **FROM:**

Lenore Coltheart  
23/34 Gosse Street  
Kingston ACT 2604  
0413 300 874

The National Capital Authority should withdraw Draft Amendment 53 to the National Capital Plan. Any one of the reasons listed below is a sufficient case for this action.

### **1. Process**

#### *1a. Heritage & environment*

The NCA should withdraw DA53 and initiate a new planning process. This should start with a heritage survey and an environmental impact study of the whole area to be affected by the Draft Amendment. The heritage survey should cover heritage related to Aboriginal history, rural history, architectural and landscape history as well as social, political and constitutional history locally and nationally.

Draft Amendment 53 in its entirety reveals a disturbing ignorance of a sensitive heritage precinct in the national capital, one that is significant both locally and nationally. The practice of piggy-backing on heritage reports specific to other purposes (in this case those commissioned for the Croquet Club and the former Hotel Canberra) and on uncompleted heritage reports (that commissioned for the Albert Hall) does a planning body no credit. It is not difficult to grasp that heritage survey specifications, including precinct boundaries, are defined by the purpose of each study. The assumption that these specifications coincide with those for any larger surrounding area is indefensible and it is a discredit to the Authority that this was assumed in the preparation of DA53.

The planning proposals, including traffic, should follow and not precede heritage and environmental impact assessments. When studies are commissioned after planning proposals are published it suggests either that their findings are presupposed as negligible, or that they will have no effect. The waste of public funds in either case is of concern; as is the waste of resources expended on planning which has then to be adjusted when the planning authority is forced to accommodate *post hoc* heritage and environmental assessments.

It follows that commissioning such studies after the closing date for public consultation makes bad process worse and qualifies for a John Cleese-style 'worst practice' training video.

#### *1b. The amended amendment*

A new process is essential in view of the changes made to DA53 in the course of public consultation, with no new document issued that shows the amended Draft Amendment.

It is misleading, not to mention disdainful, to require respondents to spend time reviewing and commenting on elements that have already been changed, but not documented – eg the replacement of an 8-storey 'landmark' building with a

'signature' building of unspecified height and the (partial) withdrawal of the proposed change of land use from cultural (Land Use B) to commercial (Land Use A).

People taking part in the consultation process or otherwise signalling their interest in making submissions on DA53 could surely expect that the document they have been provided to comment on is accurate and current.

### *1c. The Authority's authority*

The NCA cannot be proud of the planning, management, budgeting nor public relations practices revealed in the course of the public criticism of DA53. Nor can the Authority expect the assumptions behind these practices will not continue to be exposed and criticised. It does Canberra residents and Australians generally no service to have the proper authority of the Authority undermined by a perceived failure to convey respect and value for public opinion, especially in the course of a process it identifies as public consultation. I refer here to media releases such as the article written by NCA Chairman Michael Ball (*Canberra Times* 5 April 2007) and response to a letter to the editor (*Canberra Times* 11 April 2007) with its dismissive and even sarcastic tone and line of argument.

It is in the public interest that this authority be restored as a matter of urgency. The damage to the morale of some fine NCA officers can only be surmised, but the damage to the Authority itself is evident in the media trail of the past two months.

Effective as distinct from ostensible public participation is achieved only if there is parity of esteem for the public voice and respectful attention to, rather than inevitable deflection of, reasoned criticism.

At this point that can only be demonstrated by withdrawing Draft Amendment 53. Only withdrawal will achieve a renewal of the public respect as vital to the authority of a government agency as it is to a government.

## **2. Land Use**

### *2a. Heritage*

The proposed change of land use from the current cultural use to commercial use permitting hotel/motel, café, bar, restaurant, club, and tourist facility as well as place of assembly, social/community facility and cultural facility, with a range of ancillary uses including office and retail use, exceeds the uses consistent with appropriate conservation management of the Albert Hall precinct.

This change poses a serious threat to the heritage values of the precinct and should not proceed.

### *2b. Undocumented change*

The concession to strong public opposition to the changed land use was limited to the area north of the Albert Hall, while the Albert Hall precinct is still subject to the change. The confusion resulting from the lack of documentation defining this minor compromise has instead compromised the public consultation process, and the Authority.

This situation can only be redeemed by withdrawing DA53 and clearly indicating correct boundaries of land use proposals in any document submitted for public

consultation. Such proposals should not include land use that will threaten the heritage values of the Albert Hall precinct.

### **3. Landscape**

The lack of awareness of the significance of vistas into and out from the Albert Hall precinct evident in DA53 is disturbing. A heritage study should address this element both in the original building and landscape design, and in the landscape design when Lake Burley Griffin was constructed.

Many opponents of DA53 have made it clear that terms such as 'open space' and 'green space' should be precisely defined to remove confusion over how increasing these could decrease the key vistas of the precinct.

### **4. Traffic proposals**

I share the concerns expressed by critics of the traffic planning proposals and confine myself here to some heritage and sustainability concerns.

#### *2a. Kaye Street*

This should not become a main traffic thoroughway as this will adversely affect the heritage values of the Albert Hall's southern landscape.

It will also seriously impact on use of the Albert Hall by making pedestrian access difficult and even dangerous. The sustainable future of the Albert Hall depends on its regular use and easy access by community groups, with enhanced and not restricted pedestrian flow through its landscape precinct.

#### *2b. Flynn Drive cloverleaf*

The removal of the cloverleaf and replacement traffic arrangements have been planned without any recognition of the heritage and environmental significance of the landscape, vistas, nor plantings of poplars, pines and other elements.

Traffic planning should be reviewed according to the specific criticisms and new planning proposed for a new Draft Amendment that addresses the findings of heritage and environmental studies commissioned by the NCA.

### **5. Buildings**

#### *3a. Albert Hall*

The DA53 document appears to contain no conservation policy for any of the three heritage buildings within the area covered by the Draft Amendment. This should be a major concern of a planning proposal for this significant heritage precinct.

#### *3b. Proposed buildings*

The building development proposed for the Albert Hall precinct will have a serious adverse impact of the heritage significance both of the precinct and of Albert Hall. At 16 metres the buildings proposed to the west and north will be 2 metres higher than Albert Hall and are inappropriate.

## **6. Our future**

The strong community feeling for Albert Hall is a new factor for the ACT Government in its management of the precinct, particularly in the awareness of urgent and overdue conservation and maintenance and in developing a strategy to restore adequate community access and use of the Hall.

The planning proposals contained in DA53 would impede the development of plans adequate to a sustainable future for Albert Hall appropriate to its key role in the civic and cultural life of the national capital. They were a mistake and should be withdrawn.

37 Gawler Crescent  
DEAKIN ACT 2600  
28 April 2007

Mr. Todd Rohl  
Managing Director  
Planning and Urban Design  
National Capital Authority  
GPO Box 373  
ACT 2601

Dear Mr Rohl

I am writing in response to the NCA's public consultation process on Draft Amendment 53.

In my view, and that of many thousands of residents of the ACT and surrounding areas of NSW and beyond, DA53 is unacceptable and should be withdrawn.

This Submission addresses community reaction to DA53, the rationale for DA53, the practical effect and consequences of DA53 and the NCA's public consultation process.

### **Community reaction to DA53**

I am writing this Submission as an individual Canberra resident and a member of the Friends of the Albert Hall. I have also been one of the residents directly involved collecting signatures for the community petition. In this capacity I have spoken to hundreds of people over the last few weeks about DA53. There has been absolutely overwhelming, informed and furious community opposition to DA53.

Most Canberra residents signing the petition already knew a great deal about DA53 and did not require any explanation to sign. Where the petition has been made available there have often been queues of people wanting and waiting to sign and to express their anger about DA53. Many people have come to places where they had heard the petition could be found, often from outlying areas of Canberra, just to sign it. Others have taken pages and signed up people in their workplaces, churches, clubs, neighbourhoods, families and community groups.

There are now approaching 3000 signatures on the petition and signatures are continuing to arrive in significant numbers as people download further copies from the Friends and YRA websites. Although the petition is addressed to the Parliament, each of the signatories is calling on the NCA to withdraw DA53. As such, each signatory has in effect made an individual "Submission" to the NCA. This should be recognized as such in the NCA's assessment of public reaction to DA53.

In talking to people about the petition, community anger DA53 has been powerful and palpable. For the vast majority of residents DA53 is a threat to one of the most beautiful areas of the city and one to which they are personally and emotionally attached. People frequently describe the plan as "outrageous" "nuts", "mad"; "crazy" and in other similar

terms. The NCA itself fares no better. For them all, with this plan, the NCA has gone a bridge too far and there is a lot of very strong criticism of perceived NCA arrogance and the strong view too that the NCA is completely out of touch with the lives and concerns of ordinary people.

Virtually everyone I spoke to, young and older, has an Albert Hall story. Mine is that I have enjoyed regularly attending Rotary Antiques Fairs, in just the right ambience, in the Albert Hall and many other community fairs over the years. I also used to take my daughter to cheap or free children's concerts in the Albert Hall, where she and her friends delighted in daytime performances by the ABC Playschool team and The Wiggles, while I savoured a beautiful setting with light streaming through the huge windows.

Other residents have many stories to tell - about dances in the Albert Hall where they met their current partners (many still married after 50 years or more) or their parents first met; where they went to celebrate the end of the second world war; where they first heard Joan Sutherland; where they or their parents bought their first block of land as a married couple in a land auction; where they went to movies when there were no other movie theatres; where they attended memorable dances, balls, flower shows, major meetings, public lectures or concerts large and small, or became Australian citizens just to name a few experiences.

Hundreds of cultural and community groups covering the gamut of community life in Canberra still use what is effectively Canberra's town hall for their activities. They include choral, opera, symphony, art, embroidery, organ, dance, folk, fire brigade, sporting, school, church, overseas aid, welfare, cancer support, counseling, community service, baby care, children's support, heritage, wildlife, environment and local resident groups and organizations, to name just a few. Many people routinely also attend functions and events in the Albert Hall hosted by Federal and ACT government departments and agencies, small businesses and many Embassies (such as the Africa Day reception scheduled for 28 May 2007).

Just as I am, every one of these people has been horrified at the prospect that community groups could lose their existing level of access to Albert Hall. And there is huge and angry concern for the future and fate of the historic Albert Hall were it to be incorporated into the adjoining hotel.

This level of community concern is reflected in the leadership taken on behalf of the Canberra community by the Yarralumla Residents' Association and the rapid formation and overwhelming support for Friends of the Albert Hall, now a very large community group with growing community support and a website. The Friends, with support of a number of community groups, will host a public meeting in the Albert Hall 24 May which we expect will be very well attended.

The anger about DA53 has not just come from Canberra. Many people in surrounding areas as far as the Snowy Mountains, NSW south and central coast and the southern highlands use or have had an association with Albert Hall. And there are hundreds of other people from outside Canberra who, when told of the potential plans, have been equally passionate, in particular about the potential loss of green space and vistas. It is



clear that, if people across Australia were to be informed of what the NCA proposes, there would be strong opposition to DA53 from outside Canberra as well as within.

### **The explicit rationale for DA53**

The NCA's rationale for DA53 is highly suspect, unsupported by evidence of consideration of its economic impact or consideration of other possible uses and options for the site.

The primary argument is that the precinct has an 'intrinsic' link to *The Griffin Legacy* outcomes as a "mixed use and open space precinct". However the link drawn to the *The Griffin Legacy* is vague and generic rather than specific to the particular circumstances of the Albert Hall precinct. In any event, the NCA's interpretation of the Griffin Legacy, in particular through the principles and policies in Amendment 56, remains the subject of intense national dispute and debate, including by the most eminent and relevant expert body the Walter Burley Griffin Society. The Disallowance Motion currently before the Senate could theoretically still overturn the underlying principles proposed in DA56.

NCA also asserts that DA53 will produce a "mixed use and open space area with increased tourist activity". The NCA does not, however, appear to have addressed the impact of a change of landuse and associated economic activity in the Albert Hall precinct on other parts of the Parliamentary Triangle or on tourist or commercial enterprises in other parts of the national capital. Indeed many local businesses expressed concern that DA53 would take away business for existing enterprises in surrounding areas already in a tight competitive market for tourist business. Neither does the NCA appear to have addressed the possible advantage to tourism of alternative uses of the precinct, including enhancing the green space uses.

There is no indication that the NCA has considered any other options for the site than the one in DA53 and the NCA has not been explicit about the reasons for the particular option in DA53 or why it has been produced at this time. It is clear from massive public opposition there has been no pressure for any such development of the precinct from Albert Hall users or the people of Canberra. I understand that the ACT government has major problems with the NCA's proposed development and had not anticipated any development in the area for at least another ten years.

In the interests of transparency and accountability, the NCA should provide information about what other options it considered for this site ( if any) and the rationale for the single planning option that is on the table after two years of discussion with major stakeholders. It should also produce, as supporting public documentation, a clear account of the development of this proposal, including a timeline from its initiation, and details of all consultations with all stakeholders up to the time the NCA began the formal public consultations.

If, as seems likely, the underlying rationale of DA53 is to allow for more accommodation in the Parliamentary Triangle, it is ironic that the NCA is proposing to allow landuse changes on nearby Adelaide Avenue that would produce the permanent loss of a major tourist accommodation site (a two storey 150 bed motel) while proposing to allow land use changes in the Albert Hall precinct to create more accommodation. The appearance

of this policy is both of poor strategic planning and of support for the interests of one commercial enterprise over that of a potential competitor. It is equally ironic that while the NCA is allowing the loss of a tourist site, the development of which as a tourist site within the existing DCP would be acceptable to the community, it is pursuing tourist development in the nearby Albert Hall precinct that the community finds entirely unacceptable.

If there is a pressing need for more quality tourist accommodation close to the Parliamentary Triangle, which appears to be the main motivation behind the proposal, why not allow the construction of required bedrooms through redevelopment of the Adelaide Avenue site as quality tourist accommodation? The current DCP on the Adelaide Avenue site allows for buildings at predominantly three and to four storeys which would permit tourist accommodation with well over 200 beds. It is still possible for the NCA to take this decision.

### **Practical implications**

The practical effect of DA53 is that current road areas, cars parks and green space in the precinct will be mostly built over with intensive development. There will be commercial buildings to four storeys to the south and west of the Albert Hall, with basement parking. It appears these are likely to be primarily bedrooms associated with the adjoining hotel. Albert Hall will itself be re-zoned to allow for a range of commercial uses.

Although an NCA announcement on 2 April indicated the “balance of the land” to the north of the Albert Hall could be reconsidered as a public lakeside park, DA53 continues to show buildings up to four storeys. There would also potentially be a building on Flynn Place, re-cast as a “signature” building of less than eight stories but with no specified height (it could be seven). The actual mix of commercial and cultural development in “cultural” area of the precinct has not been made clear with the “cultural” areas presumably still attracting significant ancillary commercial landuses.

Albert Hall, which does not have full Commonwealth heritage protection, would be effectively incorporated within the adjoining hotel development, through its physical (building) connection to the hotel, the intention that the hotel be awarded a long term lease (some 30 years) and the capacity for the building be used for commercial purposes under this hotel management.

Flynn Drive would disappear to allow for a building on Flynn Place near the shoreline and traffic will be rearranged to permit this to happen, including additional traffic lights on Commonwealth Avenue.

### **The consequences of DA53**

DA53 would fundamentally and permanently change and damage the Albert Hall precinct.

DA53 would produce a **permanent loss of green space** in this valuable and historically significant part of central Canberra. This is a very big issue for the Canberra community and visitors to Canberra who have been informed of DA53. There is a strong argument,

and strong community support, for retaining and improving the quality of green space around the Albert Hall. This would make the Albert Hall the landmark building an even more prominent feature in a well kept landscape of gardens and green space.

The loss of the Albert Hall precinct green space would have a wider impact. With other current and planned developments of the foreshores - the current and prospective Kingston foreshore development, Yarralumla Bay and West Basin – some of which require resumption of parts of the lake, and proposals to “revitalize” (effectively to “busy up”) Commonwealth and Kings Park, it adds to significant loss of green space around the lake. The lake itself is rapidly becoming a smaller busier water feature, and presumably a more polluted one too, in a sea of intense commercial and residential development.

DA53 will also see a **loss of sweeping vistas** across the lake. The impact on the vistas is also at odds with the nature of the capital that Walter Burley Griffin anticipated. The vistas, and the link they give Australians to the magnificent Australian environment, are also central to how we see ourselves as a nation and the pride we have in our national capital. It is a very important part of what we want to tell visitors about who are as Australians.

The loss of the green space and vistas will not only have a serious impact for the thousands of residents who live, work and travel around the central area and the wider Canberra population who enjoy the benefits of the central lake area and its wide spaces and sweeping views. It will also diminish the lake area for national and international visitors to Canberra.

With DA53, the NCA has made the assumption that what tourists want is “vibrant” development in this area. However, tourists coming to Canberra are looking for what makes the city distinctive, not what makes it just like other cities. One of the most distinctive features of Canberra is that it has still many beautiful parks and green spaces around its central lake and sweeping vistas. These have greater tourist value than more buildings. In addition many tourists, including many Australians from larger cities, are increasingly aware of the consequences of losing green spaces and vistas in these cities and will increasingly value these special features of Australia’s national capital.

The **eight story “landmark” building on Flynn Place would be unacceptable**, a lakeside eyesore damaging national vistas and a precedent for similarly scaled buildings on other areas of the lakeshore. There was and remains confusion about the NCA’s plans for Flynn Place. Although it seems possible that an eight storey building will not now proceed, as far as it known there remains a proposal for a “signature” building on that site with the height undermined and no clear indication of its use. There was and is huge community opposition to any such landmark or indeed any building on Flynn Place. There should be no building in this site, “landmark”. “signature” or otherwise.

The proposed commercial and other buildings up to four storeys will **surround and overwhelm the Albert Hall**. This is of huge community concern and the vast majority of residents are completely opposed to any such buildings. There is a strong community view that Albert Hall should be the landmark with better developed surroundings green areas and landscapes to the lake that enhance this iconic building, not diminish it. There

might be some possible cultural development in the area west of the Albert Hall, but this would be a matter for appropriate heritage and cultural groups to develop with the NCA.

The intention to allow for the adjoining hotel to absorb the Albert Hall will **effectively prevent current access** by the community to the Hall. This is Canberra's Town Hall. It has been a center of community life for almost 80 years and was the only center of community life in the early years of Canberra. Thousands of people in Canberra, including many younger people, and the many thousands still use it, have fond memories of the Albert Hall. It was and remains central to their own histories and the city's history.

Although the Hall has been recently run down in its use in recent years, to a large extent due to the failure of government to maintain it well and to provide public liability insurance cover for community groups to use it, this is not an excuse for making it harder for the community to use the facility and potentially to prevent such use over time. There is huge community opposition to any development that would restrict community access to the Albert Hall now or in the future.

It seems extraordinary that at a time when governments are lamenting the loss of community and attempting to find ways to improve community fabric that it would propose a plan that would permit this facility to be largely or wholly lost to the community over time. I understand that at one time the Albert Hall was used for up to 450 functions a year, the vast number of these community-related and involving small community organizations. This is an indication of its capacity to contribute to community life. Government should be seeking to improve the capacity for community to use this facility through better maintenance of it, not to allow an outcome which will diminish and potentially prevent this use.

It is also somewhat ironic that DA53 comes at a time when the NCA plans could allow the demolition of another facility heavily used by the community in the central area, the Embassy Motel in Deakin.

DA53 would **put at risk the heritage of Albert Hall**. The NCA reference to "responding" to heritage value does not guarantee that the heritage value will be preserved or reinforced. Although the Albert Hall is in a precinct which has Commonwealth planning cover, it does not enjoy full Commonwealth heritage protection. DA53 does not provide any explanation of how DA53 will address the consequences of this lack of Commonwealth heritage protection. There is a strong community view that the Albert Hall should have full Commonwealth heritage protection

The intention that commercial interests would be allowed to incorporate the Hall and use it largely for commercial purposes without any Commonwealth heritage cover, provides opportunities for the management, over time, to make changes which could be inconsistent with heritage values. DA53 will put the heritage of the Albert Hall at significant and unacceptable risk. The reference in DA53 to "adaptive re-use" is bureaucratic double-speak and does not in any way address what might happen under DA53.

DA53 would also **create major traffic problems** on Commonwealth Avenue and other areas of Canberra that feed in and out of this. The consequence of further traffic lights on

Commonwealth Avenue in peak periods is too awful to contemplate. The NCA's recently released traffic study indicates the range of problems and the recommended solution does not guarantee that these would be completely resolved. The abandonment by the ACT of its central traffic plan, which presumably underlay the NCA study, now makes that study irrelevant. There is serious community concern about traffic and parking issues and these problems still need to be addressed.

### **Public consultation**

I expect that, given the evidence, the NCA might itself take the view that its public consultation process was seriously flawed. Indeed this would appear to be the reason why it has engaged external consultants to assist after a very poor start. And it is a reason for reexamining the NCA's consultation protocol.

Although somewhat improved under community pressure since its initial stages, it has been essentially a poor process, badly done. There was no consultation with the hundreds of user groups of the Albert Hall until after major stakeholders were consulted. The user groups were not considered to be major stakeholders when clearly they were. The community was initially given an unacceptably short deadline for response. There was poor documentation, and until recently virtually no supporting documentation. This is only coming out at the end of the consultation period.

There have been mistakes in the documentation and I have pointed these out. Some of the material was misleading, with the graphic representation of the proposed eight storey building shown at seven (which perhaps it still could be). DA53 uses fuzzy and imprecise language, which if not designed to confuse the general public certainly succeeded in doing so. "Intrinsic" links and "adaptive re-use" are the worst examples.

There has also been misrepresentation in the media of the current use of the Albert Hall. The implication of a carefully phrased paragraph in a letter from the NCA Chairman to the Canberra Times clearly was that if the Albert Hall was just used for (well publicized) rug sales it might just as well be run by the hotel next door. As the NCA well knows, the Hall is used by hundreds of community groups and organisations and unlike rug sales, most of the events in the Hall are neither publicized nor in public view as they do not involve the sale of wares.

A major flaw was the failure to provide an updated visual representation or a re-issued document when changes were made by the NCA midstream, presumably to allow for a continuing ambiguity about what was intended.

The process also showed a very poor understanding of the potential reaction in the Canberra and wider community to this proposal and the significance of the Albert Hall to the community. It demonstrates a very worrying disconnect between the NCA's planners and the wider community to whom they are ultimately responsible.

### **Summary**

The NCA's inadequate and unsupported rationale for DA53, DA53's unacceptable consequences, overwhelming community opposition to DA53 including the demand by

thousands of people that it be withdrawn, along with the failures of the public consultation process should be sufficient for DA53 to be withdrawn.

### **Recommendations**

- DA53 should be withdrawn.
- The NCA should start again with a new process and DA53 not on the table.
- The new process should begin with the NCA talking with a wide range of stakeholders, including national and local cultural groups, Albert Hall user groups, heritage and conservation groups and resident groups about more appropriate options than DA53 for the Albert Hall and its cultural precinct.
  - Community action on DA53 has gone some way to identifying major groups that should be consulted, along with others, in any new NCA process.
  - This new process will take time. But the NCA took 2 years work-shopping DA53 with major stake-holders. Given the permanent damage that could be done to this valuable and historic part of the national capital, there is no reason why the NCA should not allow a further two years for this process.
- Albert Hall should be nominated and approved for listing on the National Heritage list before any further changes to the precinct are proposed.
- The ACT and Commonwealth governments should ensure that this heritage building is properly maintained, where necessary with subsidy from governments
- Community access to the Albert Hall should at very least be maintained at current levels and ideally improved.
  - Although a matter for the ACT government, community access to the Albert Hall should be improved by the ACT government resuming public liability insurance cover for community use and significantly increasing the minimum days for community and cultural use of the Hall.
- If there is immediate pressure for more tourist beds in the central national area, the NCA should permit appropriate tourist re-development of the Embassy Motel site in Deakin to allow this.

I look forward to the NCA's response to my Submission.

Yours sincerely

Di Johnstone.

Attachment "B"

Objects of Friends of the Albert Hall Inc

To educate and inform the community about the national, historical, heritage, social, community, cultural and civic significance of the Albert Hall Heritage Precinct.

To advocate for community interest on maintenance, conservation, accessibility and management of the Albert Hall Heritage Precinct and changes within the Albert Hall Impact area.

To promote effective planning and management to achieve the widest community access for cultural and civic uses of the Albert Hall Heritage Precinct.

To ensure creative and effective planning and management for a sustainable future for the Albert Hall Heritage Precinct.

To provide a representative organization for members and associate members who support the objects of the Friends of the Albert Hall.



07/02690-ID: A2930681

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

*Annabelle*  
Dear Ms Pegrum

**Draft Amendment 53 to the National Capital Plan**

I refer to the above Draft Amendment, forwarded to the ACT Planning and Land Authority (ACTPLA) for formal comment on the 22 February 2007. You will appreciate the importance for this Authority to canvass the views of a number of other relevant ACT Government agencies in preparing its comments.

I note that in response to community concern the National Capital Authority (NCA) is now reconsidering the intention to allow for an eight-storey landmark building in the precinct. ACTPLA supports this review, as it considered the proposed building element incongruent to the character of the precinct and had the potential to detract from many key vistas, including the view west from Commonwealth Avenue Bridge to the Brindabellas.

The potential impact on the Albert Hall precinct of the proposed land use changes, the traffic generated as result of increased development and the proposed intersection changes to Commonwealth Avenue, King Edward Terrace and Flynn Drive needs further resolution.

Whilst it is acknowledged that the Conservation Management Plan for Albert Hall is an ACT Government responsibility, until this has been determined for release and more detailed traffic analysis of the intersection arrangements have been completed, it is difficult to comment on the appropriateness of what is proposed adjacent to this building and within the Precinct.

It would be useful to better understand the relative priority and importance of this Draft Amendment for the NCA. As with the other four Griffin Legacy Amendments, this Draft Amendment facilitates increased development across the Central National Area. While the take up of the increased potential may not be immediate, its dispersion and the fact that it can now occur at any time has significant implications for the Territory in regard to its land supply strategy, as well as the sequencing, cost and delivery of infrastructure.



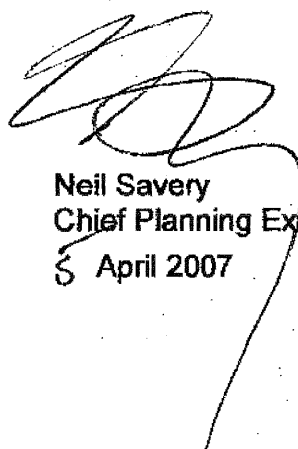
Attached to this letter is a consolidated commentary from ACTPLA, the Department of Territory and Municipal Services and the ACT Heritage Council on Draft Amendment 53.

I also wish to advise that the Chief Minister has requested that DA53 be considered by Cabinet.

Given the above I would appreciate the NCA clarifying what changes are proposed to DA53 and provide the details of any traffic analysis that have been undertaken.

Once this has been received and Cabinet has considered the proposal, I would anticipate making further comment.

Yours sincerely



Neil Savery  
Chief Planning Executive  
5 April 2007

## Attachment B

### Comments on Draft Amendment 53 (Albert Hall Precinct) to the National Capital Plan

#### Rationale and Context

The principles in Draft Amendment 53, seek to “develop and enhance” the precinct and to “encourage a level of development that contributes to the revitalisation and enhancement of the public domain. This presupposes that the area is degraded and requires ‘revitalisation’, however, the argument for this supposition is not substantiated and more importantly, is not placed in any metropolitan development context.

Identifying how this precinct relates in priority to the other proposed mixed-use development areas outlined in the Griffin Legacy Amendments 59, 60 and 61 (i.e. City Hill, Constitution Avenue and West Basin) is important for the Territory. In the absence of any priority and strategic direction for development, the Territory is placed in a position where it must consider development dispersed across the Central Area and this has implications:

- firstly, for achieving the objective in the ACT Government’s Spatial Plan to establish City as the pre-eminent urban centre and ‘dynamic heart’ of Canberra; and
- secondly, for the ACT Governments budget forecasts as it affects the land supply strategy as well as sequencing, cost and delivery of infrastructure.

A greater level of analysis of the potential impacts and demand for the additional development allowed would be of enormous assistance to the Territory in assessing the merits of Draft Amendment 53. In particular it would be useful to consider the results of:

- a market analysis supporting the level of development in this precinct;
- traffic and parking investigations that are based on the gross floor areas indicated in Draft Amendment 53; and
- indicative costings for the implementation and maintenance of the entire infrastructure required, including the public domain works.

#### Urban Design – Griffin Legacy

Draft Amendment 53 is linked to *The Griffin Legacy* and there are a list of matters pertaining to the spatial layout and character of the precinct outlining how this link is formed. Appendix T sets out a number of principles around such aspects as *Urban Structure, Built Form, Landscape, Road Hierarchy* etc that are intended to guide the detail planning and development. What is not clearly articulated in either, however, is the significance of this Precinct in Griffin’s original plan and how the urban form proposed interprets and realises his intentions in the current context.

The building footprints, block sizes and public open space depicted in the diagrams in Appendix T are of concern, as they do not establish a discernable hierarchy in the public domain nor appear to be derived from the intrinsic character of the broader precinct. The street pattern, for example does not establish a 'grain' that integrates with the Parliamentary Zone, or creates a finer grain of streets and thoroughfares that relates to the scale and character of the Albert Hall, Hyatt Hotel or the inner south street plan.

Similarly the pattern and distribution of the open space does not appear to establish a series of public places that have entity and function. Indeed the vast open space created by the removal of Flynn Drive may be problematic given its exposure to the westerly winds.

Further investigation and recognition of the existing vehicular and pedestrian routes within and adjacent the precinct would assist in devising a street and block pattern that assimilates the development and to defining where 'active' frontages will work. The current nominated 'active' frontages for development do not reflect the travel and desire lines for pedestrians.

While reference is made to Water Sensitive Urban Design and to new development exemplifying *sustainability principles*, there is an opportunity to articulate in the urban design principles what might be particular issues for this precinct given its heritage significance, proximity to the lakeshore and exposure to the westerly winds.

## **Land Use**

There is some support for the proposal to extend the permitted uses, as a wider range of uses (other than that currently permitted under the Cultural Facility Land Use) would more accurately reflect the range of uses that are already occurring at Albert Hall. Nevertheless there is overwhelming concern that the introduction of these additional uses in the precinct as a whole must be carefully managed and put in the broader metropolitan context.

The Canberra Spatial Plan advocates the principle of limiting offices to centres and any consideration of increasing the amount of commercial, entertainment and retail space needs to be weighed against this. It should also be supported by an analysis of the demand for such space and where the metropolitan priority for the release of such space is most appropriate. Consequently the timing and extent of development in the Albert Hall Precinct needs to consider its priority relative to other areas of Canberra, particularly Civic and Constitution Ave.

Section 1.6.3 *Land Use for the Albert Hall Precinct* identifies ancillary uses including: office, retail and personal service establishment for Land Use area A, and retail and personal service establishment for Land Use area B. Clarification should be provided as to the meaning of 'ancillary' (which does not appear to be presently defined in the National Capital Plan). It is noted that the areas in Land Use A include 'office' as an ancillary use, although it is not clear as to whether there will be a floor space limit to ensure this ancillary

status. It is also noted that in other parts of the document (see Appendix T.10 – Building Height and Form) foreshadow that retailing and service based developments may form the '*predominant ground level*'.

The retail and commercial function of the precinct needs to be carefully considered and justified as well as identifying how much gross floor area is likely to be achieved. This is important to understand in terms of the likely traffic and parking generation.

### **Traffic and Parking**

The Draft Amendment does not contain sufficient information for the Territory to constructively comment on traffic, parking and the road hierarchy. This includes the major intersection on Commonwealth Avenue, surface and basement parking. To adequately assess the possible impacts, a traffic and car parking impact assessment should be provided that covers the wider areas of road network in the suburbs of Barton, Parkes and Yarralumla. Public transport or priority transit routes should also be considered as a part of this assessment. Further, as the ultimate uses for the land will not be determined for some time, the expected worst case scenario of permitted and ancillary uses should be considered for the purpose of assessing traffic, parking, public transport and other infrastructure needs.

Commonwealth Avenue is carrying traffic in the order of 65,000 vehicles per day and 7,850 during peak hour and the proposed at grade connection will increase the demand at this intersection by another 1,000 vehicles during peak period. This will have the effect of:

- imposing excessive delays and queues; and
- as Commonwealth Avenue forms part of the Woden to City IPT route creating delays in the express bus services.

The Territory is not necessarily dismissive of new traffic signals at Commonwealth Avenue/ King Edward Terrace but the issues and impacts must be resolved.

The Territory and Municipal Service have raised some concerns in regard to *Section 'A' Indicative Streetscape* with possible problems or conflicts with the design standards and dimensions shown with the mix of car parking types along the proposed streets. In particular they have raised the lack of information on the number of lanes, and conflict with 90-degree centre parking if there are multiple lanes.

### **Public Transport**

An existing stop for trunk buses (300 series, etc) serves Parkes and also activity nodes west of Commonwealth Avenue. This location is likely to be in the vicinity of a future node as part of the Woden to Civic IPT route. The Public Transport Future Feasibility Study identifies a station location nearby (north of Coronation Drive, on Commonwealth Avenue) for a node as part of

the Woden to City IPT route. There should be consideration of land uses and building heights that can optimise the use of public transport. There also needs to be evidence of transport analysis assessing the impacts of the proposed developments on the local and metropolitan transport network.

### **Pedestrians / cyclists**

The trunk cycle path indicated Appendix T10 is identified as a main route in the ACT's ten year (2004) cycle master plan. The plan provides a separate path for pedestrians on the foreshore with the existing trunk cycle path located further away from the foreshore. This is desirable so that pedestrians and cyclists have some separation. The existing underpass is of benefit and needs to be integrated with the cycle path network.

The pedestrian and cycle network along the western edge of the precinct (from Coronation Drive to Commonwealth Bridge) should be retained within a green (soft) landscaped edge not hard landscaping/ paving. This is critical to ensuring an appropriate transition from the urban edge (Commonwealth Ave Bridge) to Lennox Gardens. The current green edge along the foreshore also contributes positively to a layered viewshed westwards from Flynn Drive, comprising foreground landscaping, lake and mountains.

The plan should recognise that the cycle path on Commonwealth Avenue is the main route for on-road commuter cyclists.

### **Other Infrastructure**

There is no reference in the document to an overall storm-water management strategy or master plan or if augmentation is required to other service infrastructure.

### **Heritage**

Given the scale of development proposed within the precinct and the clear heritage value of the precinct, any issues or impacts should be fully investigated at this early stage rather than at development assessment. Indeed, a key determinant in the layout of the development of the precinct should be the retention of the heritage values of the Albert Hall and its curtilage.

This is a key concern for ACT Heritage, who hold the view that if the area is to be developed with the construction of new buildings, they must be designed with heights, locations, dimensions and materials that enhance and are sympathetic to the heritage values of Albert Hall and its curtilage. While the buildings and places on the Register of the National Estate are identified in the Draft Amendment under section 1.1.3 *Heritage*, there is insufficient information on the individual heritage values of each building/place and how the redevelopment of the precinct would protect these (i.e.: there is no conservation plan proposed).

Draft Amendment 53, proposes a significant increase in the density of buildings within the area, some of which encroach considerably on the curtilage of the Albert Hall and its precinct. In particular an extension of the Albert Hall itself is mooted, and ACT Heritage has concerns that this will significantly detract from the values of the Hall. Similarly, ACT Heritage has expressed concerns with the change in land use proposed and how the delicate balance between the recognition and preservation of the cultural heritage values of the precinct with the pressure of commercial development can be obtained. Again, this balance needs to be guided by policies derived from the Conservation Management Plan (CMP), which has yet to be finalised following its consideration by the ACT Heritage Council.

### **Landscape Setting**

There is no detail on whether the landscape around the listed items is itself of heritage significance or historic interest and yet under section 1.1.4 *Landscape Setting*, the document notes that *'the landscape setting and layout of the precinct is integral to the heritage character of Albert Hall*'. There is a lack of clarity in terms of the contributing features (trees are listed but there is no indication of any heritage values associated with them or other landscape features eg: paths, gardens etc). Section 1.2.1 *Purpose of Draft Amendment* similarly notes that the precinct will *'respond to the heritage values associated with the buildings and landscape*'. Appendix T10 (page 25) requires development to *'maintain and protect the heritage landscape setting'* but it is not clear what this is. Irrespective of whether the landscape around Albert Hall has formal heritage status, it should, as a matter of course, be investigated for its historic contribution to the precinct.

ACT Heritage have also reinforced the importance of properly considering the contribution of the landscape setting and are concerned that these are properly preserved and maintained with this development. ACT Heritage notes, for example, that the Monterey Pines immediately to the west and the north of the Hall are planned for removal. This would substantially change the natural environment of the Hall, and more significantly it would expose the Hall to the planned buildings to the north.

The current design, density and siting of the buildings (in particular the extension of the Albert Hall) appear primarily designed to maximise the commercial potential of the site. Heritage would argue strongly that the development could be carried out more sympathetically with fewer and better designed and sited buildings, and with increased attention to open space and garden development

The Department of Territory and Municipal Services have reinforced that detail design should meet the Design Standards for Urban Infrastructure. They have expressed concerns, based on the information provided, in regard to sufficient consideration being given to:

- Species selection to allow for the natural growth habit of the tree;
- Setbacks and tree spacing to allow for adequate vehicle and pedestrian circulation;
- Effective protection of the trees to be retained, including the Chinese Elm street trees in Kaye Street, the Cedars at front of the Albert Hall, and Cedars in the median of Commonwealth Ave
- Appropriate specifications are required in relation to building zones, setbacks, new driveways, paving, re-levelling and trenching to ensure sufficient space for tree protection zones;

Section 1.1.4 *Landscape Setting* identifies that a tree assessment has been completed for the precinct. It should be identified whether this was an independent assessment. A copy of the assessment should be made available as only a brief summary appears in the available documentation. The full recommendations of the study should be known, together with the method used for assessing the trees.



**The Hon Jim Lloyd MP**  
MINISTER FOR LOCAL GOVERNMENT, TERRITORIES AND ROADS

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Reference: 06499-2007

Ms Di Johnstone  
dijohnstone@bigpond.com

Dear Ms Johnstone

Thank you for your electronic correspondence of 3 July 2007 concerning the formation of a joint body to oversee the future planning and management of Albert Hall.

It is still my view that the proposed joint body is not required. It is the National Capital Authority's statutory responsibility under the provisions of the *Australian Capital Territory (Planning and Land Management) Act* (the Act), to prepare and administer the National Capital Plan (the Plan) and to keep the Plan under constant review by proposing amendments. There needs to be a clear separation of the statutory responsibility of the National Capital Authority to prepare and consider draft amendments and my involvement in their approval.

In regards to my correspondence to you dated 7 June 2007, I am happy for you to place a copy on the Friends of the Albert Hall website.

Thank you again for raising this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jim Lloyd', written over a light blue horizontal line.

JIM LLOYD

11/7/2007





28 February 2008

Mr Todd Rohl  
Managing Director of Planning  
Urban Design Projects  
National Capital Authority  
GPO Box 373  
Canberra ACT 2601

Dear Mr Rohl

**DA 53 – Albert Hall Precinct**

I refer to your letter of 13 February 2008 in which the replacement of the clover leaf ramps at Flynn Drive were based on the recommendations of the Parliamentary Zone Review 2000, which formed the basis for Amendment 33 to the National Capital Plan. Amendment 33 was approved by both Houses of Parliament in 2001.

In the context of the above assertions it is noted that the Annual Report of the NCA in 2001 noted as follows (in part):

“Significantly, the National Capital Plan has been amended to incorporate a new Master Plan for the Parliamentary Zone. This Master Plan includes a statement of principles for the Parliamentary Zone to be given meaning as the place of the people accessible to all Australians so that they can more fully understand and appreciate the collective experience and rich diversity of this country. The Master Plan provides fresh and practical guidance for decisions relating to development and physical planning, and management within the Parliamentary Zone.”

(Extract from the Chief Executive Summary in the NCA Annual Report 2001-02 Annual Report)

In our view, DA 33 “is intended to guide decisions relating to development cultural and physical planning and management within the Parliamentary Zone. It is intended to be a “living” document, and where necessary, subject to successive amendment and further studies as the key outcomes are implemented incrementally.”

(Appendix T.6 Master Plan for the Parliamentary Zone.) (Sept. 2001.)

We do not believe that on any interpretation of DA 33 there is approval for the replacement of the clover leaf ramps at Flynn Drive.

Yours sincerely

Peter C Lundy  
President  
Friends of the Albert Hall Inc



**Australian Government**  
**National Capital Authority**

File No: 08/375  
Our Ref: 33648

Mr Peter Lundy RFD  
President  
Friends of the Albert Hall Inc  
PO Box 9453  
DEAKIN ACT 2600

Dear Mr Lundy

**DA 53 - Albert Hall Precinct**

I refer to your letter of 28 February 2008, written on behalf of the Friends of the Albert Hall, regarding Draft Amendment 53 for the Albert Hall Precinct.

As I have advised previously, replacing the clover leaf ramps at Flynn Drive derived from the recommendations of the Parliamentary Zone Review 2000. This review formed the basis for Amendment 33 to National Capital Plan (the Plan) which was subject to statutory consultation. In 2001 Amendment 33 was approved by both Houses of Parliament.

The removal of Flynn Drive requires a development approval. The National Capital Authority (NCA) can only approve development that is consistent with the Plan.

No development application has been initiated by either the National Capital Authority (NCA) or the ACT Government (who owns part of the road). As Flynn Drive is located partly in the Parliamentary Zone and partly on Territory Land in a Designated Area, it will require the approval of both Houses of the Australian Parliament and the support of the ACT Government.

Thank you for your interest in this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Todd Rohl', with a long horizontal flourish extending to the right.

Todd Rohl  
Planning and Urban Design

27 March 2008

*Building the National Capital in the hearts of all Australians*

The following are the views submitted by individual members of the Friends that are not directly relevant to the terms of reference but that we have been asked to bring to your attention in relation to the NCA and NCA planning.

**General comments**

- NCA should carry out pre-emptive work without consultation with citizens who fund the NCA
- There should be transparency by the NCA and cooperative involvement by the NCA with the community, in advance of the formal public consultation processes, about important areas where the NCA is to undertake planning
- There should be greater accountability by the NCA
- The intrinsic character of the city established in its early excellent landscaping by experts and by its early architecture, domestic and public, should not be compromised by removing any of these elements in the interest of land developers wanting to demolish them to have buildings of no architectural quality and a quick profit
- The character of Canberra as a low rise city and its uniqueness should be retained and high rise buildings should be kept in check
- Older buildings should be promoted not demolished
- Open spaces around the shores of the lake must be kept building-free as they provide visual beauty and a quiet setting restorative to those who use and enjoy them and have a right to do so; including at Lotus Bay
- Any development in the Albert Hall Precinct should respect heritage values and be done by a reputable architect

**Access and parking (provided by Ian Morison, traffic expert)**

- Bearing in mind the limited amount of space around the Albert Hall, and that increased future use will create a need for ancillary buildings [for storage of production equipment etc], careful attention must be given to ensuring there is adequate land area within a dedicated site, and that convenient access arrangements are maintained, for services to the Hall and for its formal occasions.
- To meet those priority needs, questions of access and parking for the general people attending its functions must be met as a quite separate issue, off-site. NCA's plans to remove existing roads that give access to and from the Parliamentary Triangle and Commonwealth Bridge should be dropped.
- Somewhat fortuitously, works that were carried out in the 1960s to serve the Parliamentary area, are well-suited to meeting increased activity at the Albert Hall. The existing road system, with a bus stop on Commonwealth Avenue and extensive ground level parking in the Triangle opposite the Hall, both served by an underpass to ensure safe pedestrian movements, are capable of effectively servicing both large and small attendances generated by future public functions at the Hall. However they do need to be properly maintained, with provision for fully informative signposting of access to Hall functions via public and private transport.