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Protecting, promoting and enhancing the economic, cultural, social and environmental well being of the residents of North Canberra

The North Canberra Community Council receives funding and support from the ACT Government



Mr Andrew Smith
Chief Planner and Deputy Chief Executive
National Capital Authority

Your reference: 369684

**National Capital Plan Draft Amendment 91
– City and Gateway Urban Design Provisions**

Dear Sir

Thank you for your letter of 21 January 2019, in which you invited the North Canberra Community Council to comment on this draft amendment. Our preliminary comments are as follows, together with the attached partial summary tables of issues and concerns about Draft Amendment 91 and the proposed Framework. We endorse the content of those tables, even though they are labeled as “draft.” We seek leave to provide further comments and supplement this submission.

We are generally supportive of what has been presented for The Avenue section of the plan.

We are concerned about the overall prescriptive nature of the amendment, given that the Territory Plan has in recent years moved towards an outcomes-based approach.

The issues we can readily provide considered and informed advice on in the short time available are flagged below. We are able to provide more detail and informed discussion towards a city plan that better achieves its objectives and provides improved amenity to the community given more time. We are generally supportive of what has been presented for The Avenue section of the plan.

- A. We are concerned about the overall prescriptive nature of the amendment, given that the Territory Plan has in recent years moved towards an outcomes-based approach.
- B. We have some concerns around prescribed building heights at the Northbourne/Wakefield/Macarthur intersection, and how the resulting buildings may impede vistas towards Black Mountain and Mt Majura, which are an integral part of the Griffins’ plan.
- C. The Informal Park Boulevard section provides many areas of concern.
- D. As the name suggests this is supposed to be informal in design and building. To mandate that each side of the boulevard ‘mirror’ its opposite creates a regimentation that in our view is unwarranted and unwanted. It is appropriate in this area to allow diversity and more informality.
- E. The inclusion of building heights on Lyneham’s Southwell Park occurred very late in the consultation and is not reflected in the final Framework. It was not shown publicly in any previous documentation. We are concerned about the loss of public open space

for recreation, loss of expansive views to the O'Connor Ridge, and that stakeholders such as Netball ACT may not have been adequately consulted.

- F. The 18m building heights on the eastern side of Northbourne in Downer are out of context and appear to be inappropriately high. We note that block sizes and depths north of Antill Street are significantly smaller than is the case for other sections of the corridor.
- G. Some form of 'marker' building and node should be reinstated on Phillip Avenue, at its intersection with the Federal Highway, to complement the building heights on the opposite corners and help to emphasise and frame the north-westerly vista along Phillip Ave to Crace Hill.
- H. Building heights could be increased on the western side of Northbourne and the Federal Highway from Yowani to Flemington Rd, as there is no discernible impact on existing residents. Mandating pitched roofs on these buildings would negate options such as roof top gardens.
- I. It would be helpful to include an outline of where future marker buildings could be located near the corner of Flemington Rd. We have no firm view what should be done on the EPIC frontages, but we expect that this site will undergo many changes in the course of the next 20-30 years.
- J. The Sullivan's Creek corridor, from the city to Mouat Street, includes Canberra's most heavily used cycling and walking path. Provision should be made for future extensions of the path across Mouat Street to the Barton Highway in the first instance, and then to Flemington Road (to provide a connection to Gungahlin) and later possibly to the starting point of Sullivan's Creek. This is a vital piece of infrastructure that should retain the capacity to be improved and extended, in order to be able to meet Canberra's evolving transport demands.
- K. There needs to be consideration given to creating a large-scale park and ride facility to encourage interstate travellers and others to park somewhere near EPiC and catch the tram in either direction. Traffic movements on Antill St (North) and Phillip Avenue have increased substantially with the growth of Gungahlin and cross-border flows. While we accept that a park and ride facility may be outside the scope of the current amendment, we wish to flag that it is missing from the accompanying Framework.

This is a plan for the next 25 to 50 years. It is an investment in the future. The quality, liveability and workability of the city will be set in concrete with this plan. In the future Canberra can only fix poor design at great expense. The level and rigour of the planning should reflect this. Harnessing the collective intelligence of the community, stakeholders and the professionals in the A.C.T. government departments achieves this and the NCCC has the experience and common aim to be involved.

We request the opportunity to provide further input after more complete consultation with local residents' groups. We are available to discuss this letter, the foregoing request and the timeframe with you.

Sincerely



Leon Arundell
Chair.

TABLE 1 Summary of Issues and Concerns with DA91

Item	Ref	Comment	Impact type	Level of concern
DA91 – principles and objectives	P3	<p>The principles are contained in the associated Framework, which is a policy document only. Policy documents have no statutory effect. Objectives on P11 are not spelled out in terms that are tangible, so the subjective nature of terms like high quality and design excellence leaves it open to any proponent to argue compliance and contest the Design Review Panel’s findings. Lack of objectives at the detailed provision stage makes it hard to justify why strict numeric limits are being applied, especially when they appear to be drawn from concrete construction standards.</p>	Structural	High
DA9 - Territory Plan variation	P3	<p>Translating the language in the final amendment into a draft variation can take various forms – it can be literal, or it can set out to be broadly consistent, and since it must undergo the full process of consultation can ultimately be modified in multiple ways that change the meaning and risk watering down the rules. Terms like <i>must</i>, <i>should</i> and <i>may be permitted</i> have legal meanings and are all contained in the draft. Given that meaning will change if these are amended in the Territory Plan variation process, it’s essential to get them right in the beginning. Applying prescriptive controls is at odds with the performance-based approach that the Territory Plan uses for merit track proposals, and doesn’t reflect the flavour of the City and Gateway Framework, so it’s peculiar that stringent rules would apply to two long strips whereas the rest of the city would be subject to</p>	Implementation	High

		more flexible rules (that are frequently relaxed). While more stringent rules are clearly necessary given various developments occurring, the NCA hasn't made a strong case for why these particular rules will deliver better results.		
DA91 – width of 'corridor' has been maximised	P3	Defining a 2km band of land on either side of Northbourne and the Federal Highway from the lake's northern shore to the NSW border as a 'linear corridor' sets up a new conceptual unit that doesn't correspond directly to the light rail or to existing suburb layouts and zones.	Zoning, land values and rates i.e. ECONOMIC and SOCIAL	Needs monitoring
DA91 – sustainability as base requirement	P5	'Encourage sustainability' is a useless phrase and is not carried through in the text of the amendment's provisions. The community requires much more forceful language and genuine measures, including demonstrations to test out technologies and stimulate uptake of innovative building practices, water and energy efficiency, renewable resource usage and living (green) infrastructure. The importance and urgency is real, so the amendment should go beyond platitudes and include targets.	ENVIRONMENTAL	High
DA91 – single public information session	P7	Announcement of a joint framework in late December, release of the text of the draft amendment in the second half of January, a single public session for 1 hour in early February, has limited the capacity of key stakeholders to ask questions, analyse, discuss and consider. Formulating sound policy requires time for information exchange and discussion so that people can be clear about what is proposed and understand what it will mean. The level of engagement to date has been patchy, with significant resources allocated to the Downer community but little or none to Lyneham, or	Consultation rushed	High

		the 6 other suburbs that either flank Northbourne and the Federal Highway directly or are captured by the Framework.		
DA91 – DCPs will no longer apply but many of their requirements are not carried over	P8	Effect of the amendment is to switch off DCPs but much of what's required to be in a DCP does not appear in the text of this amendment (adverse environmental impacts, visitors, functional relationships, consistency, traffic impacts)	Potential gap	High
DA91 – allowance for max heights to be exceeded	P9	Allowing maximum heights to be exceeded and new extensions or rebuilding to achieve greater heights weakens the policy. A site with low site coverage and a few tall buildings can be redeveloped for a much higher plot ratio and yield than its neighbours that have no such advantage. This distorts land values and produces unintended effects.	Variable heights and plot ratios are counter to the policy, which sets out to achieve a unified pattern of heights with very few exceptions	Medium
DA91 – special requirements apply to land within 200m of the Barton and Federal Highways' midpoints	P10	Effect of the amendment along the highway portion is greater than just the block of land that flanks Northbourne (depths of those blocks vary from 35m to over 100m), so a wider band of land is affected north of the junction of the two highways. This doesn't correspond to the route of the light rail, which generates a need for transit oriented development within the vicinity of each stop. Land in Lyneham and Downer north of Barton Highway is subject to more complex pressures. Policy response should be more sophisticated than to adopt a single height limit for both sides of the approach route without examining the characteristics of those sites and the merits of alternative proposals. Shallower block depths in Downer create overshadowing problems for blocks to the rear whereas sites on the opposite side of the Highway have	Conflict between longer term planning objectives and urban design preference for visual symmetry	High

		none of those constraints and should therefore be available for higher yields.		
DA91 – formality	P11	Background states that “Northbourne Av should be distinguished by a formality that is uniquely Australian.” Honestly have no idea what this means but it seems both unnecessary and a misplaced appeal to patriotism. Surely if a Japanese or a Danish architect proposed a distinctive building in a style common to another nation we would not be opposed to that?	Lack of clarity	Low
DA91 – Objective 5 re sustainability	P11	Important to strengthen the language about and provisions for sustainability so this isn’t empty lip service	ENVIRONMENTAL	High
DA91 – Northbourne building height limit 25m or 27.5m	P11	The wording here has a lot of problems. Firstly it dictates that buildings adjacent to ... are to be. That means buildings on the site but behind the front row are not explicitly controlled, secondly it means that any building must be at least 25m and cannot be less if it’s in that front row. The paragraph goes on to allow a height bonus if a building contains just a single two-storey or mezzanine unit. Allowing a height bonus is fine but a single unit should not be sufficient to qualify.	LEGAL	High
DA91 – Minor building elements rooftop	P11	Restrictions on rooftop elements that could be visible may inadvertently prevent PV panels, as these would typically be visible from various angles.	ENVIRONMENTAL	Low
DA91 – RL617 allowed on 4 corners at Macarthur/Wakefield	P11	The diagonal axes that criss cross Northbourne at Wakefield and Macarthur Avenues are a key element of the Griffin Plan and serve to connect Black Mountain and Mt Majura. Interrupting those vistas with the bulk of 4 tall towers would be contrary to the intent of the Griffin Plan, and should be avoided by lowering those heights. If 32m is appropriate at Antill St, capping the maximum height to RL 601 would still achieve the	HERITAGE and urban design	High

		desired result of articulating this intersection yet preserve the visual connections of city to landscape along the axes of David and Majura.		
DA91 – Federal highway height limits specified	P11	Three different height limits are used and the logic is unclear. The 18m limit between Antill/Mouat and the Barton Hwy should be removed altogether from Southwell Park to protect public open space and outdoor recreation needs. This has not been shown at all in either the draft or final Framework documents, and is an anomaly. On the other side in Downer (which incidentally fronts Northbourne, not the Highway) 18m is excessive and should be lowered to 12m. The impact on blocks to the rear is unreasonable otherwise. The Yowani site on the corner of Barton Hwy is capable of higher yields: its proximity to Sullivans Creek floodway means that to retain established trees and naturalise the creek increased height is justified. Similarly, where the Federal Highway passes land in Lyneham, either 18m or 21m* ¹ is a reasonable maximum height that allows for Sullivans Creek to be naturalised and the light rail stop to function effectively. Lowering building heights north of Flemington Rd where the light rail turns is supported.	SOCIAL, ECONOMIC, ENVIRONMENTAL	High
DA91 – Fig 146 showing RL617s		RL617 is excessive and should be reduced to RL601 to preserve the Griffin axes (see above)		
DA91 – Fig 147 showing 18m height limit for large band of Southwell Park	P13	See above		
DA91 - Setbacks	P14	The last 3 setbacks are not properly spelled out in terms of where the reference point lies. The treatment of the	Urban design	Medium

¹ A development proposal in the pipeline for the former Kamberra Winery has been identified by the Minister as a demonstration project. A height bonus is appropriate where a proponent shows evidence of testing significant new technologies that both lower greenhouse gas emissions and improve energy and water efficiency.

		<p>corner of Barton Highway and Northbourne (the Yowani site and the corner to the north where the vet is now) warrants at least as much attention as the corner of Macarthur/Wakefield but seems to have been neglected. This is a major arrival/departure point yet is easily missed because of the lack of visual cues. Setbacks from both Barton Hwy and Northbourne may be justified.</p> <p>It is unclear how the setback rules would handle bridges, tunnels, or basements so this should be considered.</p>		
DA91 – Building separation	P15	<p>Lessening the separation distances for habitable/non-habitable doesn't recognise that an office window is at least as likely to intrude on the privacy of a residential unit's or single dwelling's occupants if they're at home (which is more often the case if they're elderly or have young children).</p>	SOCIAL	Medium

TABLE 2 Summary of Issues and Concerns with Framework

Item	Ref	Comments	Impact type	Level of concern
CGUDF – Changes to planning controls	6	According to the Framework, there is one draft Territory Plan variation in the works that will make changes to ‘relevant Precinct Codes’. It is unclear which Codes will be changed and whether more than one variation is intended or likely.	Lack of clarity about statutory processes	Medium
CGUDF – Heritage	7	This is one of very few mentions in a 78 page document, which omits to mention garden city principles, the Old Yass-Queanbeyan Rd that traversed the valley where the Pavilion Hotel site is now and ran parallel to Limestone Av, old stock routes, St John’s in Reid (1841) and St Ninian’s in Lyneham (1860s), the Old Canberra Inn (1857), the first aerodrome and RAAF air crash at Dickson (1924 and 1926), traces of early settlers and soldier settlers, the CSIRO’s Experiment Station... Recognising Canberra’s heritage is a progressive undertaking, but lack of an ACT Heritage Strategy impairs the government’s capacity to address this important subject.	SOCIAL	High
CGUDF – Map 1	8	It’s unclear from this map whether the area subject to the Framework is the Study Area marked, but this is not the same outline as in the draft Framework and has been expanded to take in the whole of Watson and some of the reserve north of Watson. The outline does not correspond to a rough 2km band along the MAAR which is described as a ‘linear corridor’.	Extent of area included	Medium
CGUDF – Map 2	11	This map continues to show Cowper St as part of a garden city cycle route that Pedal Power and their members noted during Stage 2 engagement is undesirable and unsafe for cyclists. The diagram is extremely vague, and leaves the reader uncertain as to what the Spatial Framework actually consists of.	Lack of certainty	High