



Australian Institute of Architects



Australian Institute of Landscape Architects

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CC: Ms Sally Barnes, Chief Executive, National Capital Authority & Mr Ben Ponton, Director General, Environment, Planning and Sustainable Development Directorate

Joint Industry Submission: National Capital Plan – Draft Amendment 91 (City and Gateway Urban Design Provisions)

Dear Mr Smith

The ACT built environment industry has a high level of interest in the implementation of the City and Gateway Urban Design Framework (the Framework) and welcome the next stage of the consultation process. This submission is made on behalf of the Property Council of Australia, Master Builders Association (ACT), Australian Institute of Architects, Australian Institute of Landscape Architects, Planning Institute of Australia, and the Canberra Business Chamber.

We have many shared concerns with the proposed amendment to the National Capital Plan released for comment in January 2019 and have prepared a consolidated submission to outline the major issues with the plan's amendments.

As agreed at our meeting on Thursday 28 February with yourself and Sally Barnes, we would welcome the opportunity to reconvene our representatives to work in a collaborative way to reach some outcomes-based solutions to the issues raised in this submission.

Introduction

The development of an urban design framework for the Canberra CBD and northern gateway provide a once in a lifetime opportunity to achieve a great planning outcome for the nation's capital. The implementation of the Framework will coincide with the completion of the Canberra light rail project and a major urban renewal of public housing along the Corridor. It is critical that the new

planning controls are appropriate to encourage the right form of development in the right location. We are supportive of the intent and objectives for the Corridor as the gateway to our city during such significant transformation of our city.

Recent population projections for the Australian Capital Territory (ACT) indicate that there will be more than 450,000 persons living in the ACT by 2022 and that will increase to more than 700,000 by 2060. Canberra's changing demographics over the next 30-40 years will see more people living in apartment in locations served by good public transport. An additional 60,000 people are projected to live in the corridor between North Canberra and Gungahlin before 2058. It is important that the planning controls under development for the Northern Gateway are capable of delivering sufficient housing to meet future demand. Current projections show that we will need to deliver 5,000 homes every year to meet the needs of our growing population. The Corridor is ideally placed to do much of the heavy lifting – in line with the principles of Transit Oriented Development.

Process

It is understood the Framework project is a joint initiative between the National Capital Authority (NCA) and the ACT Government and this reflects the statutory arrangements embedded in the Australian Capital Territory (Planning and Land Management) Act 1988. There is shared interest in many parts of the study area and this is why it is necessary to amend both the National Capital Plan (NCP) and the Territory Plan to give effect to the Framework.

We have noted that the draft Framework was revised after the conclusion of the consultation process to respond to community concerns. In December 2018, the final Framework was endorsed by the Commonwealth and ACT Governments.

There have been significant changes made to the Framework between the draft and final versions. The impact of the changes made between the different versions of the Framework are poorly justified and may deliver built outcomes that do not achieve the desired purpose and objectives.

In addition, it is the view of industry that certainty has been undermined for many landowners within the corridor. Proposed changes now threaten the financial viability of some projects at key locations along the corridor. There needs to be consideration of transitional arrangements for those that have lease variations or purchasing approved on the existing framework.

Many of the changes made in the amended Framework were presented to the residents of Downer at a workshop held in April 2018. The changes included the removal of the marker building/urban village node from the light rail stop and a reduction of building heights for Character Precincts 1 and 2. There does not appear to have been any further engagement with the development industry on the viability of the changes made and their impacts in terms of achieving the Framework's objectives.

It has been twelve months since the draft Framework was released for public consultation. It is accepted that amendments to the NCP and the Territory Plan are needed to give effect to the Framework. Notwithstanding the need for the current and additional round of consultation, the process to implement improved urban design provisions for Canberra has been cumbersome.

Building Heights

It is important to place on the record the industry's disappointment with changes to the building heights the Corridor. The reduction of these building heights is not supported.

The building heights that were proposed in the March 2018 draft Framework were modest to begin with, considering the significant investment in mass transit infrastructure that is underway along the northern corridor. The further height reduction will constrain future development well below the densities needed to support the long-term viability of the light rail project.

The width of the road corridor in this location is close to 100m and is capable of supporting building heights much greater than the proposed 12m. The building separation is very generous compared to other areas undergoing urban renewal. The appropriateness of the 18m building height is evident from the cross section drawing on page 23 of the draft Framework where the height of future buildings at 18m is less than the height of street trees in the roadway reserve.

Trees are the dominant feature of the entire Informal Park Boulevard and it is apparent that the landscaping of these part of the corridor has a major factor in the preparation of the design controls for new buildings. Because new buildings will sit behind these trees, this section of the corridor has potential to accommodate increased building heights. It is suggested that increased height (18 metres) be considered – consistent with the draft plan.

The removal of the marker building or node from the junction of the Federal Highway and Phillip Avenue is not supported. In addition, a marker building at Flemington Road where the light rail enters the corridor makes sense. This should be a transition point and a potential node to mark the light rail stop, mark the change in the corridor along the light rail route, and importantly implement best transit oriented development principles.

The height reduction that has been made within the final Framework appears to have not considered any alternative design solutions that could have maintained the development potential of the corridor and addressed amenity impacts identified by local residents. It is entirely possible for buildings to be stepped down to reduce the bulk and scale of the upper levels. Use of height planes and upper level building setbacks would be more effective ways to achieve the objectives of the Framework and respond to legitimate concerns raised by local residents.

The height controls proposed for Macarthur and Wakefield Avenue intersections are highly prescriptive and idiosyncratic are also not supported for the following reasons:

- A south facing landscaped plaza on the northern side of the intersection would be overshadowed and wind swept in winter;
- The is a significant level difference across the Corridor nomination of a uniform RL across the avenue will not achieve desired balance across the avenue.

Prescriptive Controls and Design Review Panels

The proposed planning controls are too prescriptive. It has been demonstrated that planning controls that are too prescriptive do not achieve the most desirable outcomes. They rarely lead to innovative or creative design outcomes.

We believe that by allowing for design review process to occur to enable innovation in design and development, we can build trust with the community in the process. It also is a collaborative way to achieve the desired outcomes in such a critical study area.

Industry supports the adoption of an alternative process which could be taken during project assessment pathway which includes engagement with a Design Review Panel for input and advice. We believe that by allowing for design review process to occur to enable innovation in design and development, we can build trust with the community in the process. It also is a collaborative way to achieve the desired outcomes in such a critical study area.

One possible way of using Design Review Panels is for ACTPLA, the NCA (and the proponent) to seek advice from the Panel when departure from a rule(s) is proposed. The Panel can advise when they consider departure from a rule is justified on the basis that the objectives and criteria are met and where the departure contributes to design excellence.

It is important that Design Review Panels remain independent and advisory. There should be a requirement for Design Review Panel advice to be considered by ACTPLA and the NCA prior to the determination of an application but the Panel should not become a defacto consent authority.

Apartment Design Requirements

Many of the internal design standards required for apartment developments have been informed and based on the NSW State Environmental Planning Policy No 65 (SEPP 65) and Apartment Design Guide (ADG) document. These have been in use within NSW for almost 20 years and have materially improved the design quality of residential flat buildings and mixed-use buildings in Sydney and across the NSW over this period.

While adopting SEPP 65 is an overdue reform we should also look to the future and international best practice which are facilitating the gradual introduction of carbon neutral and climate positive buildings and precincts. As discussed above the use of Design Review Panels to advise on rule departures is a good way to remove barriers and to facilitate international best practice in sustainable building and precinct design and construction.

Industry is concerned about potential disparities between development standards between the City and Gateway Corridor where the National Capital Plan provisions will apply and adjoining areas where the Territory Plan will apply. It would be preferable to make the new 'SEPP 65' Provisions apply across the City equally. The 'SEPP 65' reforms are overdue. However care is needed to ensure more onerous requirements are not introduced without proper review of potential impacts on housing affordability.

Cherry picking parts of the SEPP 65 policy from NSW could have unintended consequences. Draft Amendment 91 proposes more onerous requirements that may impact on affordable housing or the achievement of more 3-bedroom apartments (for example) by having:

- Higher minimum internal apartment sizes, greater minimum balcony areas, higher floor to ceiling heights, increased solar access to apartments and their private open space. These design standards, if adopted into the NCP, would significantly reduce the economic viability of many apartment projects and reduce the likelihood of the Framework's objectives being met.

- prescribed construction requirements that reduce scope for flexible design outcomes. For example, the use of masonry balustrades. Given the increasing trend for timber buildings, this requirement for a certain type of balcony divider creates a problem for a designer/developer that could have been avoided. Further, prescribing mandatory pitched roofs for parts of the Informal Park Boulevard limit roof top activation and planting.
- a number of other design rules (floor to ceiling heights for habitable rooms) will create problems for architects and design panels at application stage. Generally, it is preferable for the National Construction Code to be used as a reference unless there is a very good reason for a variation.

Holistic Planning

The draft provisions contained in amendment 91 do not reflect a holistic view of the greater urban needs of the Canberra community. There are sites affected by changes made after the public consultation that are capable of supporting a much higher density and would provide suitable locations for appropriate density. Good planning principles support the location of higher density around and along transport nodes and corridors. Doing so also reduces the pressure on other areas where it may be less desirable to increase density (such as those with heritage and environmental constraints).

Having fully considered the draft and final Framework documents, the Stage 2 Engagement Report and the Downer Community Workshop Report, the draft amendment appears to have been strongly influenced by a design outcome that supports a low-density agenda. It is also important to note that landowners have undertaken extensive consultation over many years and have largely received positive responses from impacted residents and minimal objections.

It would appear that the draft amendment has failed to reflect any social or economic needs that are often needed to balance best urban design and social sustainability outcomes. This includes affordable housing, accessible building design and other design aspects suitable for the changing demographic characteristics of the ACT population.

Ensuring that the latest population projections or defining the number of dwellings needed in the ACT over the short to medium term and then preparing design controls capable of meeting that need is essential at a time of unprecedented growth of our city and region. It also fails to acknowledge existing plans and a willingness from landowners to partner with government and adjacent developments to deliver on important placemaking objectives – for areas such as Macarthur junction and to remediate Sullivan’s Creek – which align strongly with the ACT Planning Minister’s 2015 *Statement of Planning Intent*.

Proposed Solution

To address the concerns identified in our submission, we recommend the following solutions:

- Building height controls contained in the March 2018 draft Framework be reinstated.
- A clause be inserted allowing the prescriptive design and building controls to be varied where a proposal has been submitted and endorsed by the ACT Design Review Panel.
- That further engagement with industry occur immediately to try and achieve the most desirable outcomes for the future needs of our city and community.

Conclusion

The planning for renewal of the Gateway Corridor represents a significant opportunity for the NCA and the ACT Government. The commencement of the light rail service along the corridor will transform the city, with the greatest impact between the northern edge of the CBD and Flemington Road.

An accepted planning principle is for increased density to be located close to mass transit infrastructure. The light rail route is an appropriate location to accommodate greater density and building height. By reducing the development potential for this part of the corridor, against the best practice transit orientated development principles – as successfully applied in many cities around the world - it is likely that much of this opportunity will not be able to be realised.

The Framework is more than an urban design tool but an instrument to guide an urban renewal transformation. The current version and the draft amendment to the NCP does not and cannot achieve that. It is imperative that aspects of the Framework and draft amendment 91 be revised to ensure that it can achieve the Frameworks objectives and purpose.

Should you require any further information do not hesitate to contact us directly on behalf of the Industry groups which have jointly prepared this submission.

Yours sincerely,



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Executive Director
Property Council of Australia



Michael Hopkins
Chief Executive Officer
Master Builders ACT

Signed on behalf of following built environment industry groups and authors of the joint submission:

Australian Institute of Architects
Australian Institute of Landscape Architects
Planning Institute of Australia
Canberra Business Chamber



Australian Institute of Architects



Australian Institute of Landscape Architects