

Submission to the National Capital Authority on the development proposed for Block 16 Section 10 City

Introduction

This submission argues that the 356 unit residential development proposed by Geocon for Block 16 Section 10 City (70 Allara Street), a “designated area” under the [Australian Capital Territory \(Planning and Land Management\) Act 1988](#), fails to satisfy a number of the objectives, principles and codes of the National Capital Plan and that approval should therefore not be given for the works to proceed.

In what follows there is a particular focus on the severe negative impacts the proposed development would have on many of the residents of the adjoining apartment building known and referred to here as “the Forum” (66 Allara St). These impacts include considerable disruption and congestion during the estimated two-year construction period and, more importantly, the permanent loss for many Forum residents of several key aspects of amenity. More broadly, it is argued that the scale of the development and the traffic it will generate are such that negative impacts will extend to others who use the area for work or leisure.

More broadly still, it is argued that by not meeting the high standards envisaged by the National Capital Plan for “design excellence” and urbanism of the “highest standard” the proposed development would, if approved, establish a substandard precedent for this important part of the Constitution Avenue and Anzac Parade Precinct.

Throughout this submission, the critique of the proposed development is explicitly linked to the relevant requirements of the National Capital Plan (the Plan).

Overshadowing, outlook and privacy

The Forum itself comprises 117 apartments in a single 5 storey building. The proposed development would house 356 apartments in two 9 storey buildings and one 7 storey building to the immediate west and south west of the Forum, all above a multilevel underground carpark accommodating 409 cars.

The distance between the Forum’s western boundary and the proposed buildings would be about 15 metres although this reduces to 13 metres at one point. The effect of this proximity would be that the proposed buildings loom over the west and south-west facing Forum apartments, blocking views to Black Mountain and the Brindabella hills and overshadowing several west-facing Forum apartments for much of the day.

Many of these apartments were purchased for their outlook and for their access to winter sun. With the certain loss of these benefits – which would involve the denial of a recognised right to light – residents’ quality of life will be degraded, and property values will fall.

Some owners have already indicated their intention to sell in order to avoid this loss of amenity, fully aware that they may have to accept a price significantly lower than what could be expected before Geocon made its intentions known. The first auction – of a unit facing west – that is a direct response to the development occurred in the first week of May.

Forum residents of south-west- and west-facing units would also all suffer significant loss of privacy as they would all be over-looked by up to 9 levels of new apartments. Very little attempt to mitigate this intrusion appears to have been made by the architects except for the inclusion of planting, whose screening effect for the Forum’s upper floor residents would not be felt for 20 to 30 years when the proposed trees are fully grown. Existing fully grown trees on the south-western and western sides of the Forum would provide some screening and privacy if they were to remain. However, the design drawings indicate that these trees are to be removed to enable construction of the underground car park.

The National Capital Plan (Chapter 4: Part Four (A) – Principles and Policies for Designated Areas) states that:

8. The urban design of the area is to achieve an integrated design of the highest quality by managing building height and bulk, and by encouraging building forms and layouts on consistent building alignments which enhance the structure of the Griffins’ plans.
9. New development should seek to respect the design and character of adjacent buildings in terms of scale, colour, materials, massing and frontage alignment.

(4.1.2 Detailed conditions of planning, design and development, paragraphs 8 and 9)

In addition, the Plan identifies the following as an objective specific to the Constitution Avenue and Anzac Parade Precinct in which both 66 Allara Street and 70 Allara Street are located.

7. Develop a built environment which demonstrates design excellence.

(4.8.3 Objectives for Constitution Avenue and Anzac Parade)

The Plan also sets the following specific design requirement:

- n. Design proposals should be site responsive taking maximum advantage of varying characteristics and features of each site, complementing adjoining development – both existing and proposed – and expressing physical and environmental features.

(4.8.5 Detailed Conditions of Planning Design and Development)

From the above it is clear that the Plan recognises that urban design of the “highest quality” involves careful management of height and bulk, a degree of contextual consistency and “site responsiveness” and “respect [for] the design and character of adjacent buildings” in terms of scale and massing, among other things.

The proposed development fails to meet these standards and so falls far short of the “design excellence” expected of the Precinct. The height and bulk of the proposed buildings and their overbearing proximity to the Forum appear to be driven by a profit maximisation motive that’s indifferent to the surrounding context rather than a desire to achieve an “integrated design” of the “highest quality”. The proposed development imposes rather than integrates. While it will doubtless bring benefits to people who buy into the new buildings – vistas to the west and south, sunlight penetration - it is precisely those benefits that will come to a permanent end for many existing residents of the Forum. Some gain what others lose in what appears to be a zero-sum approach to development.

This is not the careful balancing of benefits that characterises “design excellence” and urbanism of the “highest quality”.

Traffic congestion

The traffic management aspects of the proposed development are woefully inadequate to meet to the proposal’s additional traffic load.

As traffic access from London Circuit has not been permitted for the proposed construction, all traffic to and from the development would be required to use the existing narrow lane that currently serves the needs of the Forum, a public car park and the ACT works depot to the south. At 356 apartments and 409 parking spaces, the development would bring about a fourfold increase of the load. This means four times the number of cars entering and leaving the lane each day, and four times the number of service vehicles, including early morning garbage trucks and removal and delivery trucks, as well as pedestrian and cycle traffic.

Despite this fourfold increase Geocon proposes no change to existing traffic infrastructure. The narrow lane will be in constant use throughout the day, resulting in severely diminished quiet enjoyment of their homes for residents in Forum units facing south. The traffic on the lane will be at its busiest during the morning peak hours when four streams of traffic will converge – one outgoing stream from the Forum, another outgoing stream from the proposed development, a third outgoing stream of trucks, vans and mowers from the ACT works depot and a fourth incoming stream from Allara St to the carpark. Evening peak hours will see the same but in reverse. Frequent gridlock will be the inevitable result from the moment the development is occupied.

According to Geocon's drawings, twenty-ton garbage trucks serving the new apartments will need to perform 3-point turns no more than 15 metres from the bedrooms of southwest-facing ground-floor Forum apartments.

Another very concerning aspect of the Geocon proposal is that the exhaust system for the multilevel carpark discharges into the enclosed "public" space between the new buildings and the Forum. Carbon dioxide and other exhaust gases and particulate matter, which tends to settle out onto surfaces (including internal surfaces), can be expected to concentrate in this confined "public" space to the likely detriment to the wellbeing and health of residents especially those living west-facing Forum flats on the lower floors.

These issues were raised in the consultations, but the concerns were brushed aside. No satisfactory solution is apparent in the latest plans.

Forum units overlooking Allara St will also be affected.

Allara St, which sees considerable pedestrian and cycle traffic from the Commonwealth Park footbridge, has recently been burdened with additional motor traffic from the Parkes Way egress ramp, a sharp increase in cycle traffic and the sudden arrival of electric scooter traffic. This burden will increase again by traffic associated with the Geocon development, with a consequent impact on peaceful occupation, pedestrian amenity and property value. Indeed, it is reasonable to expect that the streetscape, which is currently a frequently used pedestrian-friendly connection between the city and the lake, will become noisy, polluted and possibly dangerous for users.

At the very least, the proposal flouts the ACT's standing policy of pedestrians first, then cyclists, then cars and sits very uneasily with ACT/NCA plans to consolidate the link between the city and the park as a pedestrian zone.

Specifically, the proposal fails to meet the requirement of the Plan that design proposals "protect the amenity of adjoining residential areas" (4.8.5.h.). In fact, rather than protect

amenity, the effect of the proposal would be to destroy amenity for Forum residents with Allara Street frontages, and for pedestrians and cyclists. The Plan includes a requirement that proposals:

- k. Create a public domain that forms a linked sequence of spaces that are accessible, safe, comfortable, and pedestrian scaled, that promotes walking and use of public transport and minimises reliance on cars.

(4.8.5 Detailed conditions of planning, design and development)

The Geocon proposal does include contained external spaces that could be said to “form a linked sequence of spaces that are accessible, safe, comfortable and pedestrian scaled” but these are barely adequate gestures – in reality they would amount to an entry point choked by excessive traffic and an overshadowed blind alley on the North-South axis – whose meagre benefits, like the other benefits of this proposal, are bought at the cost of disbenefits for Forum residents.

Conclusion

In its formulation of principles for Objective One (Urban design and heritage) the Plan recognises that:

- a. The National Capital role requires that planning and development, in Canberra Central in particular [...] should reflect contemporary thinking in urban design practice;
- b. Planning controls should seek to ensure that development in all forms [...] complements and enriches its surroundings.

2.4.1 Objective one – Urban design and heritage, paras a. and b.

It has been argued here that the proposal under consideration does not complement or enrich its surroundings in a range of critical respects that are recognized as important by the Plan. The inevitable and necessary conclusion is that the proposal does not reflect contemporary thinking in urban design practice, or, to use other terms employed by the Plan, “design excellence” of the “highest quality.”

It is noted that the Plan gives the Authority the following discretion:

10. Individual development proposals will be assessed on their merits in respect to sunlight penetration, amenity, pedestrian and vehicle access. No buildings taller than RL617 will be permitted in the Designated Area, but the general building height will be 3-4 storeys except where the National Capital Authority determines otherwise.

(4.1.2 Detailed conditions of planning, design and development, paragraph 10)

In the Authority's own words, a "designated area" is land that has – or should have – a "unique and memorable character" and that plays an important part in giving "the Capital a garden city image of national and international significance."

The Authority should exercise its discretion by denying Geocon work approval for Block 16, or, at the least, by imposing requirements that move it towards the high but achievable aspirations for "designated land". The Geocon proposal would have a density of one and a half times that of the Forum, which is itself a dense development. There is no justification for this in a city such as Canberra, and even less in a designated area that is supposed to embody "garden city" ideals. At the very least the Authority should require a reduction in the number of floors in the proposed buildings, particularly those with a London Circuit frontage. Such a change could alleviate many of the negative impacts outlined above.

Alternatively, the Authority could suspend its decision pending the development, in collaboration with ACT planners, developers and the community, of a local strategic plan. In large part, the problems generated by the Geocon development are driven by the fact that blocks are often released for development one by one. This results in an episodic and ad hoc approach to urban development that is diametrically opposed to the kind of integrated cityscape that was envisaged by the Griffins and, that supposedly underpins the National Capital Plan's intentions for designated areas.

A local strategic plan would take into account contextual factors such as the oak-lined link between the city and Commonwealth Park and the lake that's provided by the pedestrian-friendly Allara St and the precedent of medium density residential development established by the Forum itself. But it should also encompass the enormous potential for innovative but sympathetic mixed development – housing, educational and sporting facilities such as an aquatic centre – on the site currently occupied by the Civic Pool and parking lots.

Most importantly, a local strategic plan would enable win-win solutions to emerge, rather than the kind of zero-sum solution such as the one currently under consideration. Developers would gain not only financially but reputationally as active contributors to realization of the Plan's aspiration for urbanism of the "highest quality"; existing residents would benefit from the positive evolution of their current environment without having to pay the heavy price that would be extracted by the Geocon proposal in terms of loss of sunlight, privacy and general amenity; and the broader community would benefit from the creation of an urban environment that adds to rather than detracts from Canberra's international reputation as one of the great capital cities of the modern era.