



Australian Government  
National Capital Authority

National Capital Plan

# REPORT ON CONSULTATION

## Draft Amendment 57 Blocks 12 & 13 Section 9 Barton

July 2009



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# 1. INTRODUCTION

## 1.1 PURPOSE AND BACKGROUND

This report summarises the main issues raised during public consultation undertaken by Parsons Brinckerhoff Pty Ltd (PB) in conjunction with the National Capital Authority (NCA), on the proposed Draft Amendment 57 – Blocks 12 & 13 Section 9 Barton (DA57) to the National Capital Plan (the Plan).

Block 12 Section 9 Barton (the Ottoman Restaurant and open space) has a land use policy of part ‘Commercial’ and part ‘Open Space’ in the Plan. The majority of Block 13 Section 9 Barton has a land use policy of ‘Car Park’.

The Commonwealth Department of Finance and Deregulation (Finance) has requested that the NCA prepare a Draft Amendment to the Plan in relation to Block 13 Section 9 Barton. The inclusion of Block 12 in the Draft Amendment ensures a consistent set of planning controls for Section 9 Barton.

DA57 sets out a framework of land uses and urban design policies to guide future mixed use development (including office, retail and residential) on Blocks 12 & 13 Section 9 Barton.

The statutory background to the National Capital Plan Amendment Process, including procedures on public consultation is described in the *Australian Capital Territory (Planning and Land Management) Act 1988*.

## 1.2 EXISTING NATIONAL CAPITAL PLAN PROVISIONS

Block 12 Section 9 Barton (the Ottoman Restaurant and open space) has a land use policy of part ‘Commercial’ and part ‘Open Space’ in the Plan. The majority of Block 13 Section 9 Barton has a land use policy of ‘Car Park’. Other land uses permitted, ancillary to and in association with the primary use, are:

- > retail;
- > café, bar, restaurant;
- > personal services establishment;
- > tourist facility; and
- > park.

The western part of Block 13 has a land use policy in the Plan of ‘Commercial’ and ‘Open Space’.

Development and redevelopment of the block is to be in accordance with the development conditions set out at Appendix U of the Plan. Specific land use policies are established in the Plan for Block 13 Section 9 Barton. The Plan notes that:

‘The objective of the land use policy for this site is to provide an opportunity for the development of a car parking structure with active street frontages incorporating shops, restaurants and professional services, and a small park.’

An Amendment to the Plan is required to enable Blocks 12 & 13 Section 9 Barton to be used for a broader mix of uses. The merits of mixed use development for this precinct are expressed in Appendix U of the Plan, which states that Section 9 Barton (and Section 6 Barton), *'will become an important public precinct with the development of residential and community uses in close proximity to the office employment areas of Barton and Parkes'*. However, this objective cannot be met without an Amendment to the Plan.

Mixed use development accords with the general objectives of social and environmental sustainability through urban consolidation, greater land use diversity and reduced demand for vehicular journeys-to-work.

### 1.3 EFFECT OF THE DRAFT AMENDMENT TO THE NATIONAL CAPITAL PLAN

The proposed Amendment is intended to facilitate a more diverse range and mix of uses and thereby contribute to the enlivenment and activation of the precinct. The proposed Amendment permits a wider range of land uses than is currently allowed such as Bank, Co-operative Society, Child Care Centre, Consulting Rooms, Office, Residential, Serviced Apartment, Retail, Restaurant, Café, Bar, Personal Service Establishment, Car Park, Road and Open Space. This would not be inconsistent with the principles and policies of the Plan.

## 2. CONSULTATION

### INITIAL STAKEHOLDER CONSULTATION

During December 2007 and January 2008, the NCA in conjunction with PB conducted a series of individual pre-consultation meetings with key stakeholders. These pre-consultation meetings were held with representatives of the following:

- > ACT Planning and Land Authority;
- > ACT Rugby Union Club;
- > AMA;
- > Arts House;
- > Attorney-Generals Department;
- > Australian Centre for Christianity and Culture;
- > Boeing House;
- > Canberra Masonic Centre;
- > Department of the Environment, Water, Heritage and the Arts;
- > Hotel Kurrajong;
- > Landmark Apartments;
- > Lionel Murphy Building;
- > NFF House;
- > Ottoman Restaurant;
- > Patersons;
- > St Marks Theological Centre; and
- > Tourism House.

### PUBLIC CONSULTATION

The NCA released DA57 for public comment on Saturday 28 February 2009. A notice was published in *The Canberra Times* on the same day (refer **Attachment 1**) and in the *Commonwealth of Australia Gazette* on Wednesday 4 March 2009 (refer **Attachment 2**). A notice was placed in *The Chronicle* on 3 March 2009 (refer **Attachment 3**).

The official period for public submissions closed on 15 April 2009. Copies of DA57 were made available to the public at the National Capital Exhibition, the NCA offices at the Treasury Building and also on the NCA website.

Key activities during the consultation period for DA57 include:

- > On 2 March 2009 a request for an exemption to undertake a Regulation Impact Statement (RIS) or Business Cost Calculator (BCC) was sought from the Office of Best Practice Regulation (OBPR).
- > On 3 March 2009 the NCA referred DA57 to ACT Planning and Land Authority for comment, in accordance with the Act. On the same day the NCA sent letters with a copy of DA57 to key stakeholders involved in the pre-consultation phase.
- > On 6 March 2009 the OBPR advised no RIS or BCC report is required for DA57.
- > On 11 March 2009 the NCA held a public information session between 5:30pm and 7:30pm at the National Capital Exhibition. Approximately four (4) members of the public attended.
- > On 25 March 2009 the NCA held a second public information session between 5:30pm and 7:30pm at the National Capital Exhibition. Approximately thirty (30) members of the public attended.



### 3. WRITTEN SUBMISSIONS

The NCA received forty-six (46) written submissions in response to DA57. All submissions were acknowledged by the NCA, together with an undertaking to inform the authors of how the NCA considered their submissions.

Forty-two (42) submissions did not support DA57, either in its entirety or in part. Of the submissions that did not support DA57, the vast majority recognised that development of Blocks 12 & 13 Section 9 Barton was inevitable, and were supportive of development in some form. However, particular elements of the Draft Amendment were not supported, such as building height or the perceived lack of open space.

Four (4) submissions provided full support for DA57.

A summary of the key issues identified in the submissions, the NCA response and recommended changes to DA57 are outlined in this report. A summary of each submission is available on the NCA's website at [www.nationalcapital.gov.au](http://www.nationalcapital.gov.au).

## 4. ISSUES CONCERNING DRAFT AMENDMENT 57

### 4.1 BUILDING HEIGHT

#### Issues

A large proportion of submissions raised concern in regard to the proposed height of taller building elements up to RL610 (approximately twelve stories), and the associated impacts on overshadowing, privacy, amenity and disruption of views and vistas.

Submissions considered that the increased height would have a detrimental impact on the overall character of Barton and that such development would be unsympathetic to the scale and character of the area, in particular the Edmund Barton Building (EBB).

In regard to building height a number of submitters expressed concern that this would decrease property values of nearby residential development, and that property owners should be compensated for loss in property value.

Other submissions raised concern about the adverse impact of higher buildings in Barton on views to Parliament House, and Lake Burley Griffin.

Some concern was raised that allowing development to RL610 on Blocks 12 & 13 Section 9 Barton would set a precedent for future development in the area.

Four (4) submissions supported the proposed height limit of RL610 for taller building elements. These comments submitted that an increase in height would enable more people to be accommodated thus reducing urban sprawl, and that the increase in height would provide dimension and form to the existing character of the area.

#### NCA Consideration

In light of submissions received on DA57 the NCA has considered a reduction in maximum permitted height, from RL610 to generally RL591 (approximately six stories). This is largely consistent with existing development in Barton, in particular the Edmund Barton Building located to the west of the site.

The permitted height limit for the Barton area is generally RL591, however there is exception to this limit within the Plan. Appendix U of the Plan states that '*a maximum height limit of AHD 591 has been established for the Barton area*'. The York Park Master Plan (Appendix T2 of the Plan) varies from this and refers to that area in Barton bounded by National Circuit, Canberra Avenue, State Circle and Kings Avenue. The Master Plan permits a height limit of generally RL591, and makes provision for certain sites to be developed to a maximum height of RL602.

The RL591 level corresponds with the level of the parapet walls at the four corners of Parliament Drive and establishes an appropriate limit in terms of creating and maintaining built form relationships to Parliament House when seen from vantage points in and around the Central National Area. This level should be reflected in the Detailed Conditions of Planning, Design and Development for Blocks 12 & 13 Section Barton.

The proposed Detailed Conditions of Planning, Design and Development require that design excellence is exhibited, and should be designed to protect the amenity of surrounding buildings and public spaces, including privacy, overlooking and overshadowing. Documentation submitted at Works Approval stage will be required to demonstrate the protection of privacy of nearby development, and the extent to which development overshadows surrounding buildings.

## Recommendation

It is recommended that the Detailed Conditions of Planning, Design and Development – Building Height and Form be amended to read as follows:

*To protect the integrity of views to and from Parliament House, development is generally limited to a height of RL591. Minor building elements (such as lift overruns and roof plant) that extend building height above RL591 will be considered where this enhances the architectural quality of the building, and fosters energy efficiency, indoor amenity, appropriate urban scale, and adds visual interest to the skyline. Minor building elements should be carefully integrated within the form of buildings.*

*Building and landscaping will need to exhibit design excellence and be designed to ensure protection of the amenity of surrounding buildings and public spaces, including privacy, overlooking and overshadowing.*

*Individual buildings are to contribute to the coherent definition of blocks and streets generally in accordance with the layout and setbacks. A hierarchy of public spaces and street frontages should be created, with the greatest amount of public activity and building entrances being encouraged on principal streets and at public spaces.*

*To create interest in the streetscape and to enhance passive surveillance and public safety, blank facades to public spaces and streets are not permitted.*

Consequential changes to the indicative drawings proposed for inclusion in Appendix U will also require amendment.

## 4.2 LAND USE

### Issues

There was general support for changes to permitted land uses on Blocks 12 & 13 Section 9 Barton. However, there was some criticism that the NCA is acting as an advocate for Finance by permitting a range of higher order land uses and more intensive development on site.

Those submissions that did not support the proposed land uses commented that residential should not be permitted as this could increase noise outside of business hours, and could increase the rate of trespass through nearby residential development. One submission considered that the existing provisions of the Plan permitted mixed use development on Blocks 12 & 13 Section 9 Barton.

## NCA Consideration

The merits of mixed use development for this precinct are addressed in Appendix U of the Plan, which states that Sections 6 & 9 Barton *‘will become an important public precinct with the development of residential and community uses in close proximity to the office employment areas of Barton and Parkes’*. However, this objective can not be met without an Amendment.

The blocks are in close proximity to office employment areas in Barton and Parkes. Mixed use development will allow for greater levels of services and facilities to be provided to the surrounding area and will contribute greater levels of day and night time activity to the formal areas of the National Capital.

The provisions of the Plan pertaining to Block 13 Section 9 Barton currently permit a car park as the primary use, with only limited ancillary uses such as café, restaurant, bar, retail, personal services establishment and park. DA57 introduces land uses (including residential) that will achieve the objective of Appendix U.

Appendix U also recognises that a diversity of land uses will enhance the Parliamentary Zone and attract day and night activities into the formal areas of the national capital. The general objectives of the Griffin Legacy will also be met through urban consolidation, greater land use diversity and reduced demand for vehicular journeys-to-work.

The Draft Amendment does not detail land use requirements in terms of Gross Floor Area (GFA) or other terms. The final composition of land uses will be determined by the market at the time development is proposed.

## Recommendation

No changes to the Draft Amendment are recommended.

## 4.3 BUILT FORM

### Issues

General concern was raised over the quality of development that would be generated, and it was questioned whether the detailed conditions of planning, design and development would be sufficient to guide a high standard of architecture for Blocks 12 & 13 Section 9 Barton.

A number of submissions considered that DA57 does not accord with the NCA's own publication *‘Design Quality in the Capital’* in terms of scale, built form, amenity and quality of the public domain.

## NCA Consideration

DA57 does not constitute an application for development. Should the Draft Amendment be approved, the detailed conditions of planning, design and development will guide the design of future development on site. Other sections of the Plan are also applicable to Blocks 12 & 13 Section 9 Barton, for example Appendix H Design and Siting Conditions. Appendix H prescribes additional requirements for development relating to roofs, facades, screening of service areas and landscaping.

An additional clause reinforcing that extensive curtain wall glazing will not be permitted will be added to the detailed conditions of planning, design and development. The NCA considers that existing provisions of the Plan, and those proposed as part of DA57 are sufficient to produce a high quality design on the site.

*Design Quality in the Capital* identifies those urban design principles that should be used to assess development proposals in terms of elements such as scale, built form, density, landscape, amenity, durability, adaptability and quality of the public domain. However, these elements can only be considered when an application for Works Approval has been received by the NCA.

## Recommendation

It is recommended that the Detailed Conditions of Planning, Design and Development – Active Frontages be amended to read as follows:

*Active frontages should include shops and entries to buildings. Address frontages will generally be free of service functions and blank walls, with residential and minor commercial addresses encouraged.*

*High standards of architecture are sought for the precinct. Modulation of facades, entrances, window bays, sun shading and balconies, and clear articulation of building elements, textures and materials, should provide interest and variety to the streetscape. Extensive areas of curtain wall glazing are not permitted.*

*Residential frontages may be set-back from street boundaries to provide entry porches and a garden interface with the public domain to protect the amenity of residents and contribute to the interest and landscape qualities of the street.*

*Balconies should be of an appropriate size and design to optimise their use and privacy. A minimum dimension of 2.5m for at least one balcony per dwelling should be provided and balustrades should be opaque up to at least 4 storeys from street level.*

## 4.4 PARKING AND ACCESS

### Issues

The majority of submissions received raised concerns about traffic and car parking provisions in Barton, specifically for this site as well as Barton generally. The general consensus was that any development on the site would exacerbate the already strained car parking capacity in the area. It was considered that future development could have a flow on effect by increasing traffic congestion and create other traffic related conflicts in the area.

The broader issues of pay parking within Barton and surrounding areas (such as the Parliamentary Zone), and the level of public transport services to Barton were also raised in submissions. These submissions were generally of the view that a public transport strategy and pay parking should be introduced prior to any development on Blocks 12 & 13 Section 9 Barton. It was suggested that these measures may also encourage people to travel by other modes of transport (such as walking, bicycle and public transport) thus promoting more sustainable development.

A number of submissions noted that DA57 does not state a specific number of car parking spaces to be replaced. Concern was also raised over the ACT Government's standards for car parking and their ability to sufficiently address the car parking shortage in the area.

Other specific comments included the need for more than one entrance to any car parking structure in order to spread the traffic load on the surrounding road network; and concern over the proposed 'side street' becoming a service alley with associated detrimental traffic and visual impacts.

## NCA Consideration

It is agreed that the number of car parks to be replaced should be specified. Counts indicate that a total of 470 formal car parking spaces currently exist on site. The NCA considers it necessary that the displaced car parking be provided as part of the first stage of development to minimise disruption to parking.

In addition to the 470 displaced car parking spaces, the proponent of any development must provide for that parking generated by new development. The Plan currently requires that car parking be provided at a rate of one (1) space per 100 metres of gross floor area (although a higher on-site and/or off-site parking provision may be required by the Authority after taking into account the relationship between on-site parking, off-site parking opportunities and the capacity of public transport in the area at the time of development).

DA57 as publicly released proposed that parking is to be in accordance with ACT Government standards, however there are difficulties in applying these rates as the Territory Plan specifies parking rates according to use and zone. The Territory Plan zones are not applicable to Blocks 12 & 13 Section 9 Barton. Therefore the NCA must determine parking requirements for the site. The Territory Plan Parking and Vehicular Access General Code acknowledges that *'any specific requirements for the provision of parking and access in areas subject to the National Capital Plan...would take precedence over the requirements specified in this Code.'*

The NCA is cognisant of the fact that different land uses will generate different car parking requirements, and it therefore proposed that car parking rates should be based on land uses. The rates proposed should be similar to those utilised in the Territory Plan to ensure some consistency across the ACT. The rates proposed will be above and beyond that currently required by the Plan, and generally in accordance with rates required by the NCA for other development in Barton.

The traffic and parking study carried out by Maunsell Australia Pty Ltd confirmed that the projected additional traffic can be accommodated within the existing road network and intersection configuration.

The NCA recognises that other modes of transport should be encouraged to reduce traffic and parking pressures. Specific provision should be made to encourage sustainable modes of transport such as cycling, and that any car parking facility should provide secure storage and other facilities for bicycles.

The NCA also recognises that the introduction of parking demand management strategies (which may include pay parking) within Barton and surrounding areas (such as the Parliamentary Zone) may alleviate some of the existing parking problems in the area. DA57 is not intended to address the issue of pay parking, and the issue needs to be addressed in a broader context. Likewise the preparation of any public transport strategy needs to be undertaken in a broader context and in conjunction with the ACT Government.

The drawings within the Draft Amendment document are indicative only, and it is not a requirement that parking structures have a single entrance from the side street. The location of entrances and the form of any car parking structure will be determined by the form of other development on the site. Any proposal submitted to the NCA for Works Approval will require the submission of a parking assessment that demonstrates that parking and access is adequate for the site, including the dispersal of traffic onto the road network. The side street is required to have landscape/streetscape treatments such as planter beds and trees to enhance the visual quality of the environment.

## Recommendation

It is recommended that the Detailed Conditions of Planning, Design and Development – Parking and Access be amended to read as follows:

*Large off-street permanent surface car parks are to be avoided. Car parking is to be accommodated in basements and/or in above ground structures concealed from public view. Blank facades to public spaces or streets are not permitted. Sculptural elements and urban scale public art is encouraged.*

*Some short stay on-street parking shall be provided to support retail uses, pedestrian amenity and after hours activity.*

*Car parking for new development shall accord with the following rates:*

*Commercial Accommodation (Serviced Apartment only): 1.5 spaces per 100 square metres of gross floor area.*

*Residential: 1 space per unit for single bedroom/studio dwellings; 2 spaces per unit for dwellings with two or more bedrooms; 0.25 visitors spaces per unit.*

*Bank; Child Care Centre; Consulting Rooms; Co-operative Society; Office; Personal Service Establishment: 2 spaces per 100 square metres of gross floor area.*

*Restaurant, Bar, Café; Retail: 2.5 spaces per 100 metres of gross floor area.*

*A higher on-site and/or off-site parking provision may be required by the Authority after taking into account the relationship between on-site parking, off-site parking opportunities and the capacity of public transport in the area at the time of development.*

*The proponent must provide the NCA a long term parking strategy for construction staging which minimises disruption to parking. The parking strategy must be adopted in the first stage of development to accommodate a minimum of 470 displaced car parking spaces.*

*Access to the site (for parking and site servicing) should be from the side and access street generally.*

*Additional parking shall be provided for vehicles associated with less consumption of energy. These include bicycles, motorcycles, small cars and car-sharing vehicles.*

*Car parking structures should provide secure storage and related facilities for bicycle users. This would position the development as a local centre for commuting and recreational cyclists, as well as providing the opportunity for an alternative mode of transport between the many office buildings in the locale.*

## 4.5 OPEN SPACE

### Issues

A number of submissions raised concern that DA57 does not provide for adequate open space. It was submitted that the 'leafy' feel of Barton needs to be maintained, and that street trees and planter boxes are not a substitute for formal open spaces or parks.

In particular it was considered that the lack of open space will exacerbate existing problems that nearby developments experience with trespassers attempting to gain access to the lake from Barton. Any proposed development should include a pedestrian link from the site to the lake edge, as this would offer a valuable public amenity.

One submission advocated for a 'Sir Edmund Barton Reserve' or equivalent to mark 160 years since the birth of Australia's first Prime Minister. This submission argued that due honour has not been given to Sir Edmund Barton when compared with that bestowed on George Washington by the United States of America.

### NCA Consideration

The existing open space on Block 12 Section 9 Barton will be preserved with a land use policy of Open Space. The site is in close proximity and walking distance to other public open space such as Bowen Park, York Park and Lake Burley Griffin foreshore. It is considered that there is adequate access to other areas of open space and parkland.

The naming of open space is not a matter for consideration under the Plan.

### Recommendation

No changes to the Draft Amendment are recommended.

## 4.6 HERITAGE

### Issues

Concern was raised that taller building elements up to RL610 would adversely impact on the heritage values of the area, including detracting from the heritage value of the Hotel Kurrajong and the Edmund Barton Building. Concern was also raised that the Barton Cafeteria and Ottoman restaurant (located on Block 12 Section 9 Barton) would be redeveloped and the heritage values of the building lost.

### NCA Consideration

A heritage review of the blocks was undertaken by Archaeological Heritage Surveys, in consultation with the ACT Heritage Unit. The Capital Planners (2006) report states that:

The ACT Heritage Unit has confirmed that there is no heritage issue in regard to the development of Block 13 Section 9 Barton. The proposed development site is not listed on any Heritage Registers. The Unit has confirmed that there are no Aboriginal sites recorded in this area.

The Ottoman restaurant is located on Block 12 Section 9 Barton. This site and building are not listed on any heritage register. The existing provisions of the Plan allow this site to be redeveloped to a height of RL591. DA57 does not alter this provision, however permits a broader range of permitted land uses consistent with the adjacent Block 13 Section 9 Barton.

Denton Corker Marshall Pty Ltd, the architects of the Barton Cafeteria and Ottoman restaurant building have advised that they have no objection to DA57 as it relates to the building.

The EBB is registered on the Register of the National Estate, listed on the Commonwealth Heritage List, and nominated on the ACT Heritage Register. A Heritage Management Plan (HMP) for EBB has been prepared by the owners of the EBB to meet potential obligations under the *Environment Protection and Biodiversity Conservation*



Act 1999 (EPBC Act). As part of the Conservation Policies that provide a guide to the care of the building and maintaining the heritage significance of the EBB and site, the NCA has an obligation to ensure that adjacent buildings do not dominate EBB and are preferably at the same height. Reducing the permitted height on Blocks 12 & 13 Section 9 Barton to generally RL591 should ensure this obligation is met.

The Hotel Kurrajong is registered on the Register of the National Estate, and on the ACT Heritage Register. A Conservation Management Plan (CMP) has been prepared for the Hotel Kurrajong which includes conservation policy to guide the ongoing protective care of the site and buildings.

The proposed provisions of DA57 will not permit any development that is contrary to the policy vision or conservation objectives described in the CMP.

A representative of the Hotel Kurrajong was consulted during the pre-consultation phase for DA57. Development of Blocks 12 & 13 Section 9 Barton was generally supported, including the introduction of mixed use development in the area.

## Recommendation

The recommended changes to building height have been addressed in the section titled 'Building Height'. No other changes to the Draft Amendment are recommended.

## 4.7 CONSTRUCTION PHASE

### Issues

Concern was raised over increased noise, dust and other impacts associated with construction on Blocks 12 & 13 Section 9 Barton.

### NCA Consideration

The Draft Amendment is concerned with policy changes only, and does not constitute an approval to undertake development. The impacts of construction (including noise, air quality, waster, traffic, pedestrian access) will be required to be addressed when any application for Works Approval is submitted to the NCA. This may include the provision of environmental and site management plans to mitigate the inevitable consequences of site works and construction activity.

### Recommendation

No changes to the Draft Amendment are recommended.

## 4.8 ACTIVE FRONTAGES

### Issues

Several submissions commented on the inclusion of a requirement for active frontages. Specific comments included outright objection to any active frontages as they would lower existing residential amenity; objection to active frontages located near residential areas if the activities behind the active frontages were to operate outside normal business hours; and objection to active frontages as the area is not a retail centre.

## NCA Consideration

Active frontages add to the character of streets and ensure that the life of the building helps animate the street making it feel safer and more welcoming. Active frontages may include ground floor windows or transparent frontages so that the activity within the building is visible from the street. Ideally this should also include opportunities for activities to spill out onto pavements, for example through cafes or restaurants.

DA57 currently indicates only one mandatory active frontage, and this is located away from existing residential development to front Macquarie Street. The NCA has recognised that Macquarie Street is the primary commercial and office frontage, and therefore an additional active frontage is encouraged along this street. One active frontage is encouraged on the north east of Block 12 Section 9 Barton, however this fronts the green space currently adjacent to the Ottoman restaurant which should encourage use of this open space area.

## Recommendation

No changes to the Draft Amendment are recommended.

## 4.9 GRIFFIN LEGACY

### Issues

Concern was raised that DA57 allows for development that is not in-line with the Griffin Legacy, and is not consistent with the NCA's own Amendment 56 – Griffin Legacy Principles and Policies. It was submitted that Walter Burley Griffin's vision for a 'garden city' was re-affirmed as a design goal in the Griffin Legacy, however DA57 does not fit with this design goal.

## NCA Consideration

The Griffin Legacy supports investment in core areas of the national capital where opportunities are created for vibrant, mixed use precincts alongside cultural institutions, government buildings and major national attractions.

The Plan recognises that Canberra is a young city and needs to be allowed to evolve in a contemporary manner. The Plan requires that this is facilitated whilst conserving those elements that contribute to the significance of the city as a work of national and international cultural significance. Future development is required to continue to give expression to the visual geometry, built form, landscape and cultural vitality of the 1918 Griffin Plan.

The reduction in maximum permitted building height from RL610 to generally RL591 protects the established built form of the area, and the visual geometry of the Central National Area. Street plantings are intended to continue the formal landscape theme in Barton of large street trees, and supports the Garden City and City Beautiful notions.

The Plan also recognises that the Griffin vision can be revitalised by growth in the Central National Area. This may be achieved by accommodating growth that contributes to a more compact, sustainable city, and offers increased opportunities for housing and employment choices. Fostering a greater level of activity and choice is a key element in revitalising the Griffin Plan.

The NCA considers that DA57 accords with the general objectives of the Griffin Legacy through urban consolidation, greater land use diversity and reduced demand for vehicular journeys-to-work.

## Recommendation

No changes to the Draft Amendment are recommended.

## 4.10 PUBLIC NOTIFICATION

### Issues

A number of submissions requested that public consultation should be undertaken on any proposed development on Blocks 12 & 13 Section 9 Barton.

### NCA Consideration

The current statutory arrangements do not require the NCA to undertake public notification on Works Approvals on Blocks 12 & 13 Section Barton. In light of submissions, the NCA will add provision that requires public notification to occur for any major Works Approval on the site.

## Recommendation

It is recommended that an additional section entitled 'Public Notification' be added to the Detailed Conditions of Planning, Design and Development as follows:

### Public Notification

All applications for Works Approval for major works are subject to public notification and consultation. The determination of those applications that constitute major works is at the discretion of the National Capital Authority.

## 5. ISSUES CONCERNING THE DRAFT AMENDMENT PROCESS

### 5.1 PRE-CONSULTATION

#### Issues

Comment was made that matters raised during the process of pre-consultation were not considered, and that the consultation process was not a genuine attempt to engage with key stakeholders. It was considered that the NCA had largely ignored stakeholder comments during this pre-consultation phase, and that any changes to the Draft Amendment between this time and public release were only token in nature. For example, during the pre-consultation phase, taller building elements to RL617 were proposed. As a result of comments received during this phase, the proposed height was reduced to RL610.

#### NCA Consideration

The pre-consultation phase included one-on-one meetings with key stakeholders including lessees, tenants and building owners. This phase was conducted during November-December 2007 and January 2008.

The NCA acknowledges that there is a need to 'close the loop' on the pre-consultation phase, and provide a response to key stakeholders following the conclusion of the phase. This will include the provision of the report on pre-consultation and advice on how the issues raised were considered by the NCA. The NCA acknowledges that a review of all consultation strategies and processes needs to be undertaken in an endeavour to improve these processes and build relationships with relevant stakeholders.

#### Recommendation

No changes to the Draft Amendment are recommended. However, it is recommended that the NCA examine its consultation processes and strategies to ensure that advice on how stakeholder issues were considered is provided.

### 5.2 PUBLIC CONSULTATION

#### Issues

As per the issues with pre-consultation, it was perceived by some that the consultation process was inadequate and was not a genuine attempt to engage with the public and consider their views. Specific issues raised included the need to send notification to individual residents of surrounding development, to provide appropriate catering and seating at public information sessions, and to advertise the proposal more effectively by a variety of means such as a notice on the site as well as notices in the paper and letters to key stakeholders.

Other specific comments included reference to the alarm that was activated during the second public information sessions, and the disruption to the session; and a request that all submissions should be published or should be provided to all submitters prior to consideration by the NCA.

## NCA Consideration

The methods employed through public consultation are intended to reach as many community groups and individuals as possible, and to provide all groups and individuals the opportunity to provide comment on the Draft Amendment.

Additional methods of advertising proposals may be appropriate, for example notices on site. This may only be feasible for site specific amendments where there are limited street frontages, as opposed to major land use policy change that may affect larger areas. Other methods of public notification may be more appropriate in these circumstances.

The alarm activated during the second public information session was beyond the control of those NCA officers attending the public information session. The NCA acknowledges and apologises for the inconvenience this caused.

In accordance with the *Privacy Act 1988* the NCA requests that submitters indicate whether they agree or disagree to having their name and address, along with their submission, made public in the Report on Consultation and the Public Submissions Table to be published on the NCA website. The NCA will not make available any submission without the written approval of the submitter.

## Recommendation

It is recommended that a review of consultation processes and strategies be undertaken, including the NCA *Consultation Protocol 2007*. This may include a requirement that future notices advertising public consultation sessions invite an RSVP from interested parties in order for the NCA to adequately cater for attendees. For site specific amendments, notices on site may be required as part of the public consultation process.

## 6. RECOMMENDED CHANGES TO DRAFT AMENDMENT 57

Following a review of issues raised in submissions, the NCA has recommended a number of changes to DA57 as released for public comment in February 2009.

### 6.1 CHANGES TO DRAFT AMENDMENT 57

In response to submissions received it is recommended that a number of changes to DA57 are made prior to submitting the Draft Amendment to the Minister for Home Affairs for approval. These include:

- > Amending the *Detailed Conditions of Planning, Design and Development – Building Height and Form* to permit a maximum building height of generally RL591 across the entire site (whilst removing the ‘taller building elements’ to RL610), to provide guidance for the incorporation of minor building elements above this level, to address heritage concerns associated with the Edmund Barton Building, and to protect the integrity of views to and from Parliament House;
- > Amending the *Detailed Conditions of Planning, Design and Development – Parking and Access* to require the replacement of 470 displaced car parking spaces, to alter required parking rates, to provide for the encouragement of sustainable forms of transport such as cycling, and to clarify the intention for parking structures to be concealed from public view; and
- > Adding an additional section to the *Detailed Conditions of Planning, Design and Development* titled *Public Notification*, that will require major Works Approvals to undergo public notification.

### 6.2 CHANGES TO THE DRAFT AMENDMENT CONSULTATION PROCESSES

In response to submissions received, changes are recommended in regard to the way public consultation is approached by the NCA, including:

- > a review of both pre-consultation and public consultation processes and strategies, including the NCA *Consultation Protocol 2007*. Improvements to process to be considered as part of this review may include:
  - > a requirement that future notices advertising public information sessions invite an RSVP from interested parties in order for the NCA to adequately cater for attendees;
  - > notices on site be required as part of the public consultation process for site specific amendments; and
  - > providing the pre-consultation report to key stakeholders, along with advice on how the issues were considered by the NCA.

## 7. CONCLUSION

The consultation process initiated by the NCA for Draft Amendment 57 – Blocks 12 & 13 Section 9 Barton attracted a total of approximately thirty-four (34) attendees at the two public information sessions and forty-six (46) written submissions.

Following a review of issues raised in the forty-six (46) submissions received, a number of changes to DA57 as outlined above have been recommended by the NCA.


The NCA recommends that DA57 be approved in its revised form (refer **Attachment 4**).

## 8. ATTACHMENTS

1. Notice of release of Draft Amendment 57 for public comment published in The Canberra Times on Saturday 28 February 2009.
2. Notice of release of Draft Amendment 57 for public comment published in Commonwealth of Australia Gazette of Wednesday 4 March 2009.
3. Notice of release of Draft Amendment 57 for public comment published in The Chronicle on Tuesday 3 March 2009.
4. Draft Amendment 57 incorporating changes proposed following public consultation.

# ATTACHMENT 1

Notice of release of Draft Amendment 57 for public comment published in The Canberra Times on Saturday 28 February 2009.




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

## Our Nation Your Capital

Amendment of the National Capital Plan

# Draft Amendment 57

## Blocks 12 & 13 Section 9 Barton



The Commonwealth Department of Finance and Deregulation have requested that the National Capital Authority prepare an amendment to the National Capital Plan to change the land use of Block 13, Section 9, Barton. The inclusion of Block 12 in the Draft Amendment will apply a consistent set of planning controls for all of Section 9 Barton.

Draft Amendment 57, sets out a framework of land use policies and urban design principles to guide future mixed use development (including office, retail and residential) on Blocks 12 & 13 Section 9 Barton.

Draft Amendment 57 of the National Capital Plan has been prepared in accordance with sections 15(1) and 23 of the *Australian Capital Territory (Planning and Land Management) Act 1988* and is now available for public inspection and comment. Background information on the proposal is included with the Draft Amendment and is available on the Authority's website [www.nationalcapital.gov.au](http://www.nationalcapital.gov.au).

Two public information sessions of Draft Amendment 57 will be held on:

- Wednesday 11 March 2009 from 5:30pm to 7:30pm at the National Capital Exhibition, Regatta Point, Barrine Drive, PARKES ACT 2600
- Wednesday 25 March 2009 from 5:30pm to 7:30pm at the National Capital Exhibition, Regatta Point, Barrine Drive, PARKES ACT 2600

The National Capital Authority invites interested people and organisations to provide written comments on Draft Amendment 57 by close of business on Wednesday 15 April 2009 to:

**Andrew Smith, A/g Managing Director Planning, Urban Design and Projects**  
National Capital Authority GPO Box 373, CANBERRA ACT 2601  
email: [draft.amendment@natcap.gov.au](mailto:draft.amendment@natcap.gov.au)

Copies of Draft Amendment 57 are available from:

<b>Information Centre</b> National Capital Authority Ground Floor, Treasury Building, King Edward Terrace, PARKES ACT 2600 Between 8.30am and 5pm, Monday to Friday	National Capital Exhibition Regatta Point Commonwealth Park Between 9am and 5pm daily or <a href="http://www.nationalcapital.gov.au">www.nationalcapital.gov.au</a>
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For further information contact Rebecca Sorensen on (02) 6271 2851,  
Fax (02) 6271 2890 or email: [rebecca.sorensen@natcap.gov.au](mailto:rebecca.sorensen@natcap.gov.au)

## WWW.NATIONALCAPITAL.GOV.AU



# ATTACHMENT 2

Notice of release of Draft Amendment 57 for public comment published in Commonwealth of Australia Gazette of Wednesday 4 March 2009.

Commonwealth of Australia Gazette  
No. GN 8, 4 March 2009

Government Departments 551

## Infrastructure, Transport, Regional Development and Local Government

### Amendment of the National Capital Plan Draft Amendment 57 Blocks 12 & 13 Section 9 Barton

The Commonwealth Department of Finance and Deregulation have requested that the National Capital Authority prepare an amendment to the National Capital Plan to change the land use of Block 13 Section 9 Barton. The inclusion of Block 12 in the Draft Amendment will apply a consistent set of planning controls for all of Section 9 Barton.

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National Capital Authority  
Treasury Building  
Ground floor King Edward Terrace  
PARKES ACT 2600  
between 9am and 5pm Monday to Friday
- **National Capital Exhibition**  
Regatta Point  
Commonwealth Park  
between 9am and 5pm daily

**Further information** is available by telephone on (02) 6271 2851 Fax (02) 6271 2890 or email [draft.amendment@natcap.gov.au](mailto:draft.amendment@natcap.gov.au)

# ATTACHMENT 3

Notice of release of Draft Amendment 57 for public comment published in The Chronicle on Tuesday 3 March 2009.



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

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## *Our Nation Your Capital*

Amendment of the National Capital Plan

# Draft Amendment 57

## Blocks 12 & 13 Section 9 Barton



○ Draft Amendment 57

The Commonwealth Department of Finance and Deregulation have requested that the National Capital Authority prepare an amendment to the National Capital Plan to change the land use of Block 13, Section 9, Barton. The inclusion of Block 12 in the Draft Amendment will apply a consistent set of planning controls for all of Section 9 Barton.

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## WWW.NATIONALCAPITAL.GOV.AU

PN030309

# ATTACHMENT 4

Draft Amendment 57 incorporating changes proposed following public consultation.

National Capital Plan

## Draft Amendment 57 Blocks 12 & 13 Section 9 Barton

The National Capital Plan is amended by the following:

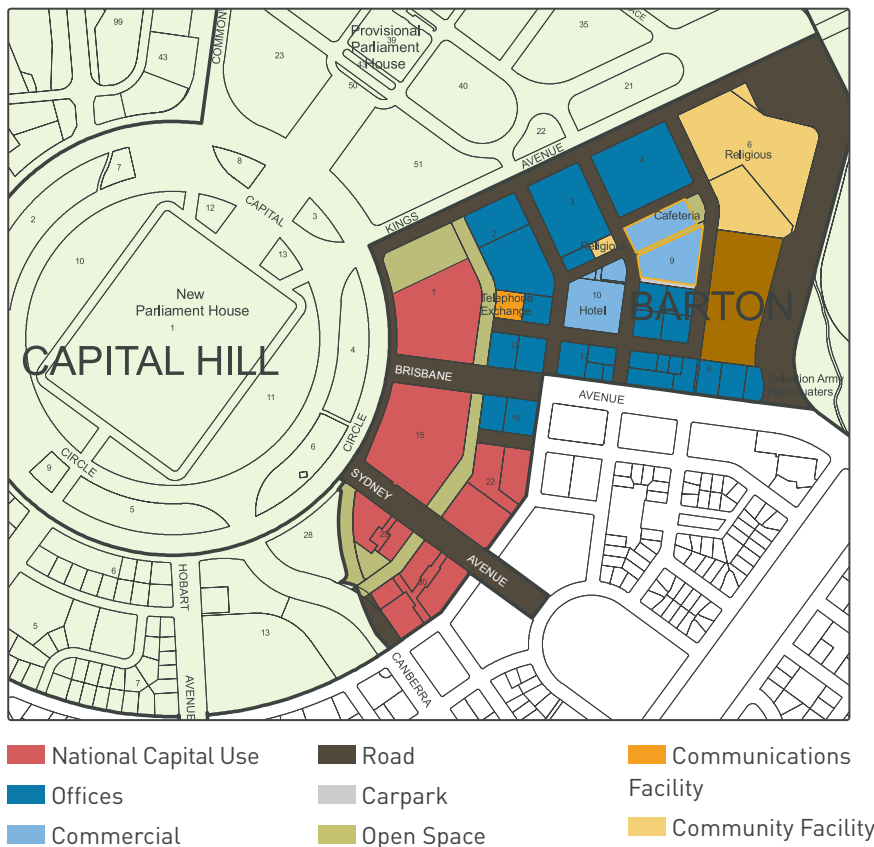
### INTRODUCTION

#### Part One - Principles, Policies and Standards, Designated Areas, Special Requirements

##### 1. THE CENTRAL NATIONAL AREA

- a) Delete the existing Figure 8 The Central National Area (Barton) and substitute the following Figure 8 The Central National Area (Barton).

**Figure 8 - The Central National Area (Barton)**



- Refer to Appendix U for Section 6 and blocks 12 and 13 Section 9 Barton.
- Refer to Appendix H for Design and Siting Conditions which apply to all blocks.
- Refer to Appendix T.2 for York Park Master Plan
- On-site car parking shall be provided, at a rate of 1 space per 100 square meters of gross floor area, for new offices approved throughout the Central National Area [Barton]. A higher on-site and/or off-site provision may be required by the Authority in specific cases, after taking into account the relationship between on-site parking, off-site parking opportunities and the capacity of public transport in the area.
- Refer to Block specific Land Use Policies on the following page
- Numbers refer to section number

**b) Delete Schedule B – Block 13 Section 9 Barton, and substitute the following Schedule B:**

**Blocks 12 & 13 Section 9 Barton**

**Objective**

The objective of the land use policy for the sites is to provide an opportunity for the development of mixed use facilities, including office, retail and residential, incorporating a car parking structure and active street frontages.

**Principles and Policies**

Promote a range of land uses including Office, Residential, Retail, Café and Restaurant which contribute to the vibrancy, amenity and convenience of Barton as an attractive place in which to work and live.

Provide a prestigious development reflecting the national significance of Barton in the Central National Area.

Provide a scale of development commensurate with the location's accessibility to nearby infrastructure, cultural attractions and parklands and its location within the Central National Area.

Provide a scale of development that increases private investment in the precinct to deliver public infrastructure including local retail and professional services, café/restaurant establishments, and a parking structure.

Promote environmentally sustainable development including increased pedestrian accessibility and public transport use while reducing dependency on private vehicles.

**Land Use Policy**

Development and redevelopment shall accord with the Detailed Conditions of Planning, Design and Development as set out in Appendix U (Section 6 and Blocks 12 & 13 Section 9 Barton).

Permitted land uses are:

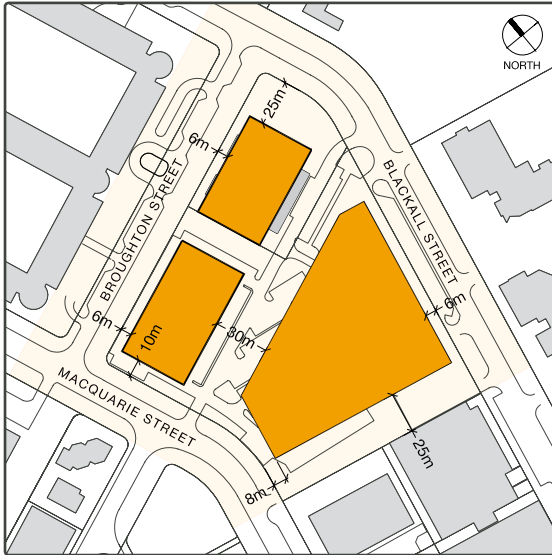
- |  |                                   |
|--|-----------------------------------|
| > Bank;  | > Office;                         |
| > Car Park;  | > Open Space;                     |
| > Child Care Centre;                                     | > Personal Service Establishment; |
| > Commercial Accommodation<br>(Serviced Apartment only); | > Residential;                    |
| > Consulting Rooms;                                      | > Restaurant, Bar, Café;          |
| > Co-operative Society;                                  | > Retail; and                     |
|  | > Road.                           |

**c) Amend Appendix U to read Section 6 and Blocks 12 & 13 Section 9 Barton - Detailed Conditions of Planning, Design and Development.**

**d) After the last paragraph under 'Appendix U – Sections 6 and Blocks 12 & 13 Section 9 Barton – Detailed Conditions of Planning, Design and Development', add the following:**

## BLOCKS 12 & 13 SECTION 9 BARTON

### DETAILED CONDITIONS OF PLANNING, DESIGN AND DEVELOPMENT



Indicative Building Height and Form

RL 591

#### Building Height and Form

To protect the integrity of views to and from Parliament House, development is generally limited to a height of RL591. Minor building elements (such as lift overruns and roof plant) that extend building height above RL591 will be considered where this enhances the architectural quality of the building, and fosters energy efficiency, indoor amenity, appropriate urban scale, and adds visual interest to the skyline. Minor building elements should be carefully integrated within the form of buildings.

Building and landscaping will need to exhibit design excellence and be designed to ensure protection of the amenity of surrounding buildings and public spaces, including privacy, overlooking and overshadowing.

Individual buildings are to contribute to the coherent definition of blocks and streets generally in accordance

with the layout and setbacks. A hierarchy of public spaces and street frontages should be created, with the greatest amount of public activity and building entrances being encouraged on principal streets and at public spaces.

Blank facades to public spaces and streets are not permitted especially at ground level, to create interest in the streetscape and to enhance passive surveillance and public safety.

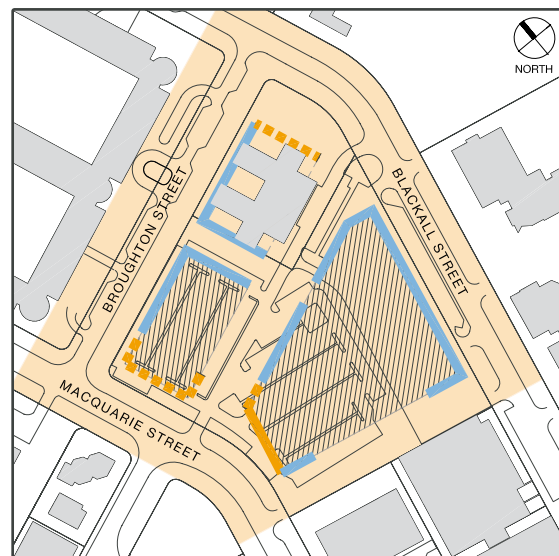
#### Active Frontages

Active frontages should include shops and entries to buildings. Address frontages will generally be free of service functions and blank walls, with residential and minor commercial addresses encouraged.

High standards of architecture are sought for the precinct. Modulation of facades, entrances, window bays, sun shading and balconies, and clear articulation of building elements, textures and materials, should provide interest and variety to the streetscape.

Residential frontages may be set-back from street boundaries to provide entry porches and a garden interface with the public domain to protect the amenity of residents and contribute to the interest and landscape qualities of the street.

Balconies should be of an appropriate size and design to optimise their use and privacy. A minimum dimension of 2.5m for at least one balcony per dwelling should be provided and balustrades should be opaque up to at least 4 storeys from street level.



Indicative Active Frontages

Active frontage (mandatory)

Active frontage (encouraged)

Address frontage



#### Indicative Parking

- Multi-storey car park (integrated with mixed use development)
- Structure carpark concealed behind frontage
- Short-stay kerbside
- Short-stay 90° parking street (integrated tree planting)
- Vehicle parking and service access

## Parking and Access

Large off-street permanent surface car parks are to be avoided. Car parking is to be accommodated in basements and/or in above ground structures concealed from public view. Blank facades to public spaces or streets are not permitted, and sculptural elements and urban scale public art is encouraged. The inclusion of these elements can assist in ascribing different meanings to buildings, and provides the opportunity to characterise not only shelter and functionality, but to interact with our daily lives.

Some short stay on-street parking shall be provided to support retail uses, pedestrian amenity and after hours activity.

Car parking for new development shall accord with the following rates:

Residential; Commercial Accommodation (Served Apartment only): 1.5 spaces per 100 square metres of gross floor area.

Bank; Child Care Centre; Consulting Rooms; Co-operative Society; Office; Personal Service Establishment: 2 spaces per 100 square metres of gross floor area.

Restaurant, Bar, Café; Retail: 2.5 spaces per 100 metres of gross floor area.

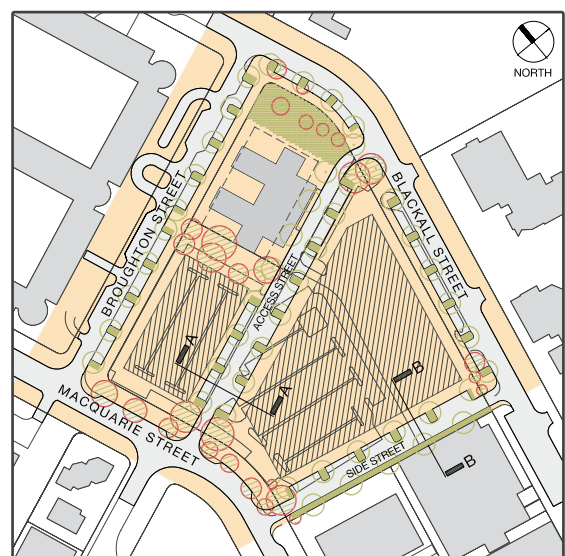
A higher on-site and/or off-site parking provision may be required by the Authority after taking into account the relationship between on-site parking, off-site parking opportunities and the capacity of public transport in the area at the time of development.

The proponent must provide the NCA a long term parking strategy for construction staging which minimises disruption to parking. The parking strategy must be adopted in the first stage of development to accommodate a minimum of 470 displaced car parking spaces.

Access to the site (for parking and site servicing) should be from the side and access street generally.

Additional parking shall be provided for vehicles associated with less consumption of energy. These include bicycles, motorcycles, small cars and car-sharing vehicles.

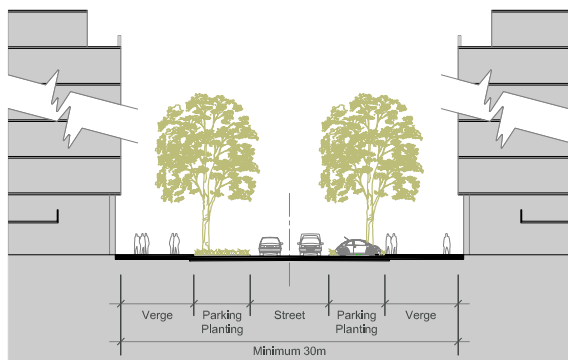
Car parking structures should provide secure storage and related facilities for bicycle users. This would position the development as a local centre for commuting and recreational cyclists, as well as providing the opportunity for an alternative mode of transport between the many



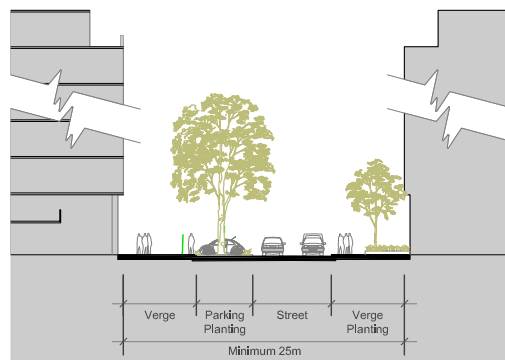
#### Indicative Landscape/Streetscape

- Open Space Park
- Existing trees to be retained (where possible)
- Planting beds
- New avenue trees





INDICATIVE SECTION A-A  
Access street



INDICATIVE SECTION B-B  
Side street

office buildings in the locale.

### Landscape/Streetscape

Paving, lighting, street trees and planting beds shall be of high quality and should reinforce the amenity and visual quality of the pedestrian environment. Street trees and other large trees are to be planted in deep-root soil conditions. Existing large trees are to be retained (where possible).

### Public Domain and Off-Site Works

A retail plaza is to be provided on the corner of Macquarie Street and the side street and furnished with lighting, seating and paving to provide an attractive public area for outdoor cafés and restaurants.

The developer is to carry out off-site works to create a high quality public domain commensurate with a vibrant and attractive mixed use precinct.

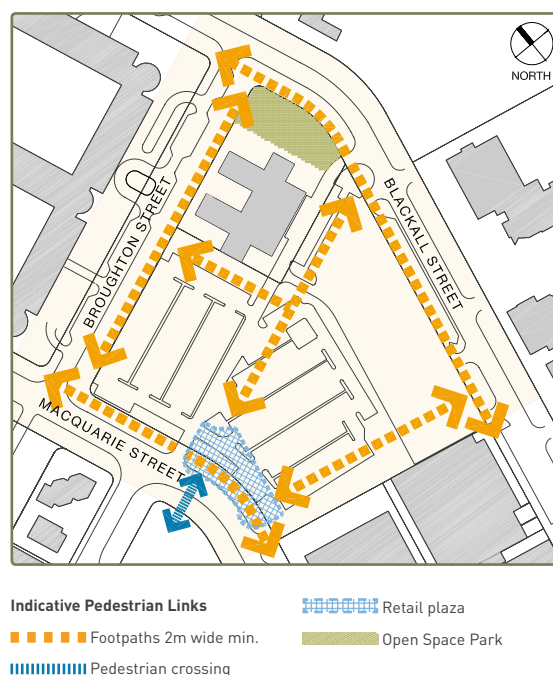
On-street parking, verge landscaping, paving, lighting and furniture shall be provided using high quality durable materials.

### Sustainable Development

Development proposals will demonstrate a high level of performance in terms of environmental design including energy efficiency, climate management and water sensitive urban design.

### Public Notification

All applications for Works Approval for major development are subject to public notification and consultation. The determination of those applications that constitute major works is at the discretion of the National Capital Authority.



## PART TWO ADMINISTRATION AND IMPLEMENTATION

- e) Amend the Plan to recognise consequential changes of Draft Amendment 57 to page numbers, section titles and contents page.

[WWW.NATIONALCAPITAL.GOV.AU](http://WWW.NATIONALCAPITAL.GOV.AU)

## NATIONAL CAPITAL AUTHORITY

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