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The Secretary  
Standing Committee on Planning and Environment  
GPO Box 1020  
CANBERRA ACT 2601

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Dear Committee Secretary,

**Draft Variation No. 237 – Embassy Motel Redevelopment Proposal**

Attached is my submission on the above draft Variation.

Yours sincerely,

Chris Shelling

## Introduction

This Draft Variation (DV) is fundamentally flawed on four specific counts:

1. That the method in which this process is undertaken alienates the public from having access to a seamless and transparent planning process. By dividing it into a DV, and then a Development Application (DA), there is no holistic view of what will eventuate on the site (and, as rumour indicates, on adjoining sites as well).
2. The current and overwhelming rivalry and competition between ACTPLA and the NCA will ensure that any decision by either of these parties will be based on the rivalries and jealousies between them, not on any properly considered planning outcomes. One of the principal tenets of the Territory Plan (TP), that of the consistent application of well thought out planning policies, is therefore at risk.
3. That the absence of any consultative forum to represent the interests of the community and affected residents means that a basic tenet of the TP, that of “better consultation with the community”, has also not been achieved.
4. The nature of the proposed development is quite out of keeping of the values in this location, with the existing usage being considered far more appropriate.

## The Planning Process

By having a dual process (or indeed, triple if the NCA role is included), ACTPLA effectively follows the “divide and rule” principle. Matters pertaining to the physical nature of the development are not part of the Draft Variation process. Issues such as height, density, amenity etc are therefore not addressed at this stage, but any change of landuse will be seen as giving the green light to an intensive, high-rise residential complex that dominates the area and the skyline.

Therefore, when the DA is eventually lodged, any residents’ feedback will be promptly ignored.

This is a flawed process right from the start.

What should be happening is that the two components, land use and design characteristics, should be presented as a whole so that informed comment can be considered by all parties.

## The Current Planning Environment

As evidenced by a number of recent cases, including the Gungahlin Drive Extension and the resettlement of the forestry villages burnt in the bushfires, ACTPLA and the NCA are engaged in a destructive tug-of-war, with Canberra citizens being the rope in the middle, being pulled backwards and forwards.

Until these internecine rivalries and jealousies have been put to rest, Canberrans can have no faith in the decision-making capabilities of either side. It seems that, more often than not, as soon as one side takes a stand, the other will automatically oppose it. The current stratagem by both seems to be to engage in a staring contest, to see who will flag their intentions first.

This state of affairs means that no-one, least of all the ACT Assembly, can have any faith in the quality of any decisions made on planning matters where there are cross-jurisdictional responsibilities.

Jim Soorley (CT, 23 February 2005, suggests that both bodies should be abolished; I'm not sure that is the solution, and in any event, there would be a continuing role for an NCA-type body. What is required is for there to be a properly constituted protocol that allows for the varying priorities of the two organisations to be met, yet within a framework of optimal planning outcomes.

## **Consultative Mechanisms**

The nature and reason for consultation needs to be considered and affirmed by the Standing Committee on Planning and Environment. In this particular instance, the Burley Griffin LAPAC has ceased to exist and the ill-fated Community Planning Forums never got off the ground. There is therefore no formal mechanism for residents to provide a consolidated and holistic neighbourhood view on what is being proposed.

This is exacerbated by the dual nature of the proposal (DV and DA), and also by the fact that the NCA does not have to consult; indeed, the NCA have advised that they will not be consulting but will be relying on ACTPLA to have done that. However, this leaves out the fact that the developer can apply directly to the NCA for an increase in height, which may never have been considered by ACTPLA.

**I will state it again – the planning duopoly utilising a two-stage planning process, is a flawed process that will result in a flawed planning outcome.**

I see consultation as consisting of 4 pillars:

- The first pillar is sound planning processes and decision-making.
- The second is good governance – good governance principles include clarity, accountability and transparency of processes
- The third is citizen participation – at some level, citizens affected by any action by a third person which may adversely affect them, is entitled under common law to know and understand what the changes are, and under common law, are entitled to due process.
- Finally there is an ethical/moral issue – that of the golden rule – do unto others as you would have done to yourself.

With respect to sound planning processes, it is self-evident that having consultation as early as possible in the process provides firstly, an opportunity for input before too many matters are locked in or are unable to be easily reversed. Secondly, the decision-making process is flawed if it is not based on full knowledge. Developers do not necessarily reveal all, and

planners do not necessarily know everything. Community input is an essential component of the checks and balances of decision making processes. In this particular case, there are rumours that the proposal will be extended to include either or both of the Made From Australia site, and/or the Deakin Health Spa. Full disclosure does not appear to be occurring, which is why public hearings and meetings across both the DV and DA jointly are absolutely crucial.

Good governance is the process by which organisations are directed, controlled and held to account. Inherent in that definition are accountability mechanisms – openness, transparency and ethical behaviour. Also inherent are sound decision-making processes, incorporating clear, accountable and consistent decisions. Where those decisions affect citizens, reasons for them need to be made clear. Decisions made in secret fail the governance test. What bothers residents in this particular case is not just the Embassy Motel site, but what the NCA (and possibly ACTPLA) and the developers have in mind for adjoining sites.

Citizen participation varies from informing to empowering. The NSW Government's Department of Infrastructure, Planning & Natural Resources has developed an iPlan website which includes tools and techniques for "Community Engagement in the NSW Planning System". This site states that "effective community engagement is built on trust, goodwill and respect." With the absence of a formal consultative body, the presence of two warring planning authorities, and the spectre of some sort of "gateway" (whatever that may mean), residents are simply squeezed out.

The moral/ethical issue is one that I wish to concentrate on. We have a planning body, ACTPLA and Minister that uses the logo "building our city; building our community". One would suppose from such a slogan that this government actually has a commitment to its multi-faceted community. Yet over the life of this government, there have been few times when there are not just one or two, but many groups of citizens outraged over some failure of this government to properly consult with them.

In the planning context, it is very much a case of "do what I say, not what I do" – this is entirely counter-productive when the government is urging business to consult more, yet fails to set the example. Business sees this as an imprimatur from government to simply bulldoze through (often literally) proposals that are absolutely contrary to the wishes of residents.

## **Nature of the Proposed Development**

### ***Economic viability***

The proponent states that the motel is not economically viable. One needs to treat such a statement with caution, as the context of that statement need to be considered. Is this statement made in the context that the alternative, a very large, high, intense and intrusive residential development would be more economically viable?

## ***Current Usage***

There are a number of community groups that meet at the Embassy, including Rotary (Canberra East), Soroptimists International, Quota International and View (Voice, Interests and Education of Women) Club. This indicates that there is a thriving community spirit that exists at the Embassy and one that should be preserved.

As part of the Best Western chain (<http://embassy.bestwestern.com.au/>), the Embassy is well advertised and presented. The advertisements play on its closeness to many features such as Parliament House and the Lodge, the Lake and surrounding tranquil suburbs. It seems ironic that the owners wish to disturb that tranquillity by transforming the Embassy into high-rise units.

If there needs to be redevelopment, then it should be of a further motel-style nature, retaining the existing character and style. There is a dearth of accommodation on the Southside and within the Woden Valley, and this site is well-placed to serve that need. If there are doubts about its current financial viability (of which I am far from convinced) then perhaps an upgrade or refurbishment, or even change of operator, should occur.

## ***The A10 Argument***

Much has been said by many people about the nature of the A10 development areas. These same arguments, about its destructive and ad hoc nature, apply to this site. Put simply, this type of intrusive and intensive high-density development has no place within an existing residential area.

## ***How far will it go?***

There is a lot of speculation that the NCA wishes to provide a “gateway” to Deakin. Since when have Deakin residents sought such a thing? The Solander Gallery, Made From Australia and the Deakin Health Spa have all been identified as being the next stage of this redevelopment, to create some sort of “gateway”. Approval of the Embassy DV will create a precedent for not only this area around Deakin, but many others such as in Narrabundah, Curtin and many other places where there is motel-style accommodation that would provide a developer with a much greater return if redeveloped into intensive, high-density housing.

That is not what proper planning is all about.

## ***Building Height***

We have been told that the NCA is the authority that can set the height, and that there is no requirement for the NCA to consult. The scenario therefore goes like this:

- *The Legislative Assembly approves, in accordance with ACTPLA's wishes, this DV to re-zone the land. (At that point, the ACT Government has no further control over what happens next.)*
- *The developer then puts in a DA which is assessed by the NCA. The NCA approves a 7-storey abomination, there is legitimate community outrage, and the Planning Minister then blames the Commonwealth for over-riding Territory interests.*
- *The NCA, of course, quite correctly says that the ACT has re-zoned the land to allow for high-density housing and therefore blame rests with the Territory.*

Shades of Gungahlin Drive all over again, and countless many other examples including fire-affected rural villages.

If the Legislative Assembly does the right thing by its citizens, it will reject this DV to ensure that the NCA can no longer ride rough-shod over residential areas of Canberra.

It is as simple as that.

## ***Deakin Centre Master Plan***

In 2001, considerable work was undertaken by the then PALM, aided by many individuals and community groups, to put together a Centre Master Plan for Deakin. I do not know the results of that process, but there was considerable information gained which has a bearing on this current DV.

The benefits of preparing a Centre Master Plan for Deakin were said to include the engagement of "the community in the design and future development of their centre", and the broader context and influences on "location, attractiveness, structure and functionality, accessibility and relationship to open space and other facilities".

The analysis of the strengths of the Deakin local centre included the Embassy Motel. The Motel was said to have a "central location, main road location, diplomatic/government location, well-known and respected, well maintained. Good appearance".

During that study, there was a lot of concern expressed about traffic, parking, the value of the tourist industry (ie the Embassy and Made from Australia Gallery), and the need for better integration between the various businesses. Taking away a source of tourism and a major business (possibly several tourism businesses), and sticking up residential apartments

that generate traffic and parking issues, will undoubtedly have a negative impact on the Deakin Centre.

## **Summary**

This site is best preserved for its existing use. If the current proprietor cannot run it at a suitable level of profitability and viability, that is not a reason to go through a Draft Variation process to enable super-profits to be made, at the expense of the community.

In the absence of the formal integrated planning framework for areas where there is a joint NCA/ACTPLA strategic approach, no decisions should be made in a policy vacuum. These two agencies need to start working together, with the community, to establish those areas that genuinely have Territorial significance, and work toward a shared approach where all parties have an opportunity for input.

The absence of a formal consultative mechanism reduces the ability of residents to be genuinely involved in, and thereby influence, planning decisions that adversely affect them.

Chris Shelling  
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