



Legislative Assembly for the ACT

STANDING COMMITTEE ON PLANNING AND
ENVIRONMENT

Draft Variation to the Territory Plan No. 237

DEAKIN SECTION 12 BLOCKS 9, 13 AND 19 EMBASSY MOTEL REDEVELOPMENT
PROPOSED RESIDENTIAL USE

APRIL 2005

Report 6

Committee membership

Chair Mick Gentleman MLA

Deputy Chair Zed Seselja MLA

Mary Porter AM MLA

Secretary: Hanna Jaireth

Administration: Linzi Lamont

Resolution of appointment

On 7 December 2004 the ACT Legislative Assembly agreed to establish general purpose standing committees as follows:

- (1) The following general purpose standing committees be established and each committee to inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community: ...
 - (e) a Standing Committee on Planning and Environment to examine matters related to planning, public works and land management, conservation and heritage, transport services, and environment and ecological sustainability.
....¹

The Assembly also agreed that if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed consideration of a report on draft plan variations or draft plans of management referred to the Committee by the Minister under the *Land (Planning and Environment) Act 1991*, the Committee may send its report to the Speaker, or, in the absence of the Speaker to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.²

Terms of reference

Section 25 of the Land (Planning and Environment) Act 1991 (ACT) states:

The Minister shall, within 28 days of receiving a draft plan variation under section 24, refer —

- (a) the draft plan variation; and
- (b) the documents referred to in section 24(1) that relate to the draft plan variation;

to an appropriate committee of the Legislative Assembly together with a request that the committee report on the draft plan to the Legislative Assembly.

¹ Legislative Assembly of the ACT, *Minutes of Proceedings*, No. 2–7 December 2004, pp.12–16.

² Legislative Assembly of the ACT, *Minutes of Proceedings*, No. 2–7 December 2004, pp.12–16.

Preface

Both Federal and ACT law and policy governs planning in the ACT. The *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth)³ establishes the National Capital Authority, which prepares and administers the National Capital Plan. The Act also enables the Legislative Assembly to establish a statutory planning authority – now the ACT Planning and Land Authority – to develop and implement the Territory Plan. The *Land (Planning and Environment) Act 1991* (ACT)⁴ (the Act) requires the Territory Plan to set out the planning principles and policies for giving effect to its object,⁵ which is:

to ensure, in a manner not inconsistent with the national capital plan, that the planning and development of the ACT provides the people of the ACT with an ecologically sustainable, healthy, attractive, safe and efficient environment in which to live, work and have their recreation.⁶

The Plan includes both a written statement and a map. The written statement contains general planning principles (Part A), specific land use policies (Part B), overlay provisions (Part C) and definitions of terms (Part D). The Territory Plan map shows which land use policies and overlays in the written statement apply to particular sections of land in the Territory. The Territory Plan is developed and implemented taking account of other strategic ACT Government policy documents such as *The Canberra Plan* and *People Place Prosperity: A Policy for Sustainability in the ACT*.⁷

Recognising that land use policies may change over time, the Act provides for variations to the Territory Plan. The ACT Planning and Land Authority prepares these for stakeholder comment. There can be a number of versions of a draft variation depending on the consultation program.

³ Accessible at <<http://scale.law.gov.au/html/pasteact/0/160/top.htm>>.

⁴ Accessible at <<http://www.legislation.act.gov.au/a/1991-100/current/pdf/1991-100.pdf>>.

⁵ Land (Planning and Environment) Act 1991, sub-section 7(2)).

⁶ Land (Planning and Environment) Act 1991, sub-section 7(1).

⁷ Accessible at <<http://www.cmd.act.gov.au/canberraplan/>> and <<http://www.sustainability.act.gov.au/policy.html>>.

The Minister is required by the Act to refer each draft variation, within 28 days of receiving it, to an appropriate committee of the Assembly – currently the Standing Committee on Planning and Environment – for consideration and report.⁸ The Minister is required to have regard to the Committee’s recommendations before approving the proposed variation and tabling it in the Assembly (see below), or returning it to the ACT Planning and Land Authority with written directions for further action.⁹

The Territory, the Executive, a Minister or a Territory authority must not do or approve anything that is inconsistent with the Territory Plan, or the proposed draft variation, in relation to land that is subject to a draft variation, once the draft variation has been notified for public consultation under the Legislation Act and until it commences operation, is disallowed by the Legislative Assembly, or is withdrawn.¹⁰

Following the Committee’s tabling of its report in the Legislative Assembly, the Minister must take the findings of the committee into account before making his decision in relation to the draft plan variation.¹¹ If the Minister approves it, he will table the proposed variation and associated documents in the Legislative Assembly.¹² Unless wholly or partially disallowed by the Assembly within five sitting days, the variation will commence on the date nominated by the Minister

⁸ Land (Planning and Environment) Act 1991, section 25.

⁹ Land (Planning and Environment) Act 1991, paragraphs 26(1)(a) and (b), sub-section 26(2).

¹⁰ Land (Planning and Environment) Act 1991, section 9.

¹¹ Land (Planning and Environment) Act 1991, sub-section 26(2).

¹² Land (Planning and Environment) Act 1991, section 29.

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SUMMARY OF RECOMMENDATIONS

RECOMMENDATION 1

- 3.27** The Committee supports the proposed replacement of the Entertainment Accommodation and Leisure Land Use Policy currently applicable to Blocks 9 and 13 Section 12 Deakin, with Residential Land Use Policy with a B15 area specific policy overlay.
- 3.28** The Committee recommends that the ACT Planning and Land Authority include in the B15 area specific policy a requirement that the height of the residential buildings on the site be generally no higher than 3–5 storeys. The Committee is of the view that 7 storey buildings¹³ on this site would be out of character with the surrounding landscape and main avenue/ceremonial route of Adelaide Avenue and has taken Deakin residents' views into account in forming this view.
- 3.29** Landscaping consistent with a landmark development should also be required on Block 19. The B15 area specific policy should require high quality landscaping on the site, including in the private courtyards, so that its visual impact is not diminished by poor quality courtyard gardens.

RECOMMENDATION 2

- 3.30** The Committee recommends that a detailed and current study of the traffic implications of the proposed development, in the context of surrounding land uses, be undertaken. Roads ACT should assess whether additional traffic reduction or calming measures in this area are necessary or desirable.

¹³ The Recommended Final Variation refers to 6 storeys plus penthouse, which is shortened to 7 storeys for the purposes of this report.

RECOMMENDATION 3

- 3.31** The Committee recommends that the Minister for Planning require the ACT Planning and Land Authority, and encourage local community organisations such as Pedal Power, to consider targeting some of their educational programs in Deakin, to encourage use of public transport and cycling and walking, and to discourage private car use. The TravelSmart and Walking Bus programs could be extended to this area, and parents could be encouraged to send their children to school by bus. Pedal Power could offer their cycling skills and awareness program to Grammar School students if funding is extended for their current program
- .

1 INTRODUCTION

- 1.1 On 25 August 2004, pursuant to the *Land (Planning and Environment) Act 1991* (ACT) the Minister for Planning, Mr Simon Corbell MLA, referred a copy of Draft Variation to the Territory Plan No. 237 – Deakin Section 12 Blocks 9, 13 and 19 Embassy Motel Redevelopment Proposed Residential Use (DV237) to the Standing Committee on Planning and Environment for consideration and report.
- 1.2 DV237 proposes to vary the Territory Plan map by replacing the Entertainment Accommodation and Leisure Land Use Policy currently applicable to Blocks 9 and 13 Section 12 Deakin, with Residential Land Use Policy with an B15 area specific policy. In relation to Block 19 Section 12 Deakin, the proposed variation will replace the Entertainment Accommodation and Leisure Land Use Policy with Residential Land Use Policy.
- 1.3 On 8 September 2005 the former Committee Chair advised the Minister that DV237 would be considered by the Committee in the Sixth Assembly since there was insufficient time for the Committee to consider the proposal, which would require further consultation, before the Assembly dissolved for the 2004 election
- 1.4 The current Assembly Committee considered DV237 at meetings on 11 and 27 January 2005, 11 and 31 March 2005, and 12 and 19 April 2005. It met at the site with representatives of the ACT Planning and Land Authority on 11 January 2005. Mr Neil Savery, Chief Planning Executive, and Mr Hamish Sinclair, Manager, Territory Plan Coordination Section, attended and responded to Members' questions. Submissions to the inquiry were invited by way of advertisements in *The Canberra Times* and *The Chronicle* and in letters to stakeholders, in January 2005. Members held public hearings in relation to proposed variation on 11 March 2005. On 12 April 2005 officials from the ACT Planning and Land Authority discussed

traffic issues and DV237 with the Committee.

Background

- 1.5 DV237 was prepared following the ACT Planning and Land Authority's consideration of a proposal to redevelop the site of the Embassy Motel in Deakin. The proposal involves the construction of multi-unit housing in multi-storey buildings, ranging in height from 3 storeys plus penthouses to 6 storeys plus penthouses. It is proposed that 142 residential units will be constructed, including 46 x 1 bedroom units, 89 x 2 bedroom units, and 7 x 3+ bedroom penthouse units. The proposal was developed because the Embassy Motel is regarded as nearing the end of its economic viability.¹⁴
- 1.6 Block 9 Section 12 Deakin is the site of the Embassy Motel. Block 13 Section 12 is a narrow strip of land on the western boundary of the site currently used as a carpark. Block 19 is an embankment. The site is Territory Land adjacent to a Main Avenue, and close to the Royal Embassy of Saudi Arabia, the High Commission of the Federal Republic of Nigeria and the future site for the High Commission for the Democratic Socialist Republic of Sri Lanka. It is also close to the Deakin local shopping centre, the Deakin Sports and Social Club and the Deakin Gym. The Prime Minister's Canberra residence, the Lodge, is not far along Adelaide Avenue close to the Parliament House, and the Governor-General's residence is a few kilometres in the other direction. The Motel is opposite the Made in Australia Gallery (currently closed), and close to the Canberra Girls' Grammar Junior School and Early Learning Centre. It is near an approved townhouse development along Adelaide Avenue, and open space playing fields and the Deakin Anticline.
- 1.7 As noted above, DV237 proposes to replace the Entertainment Accommodation and Leisure Land Use Policy currently applicable to Blocks 9 and 13 Section 12 Deakin, with Residential Land Use

¹⁴ Canberra Investment Corporation Ltd, Submission No. 28.

Policy and a B15 area specific policy. The objective of this replacement policy is:

To promote distinctive, high quality medium to high density residential development that:

- meets changing household and community needs
- is located and designed to benefit from proximity to the adjacent commercial centre and major transport corridors
- does not compromise the efficient functioning of the existing commercial centre or roads
- at ground floor level, may incorporate small scale commercial activities that primarily serve the needs of the residential complex.¹⁵

1.8 The proposed controls attached to this policy are:

a) Land Use

Add to Schedule 1:

- Restaurant, Business Agency, Shop

b) Land Use Restrictions

Restaurant, Business Agency, Shop, may only be permitted at ground floor level and where the use establishes an active frontage and pedestrian links to the Local Centre.

c) Residential Use - Noise Attenuation

New buildings for Residential Use shall be constructed to meet the criteria set out in Australian Standards AS2107 – ‘Recommended Design Sound Levels and Reverberation Times for Building Interiors’ [AS 2107 – 1987] and AS 3671 – ‘Acoustics Road Traffic Noise – Building Siting and Construction’ [AS 3671 – 1989] as amended from time to time, to achieve an acceptable noise environment for people living

¹⁵ ACT Planning and Land Authority, *Draft Variation to the Territory Plan No. 237*, p.7.

adjacent to commercial activities.¹⁶

Role of the National Capital Plan

- 1.9 Chapter 2 of the National Capital Plan also regulates development along main avenues and approach routes in Canberra. On 26 March 2005 the National Capital Authority released for public comment a draft amendment to this Chapter. This is intended to enable the Chapter to be more easily read, and to reinforce the values for Main Avenues and Approach Routes that were confirmed in the 2004 publication *The Griffin Legacy: Canberra the Nation's Capital in the 21st Century*.¹⁷
- 1.10 Draft Amendment 50 also responds to Recommendation 9 of the 2004 report on the role of the National Capital Authority by the Joint Standing Committee on the National Capital and External Territories, by moving planning policy out of Development Control Plans into the National Capital Plan. The confusion and delays caused by dual planning regulations had been highlighted clearly in various submissions to the Joint Standing Committee. The draft amendment, if approved, will negate the need for an NCA Development Control Plan applicable to developments adjacent to Adelaide Avenue.¹⁸
- 1.11 In 2004 the Federal Parliamentary Committee recommended that the National Capital Authority and the ACT Planning and Land Authority jointly develop planning principles for areas of Territory Land subject to special requirements, and that the Territory assume planning responsibility for these areas. The Territory has to act in accordance with these agreed principles because of the overriding

¹⁶ ACT Planning and Land Authority, *Draft Variation to the Territory Plan No. 237*, p.7.

¹⁷ National Capital Authority, *The Australian Capital Territory (Planning and Land Management) Act 1988, National Capital Plan Draft Amendment 50: Main Avenues and Approach Routes*, March 2005, p.3.

¹⁸ Parliament of the Commonwealth of Australia, Joint Standing Committee on the National Capital and External Territories, *A National Capital, A Place to Live: Inquiry into the Role of the National Capital Authority*, July 2004, Canberra.

nature of the *Australian Capital Territory (Planning and Land Management) ACT 1988* (Cwlth).

- 1.12 Adelaide Avenue remains a Main Avenue in the revised Chapter 2 of the National Capital Plan. It is regarded as an important approach and gateway to the Central National Area, becoming more formalised as it nears the National Triangle and Capital Hill.¹⁹ Blocks 9, 13 and 19 of Section 12 in Deakin, the site of the Embassy Motel redevelopment, are on Territory Land but are subject to special requirements because they are adjacent to a Main Avenue under the National Capital Plan.
- 1.13 According to the proposed new Chapter 2, Main Avenues should:
- be reinforced as the primary physical, visual and symbolic connections between landmarks and landscape features of the city and between public and commercial activities;
 - be recognised as offering premier addresses of the city and settings for prestigious architecture;
 - *with the exception of Adelaide Avenue and State Circle, progressively be realised as multi-use boulevards providing corridors of higher density mixed-use development, public transport, broad tree-lined footpaths for promenading and outdoor dining and the like, and onstreet parking;*
 - *with respect to Adelaide Avenue, provide for a mixed use, landscaped and public transport corridor with a design quality appropriate to the ceremonial function of the route between Parliament House and Government House.*²⁰ [emphasis added]
- 1.14 The draft revised policy provides that buildings along Adelaide Avenue should generally be no higher than 3 to 4 storeys, and

¹⁹ National Capital Authority, *The Australian Capital Territory (Planning and Land Management) Act 1988, National Capital Plan Draft Amendment 50: Main Avenues and Approach Routes*, March 2005, p.10.

²⁰ National Capital Authority, *National Capital Plan Draft Amendment 50: Main Avenues and Approach Routes*, p.12.

should have a high standard of landscape design. However where Hopetoun Circuit is crossed by the Avenue, 'developments that create landmarks by virtue of the quality and composition of their design and height' will also be considered. The draft policy says:

Policies for Adelaide Avenue outside the Central National Area

Land use

- i) Land use policies should provide for but not necessarily be limited to national uses, community and cultural uses, tourist accommodation and residential development

Landscape

- ii) A high standard of landscape design should be sought for sites along the Avenue with particular attention given to the Avenue frontage and verge. The existing 'landscape corridor' character of the Avenue should be maintained and reinforced with trees planted in the grassed verge and the set-back areas fronting the Avenue.
 - iii) Significant groups of mature trees on site and in the verge along the Avenue frontage should be retained and integrated in the landscape design, and care should be taken to protect them during construction.
 - iv) In contributing to the landscape setting of the Avenue, site development should provide trees that will establish a canopy, create a unified character, and reinforce the quality of the Avenue and the open space system.
- Buildings
- v) Buildings and ancillary structures should be set back from the Avenue and presented within a substantial landscape setting. Buildings should not generally be higher than 3 to 4 storeys.

vi) At the crossing of Hopetoun Circuit by the Avenue, consideration may be given to developments that create landmarks by virtue of the quality and composition of their design and height. [Emphasis added]

- 1.15 If this proposed new Chapter 2 of the National Capital Plan is approved by the Minister for Local Government, Territories and Roads, the Hon Jim Lloyd, MP, the former NCA Development Control Plan – Sites Fronting Adelaide Avenue (DCP No. 171/02/0009) will no longer apply to the Embassy Motel redevelopment. That DCP says in relation to the area subject to this Draft Variation:

2.8 The corner sites on Hopetoun Circuit (Area B), at the exit from, or entry to, Adelaide Avenue, should be developed with buildings that create landmarks by virtue of the quality and composition of their design. ...

3.2 Buildings on these sites should be predominantly three storeys and a maximum of 4 storeys in height.²¹

- 1.16 The consultation record in relation to this development suggests that the National Capital Authority is generally supportive of the proposed development, subject to various issues being further assessed. The Authority is said to see the proposal as having merit because of the nature of the proposed land use, its proximity to the Deakin Local Centre and its reinforcement of the main avenue. The NCA also regarded the design as being of high quality, but noted that in relation to making a case to go higher than the 3–4 storeys then permitted, various issues would need to be considered. These included ‘height of existing vegetation and proximity to existing low rise residential’.²²

²¹ Paragraphs 2.3, 2.8 and 3.2, National Capital Authority (NCA) Development Control Plan – Sites Fronting Adelaide Avenue (DCP No. 171/02/0009).

²² Canberra Investment Corporation Ltd, Embassy Motel Redevelopment Block 9, Section 12, Deakin, Planning Study Report, October 2003, Consultation Summary, Attachment A.

- 1.17 The ACT Planning and Land Authority could adopt in the B15 area specific land use policy planning principles consistent with the final form of Chapter 2 of the National Capital Plan. It could require for example, that the height of residential buildings on the site be generally no higher than 3–4 storeys unless they create landmarks by virtue of the quality and composition of their design. The Committee does not agree with the National Capital Authority's draft policy which permits buildings which might be landmarks by virtue of their height only.
- 1.18 To be consistent with the proposed Chapter 2 of the National Capital Plan, more extensive landscaping will probably be required on Block 19. In the Committee's view, the Area B15 policy should require high quality landscaping on the site, which would give the development a landmark status by virtue of that landscaping.

Local area planning

- 1.19 The proposed development is not referred to specifically in the Deakin Neighbourhood Plan or Deakin Local Centre Master Plan. However there is a reference in the Deakin Neighbourhood Plan to multi-unit developments adjacent to the local shops.²³
- 1.20 Some scooping and local area traffic management works have been undertaken around the Deakin Shopping Centre as part of the Department of Urban Services' suburban precincts refurbishment program. Local area traffic management works have responded in part to community concerns that were expressed during consultations undertaken by the project consultants and in the Deakin Neighbourhood Plan. The Canberra Urban Parks and Places Cultural Planner, Canberra Urban Parks and Places and the Rochford Telfer Group of Landscape Architects (RTG) have been involved in this initiative. RTG commissioned Bill Guy and Partners Pty Ltd to produce the traffic and parking study of the Deakin

²³ ACT Planning and Land Authority, *Draft Variation to the Territory Plan No. 237*, p.2.

Shopping Centre.²⁴

- 1.21 When the former Burley Griffin Local Area Planning Committee considered the proposal in December 2002, increased traffic was their main concern. The lack of parking at the local shops, and traffic along Hopetoun Circuit, were also issues identified in the Household Survey done for the Deakin Neighbourhood Plan.²⁵ These and other similar issues are canvassed in the RTG report.²⁶
- 1.22 The ACT Planning and Land Authority says that the proponent would be required to submit a traffic study as part of the development application, which could only be submitted after this Draft Variation comes into effect.²⁷
- 1.23 The ACT Planning and Land Authority supports the proposed change in this local area land use policy. It regards medium and high-density residential development in this location, which is close to commercial centres and major transport corridors as meeting broader planning objectives. These include:
- providing opportunities for a diverse range of housing for the full range of household types and lifestyle preferences,
 - slowing the rate of population decline in established areas,
 - utilising existing infrastructure,
 - promoting the viability of commercial centres,
 - providing easy access to major transport corridors,
 - reducing pressure on the expansion of outer greenfield areas,
 - and

²⁴ Traffic Impact Statement Deakin Shopping Centre Master Plan, Deakin Section 12, February 2002, Appendix C to: Rochford Telfer Group Pty Ltd Landscape Architects, Forward Design Study Deakin Shopping Centre, Preliminary Sketch Plan Report for Department of Urban Services Canberra Urban Parks and Places, June 2002.

²⁵ ACTPLA, Deakin Neighbourhood Plan: A Sustainable Future for Deakin, Canberra, 2003, p.3.

²⁶ Rochford Telfer Group Pty Ltd Landscape Architects, Forward Design Study Deakin Shopping Centre, Preliminary Sketch Plan Report for Department of Urban Services Canberra Urban Parks and Places, June 2002.

²⁷ ACT Planning and Land Authority, *Draft Variation to the Territory Plan No. 237*, p.2.

- achieving high quality urban design on prominent sites.²⁸

1.24 Meanwhile, some local area traffic management works have been, or will be undertaken as part of the suburban precincts refurbishment program. The objective for the Deakin works is make improvements to footpaths and cyclepaths, streetlighting, and to manage local area traffic, within the limit of funds available. According to the Department of Urban Services, the local area traffic management works that are being considered in and around the Deakin shops are:

- a raised platform pedestrian crossing of Hopetoun Circuit near the intersection of Macgregor Street, and
- converting the existing pedestrian crossing on Duff Place to a raised platform crossing.

1.25 Local area traffic management works were also constructed on Grey Street between Ferguson Crescent and Empire Circuit in association with upgrade works at the Girls' Grammar School. These will not impact upon the redevelopment of the Embassy Motel site.

1.26 Other non LATM works around the Deakin shops that will be constructed as part of the Neighbourhood Improvements Project are:

- provision of a footpath on the western side of Duff Place, and
- construction and replacement of pram ramps to meet current standards.

²⁸ ACT Planning and Land Authority, *Draft Variation to the Territory Plan No. 237 – Deakin Section 12 Blocks 9, 13 and 19 Embassy Motel Redevelopment Proposed Residential Use*, August 2004, p.1.

2 CONSULTATION COMMENTS

Statutory consultations

- 2.1 On 27 May 2004, the ACT Planning and Land Authority released DV237 for public comment until 8 July 2004.
- 2.2 In accordance with the *Land (Planning and Environment) Act 1991*, the ACT Planning and Land Authority also sought and considered the views of the National Capital Authority, the ACT Heritage Council and the Conservator of Flora and Fauna.
- On 4 June 2004 the National Capital Authority advised that the proposed variation to the land use policy change was not inconsistent with the relevant provisions of the National Capital Plan, and that the height provisions of the relevant Development Control Plan would be reviewed once the Variation was approved.
 - The ACT Heritage Council advised on 25 June 2004 that there were no known heritage issues in relation to the site.
 - The Conservator of Flora and Fauna advised that provided that protection of significant trees was taken into account in any development proposals, the Conservator had no concerns about the proposal.
- 2.3 In response to the six written responses submitted to the ACT Planning and Land Authority during the consultation period, the Authority amended the variation to include a requirement for residential development to be designed to minimise the impact of noise from adjoining commercial activities.²⁹ The issues raised in submissions to the Authority are summarized in Table 1:

²⁹ ACT Planning and Land Authority, *Draft Variation to the Territory Plan No. 237*, p.5.

TABLE 1: SUMMARY OF ISSUES AND ACT
PLANNING AND LAND AUTHORITY RESPONSES:

Stakeholder comment	Response by the ACT Planning and Land Authority
The proposed development is out of character with the surrounding buildings and will dominate the landscape and cause overshadowing particularly for the Soccer Club	The proposed variation will permit residential development, but under current law and policy, only to 3 or 4 storeys. Overshadowing will be considered at the detailed design stage but does not appear to be a concern
Traffic and parking	Traffic issues will be resolved at the development application stage
The Deakin Sports Club is concerned about possible future complaints about noise	The design will have to address noise issues consistent with AS2107 and AS3671
The proposal should be deferred until the Deakin Local Centre Master Plan (DLCMP) is approved	The DLCMP does not assess the proposed development directly but consultants took it into account.

Consultations by proponent

- 2.4 Canberra Investment Corporation Ltd, the proponent of the proposed development on the Embassy Motel site, also consulted directly with stakeholders in relation to its proposal. It held discussions with the ACT Planning and Land Authority, the Design Review Panel and the National Capital Authority. More than 1200 homes in Deakin and Yarralumla were given information via a letterbox drop. A noon–7.30pm consultation was held at the Embassy Motel on 10 June 2004 for residents to view the plans and model for the proposed development. This had been advertised in *The Canberra Times* and *The Chronicle*.³⁰ More than 100 people are said to have attended that consultation, with 88 registering their

³⁰ Letter from Mr Ron Bell, Development Manager, Canberra Investment Corporation Ltd, dated 15 March 2005, concerning the Territory Plan Variation and the Embassy Motel site.

attendance. A survey was distributed at the consultation with 45 people responding. Of those, 24 supported the proposed redevelopment, 12 gave qualified support, 7 opposed it and 2 declined to indicate their views. Perceptions of over-development (height and density) and excess traffic generation were the main issues identified by opponents of the proposal.³¹

- 2.5 Canberra Investment Corporation also gave a presentation to the Deakin Residents' Association's public meeting on 25 November 2004.³²

Committee consultations

- 2.6 Canberra Investment Corporation Ltd says in its submission to the Committee, that the land use policy for the site should be changed to Residential, with a specific policy overlay, as its proposal has been carefully developed over two years and there has been extensive consultation with relevant agencies and the community. It says the Embassy Motel is not economically viable. The population of Deakin is ageing and declining, with little housing diversity available. If ageing residents move into higher density accommodation, younger families may move into vacated houses, helping to regenerate Deakin and surrounding suburbs. Demand for inner, high quality apartments is strong. Canberra Investment Corporation Ltd says that fears of increased traffic flows are unfounded and that its allocated space for parking is adequate. Infrastructure is adequate or will be upgraded as required. Canberra Investment Corporation Ltd says the proposal uses a high quality design with many sustainability features.³³

³¹ Capital Planners ACT Pty Ltd, *Embassy Motel Block 9 and 13 Section 12 Deakin, Proposed Redevelopment Project Consultation Report*, July 2004, pp.5, 6.

³² Colin Stewart Architects, Design Report Blocks 9 and 13 Section 12 Deakin, Embassy Apartment, p.8, Appendix 2 to Canberra Investment Corporation Ltd, Submission No.28.

³³ Submission No. 28.

- 2.7 Colin Stewart Architects say that the Embassy Apartments project 'fulfils the ACT Government's sustainability objectives and will form an important benchmark for the reuse of a significant city site by embodying OECD priorities for best planning practices.'³⁴ The use of pre-existing infrastructure will be maximised. Siting and orientation will minimise overshadowing and maximise solar access and cross ventilation. Materials will be used to minimise indoor air pollutants and waste, and several waste separation features will be installed for residents. Pre-cast concrete will be used to avoid the need for resurfacing or painting. Facilities for cyclists will be provided, and carparking kept to the required minimum to encourage the use of public transport. In-slab ducted heating and water-cooled air conditioning systems are being considered, as is storm water and grey water reuse.³⁵
- 2.8 Several submissions to the Committee also support the proposed development, including up to six storeys;³⁶ others only to 4 storeys.³⁷ The ACT Planning Committee of the Royal Australian Institute of Architects, for example, says that 4 storeys should be the maximum height as it is in a predominantly suburban area, and not Civic or Woden where higher developments are acceptable. The Institute said that at 4 storeys the proposed development would achieve appropriate higher densities in close proximity to existing urban infrastructure and the local centre. The Institute confirmed this view in a subsequent submission, having taken into account the National

³⁴ Colin Stewart Architects, ESD Report Blocks 9 and 13 Section 12 Deakin, Embassy Apartments, March 2005, Appendix 3 to Canberra Investment Corporation Submission No. 28.

³⁵ Colin Stewart Architects, ESD Report Blocks 9 and 13 Section 12 Deakin, Embassy Apartments, March 2005, p.16, Appendix 3 to Canberra Investment Corporation Submission No. 28.

³⁶ Submissions 1, 3; see also evidence from Mr Phil Lowen, CEO John James Hospital, Transcript of Evidence, Standing Committee on Planning and Environment, 11 March 2005

³⁷ Submission No 4, 7, 19, 25.

Capital Authority's *National Capital Plan Draft Amendment 50: Main Avenues and Approach Routes*.³⁸

- 2.9 The Committee also heard various concerns about the proposal in submissions and during public hearings. In summary, these were:
- The development will dominate the landscape, including neighbouring embassies, and vertical open space values will be lost.³⁹ Any development on the site should be consistent with the Canberra Spatial Plan and compatible with the low-rise residential garden suburb character of Deakin. The site is part of a local shopping precinct surrounded by a core area and should not be subject to intensification.⁴⁰ The Deakin local shops need to be redeveloped first.⁴¹ Expert views were also expressed that the design might not be able to meet the ACT Planning and Land Authority's requirements with respect to privacy, views and solar access.⁴²
 - If the Embassy Motel site is redeveloped in the way proposed it would place other vulnerable entertainment, accommodation and leisure sites in Deakin at similar risk.⁴³
 - A hotel and/or serviced apartments are needed in the area and particularly for visitors to Canberra's hospitals. The arguments about the Embassy Motel being unviable are unconvincing and under current land use policy affordable housing options should be explored.⁴⁴ ACTPLA's policy on retention of sites for accommodation, tourist and leisure development should be

³⁸ Submission No. 26.

³⁹ Submission No. 2, 5, 7, 9, 10, 11, 12, 14, 16, 18, 20, 24, 29; Deakin Residents Association, Transcript of Evidence, Standing Committee on Planning and Environment, 11 March 2005.

⁴⁰ Deakin Residents Association, Transcript of Evidence, Standing Committee on Planning and Environment, 11 March 2005.

⁴¹ Submission No. 5.

⁴² Submission No. 29.

⁴³ Submission No. 29, Deakin Residents Association, Transcript of Evidence, Standing Committee on Planning and Environment, 11 March 2005.

⁴⁴ Submissions No. 1, 4, 12, 14, 17, 24, 29.

applied here, and the impact of the loss of the site for tourist accommodation should be assessed.⁴⁵ Visitor accommodation is needed in Deakin. Mr Phil Lowen, Chief Executive Officer of John James Hospital, for example, says that John James draws almost 40 per cent of its clientele from the South Coast and the broader ACT region, and already clients have to look beyond Deakin for accommodation. John James Hospital would like to see some residual motel or at least serviced apartment accommodation within the proposed development.⁴⁶

- The site is more suitable for aged and disabled persons' accommodation.⁴⁷
- Traffic and parking are major issues as the area is already unable to cope with demand, and particularly if traffic impacts on children travelling to and from the Canberra Girls' Grammar School and Early Learning Centre. A full traffic management plan, including an assessment of the impacts of a possible redevelopment of the Solander Gallery site, with generous provision for visitor, resident, patron and shopper parking should have been required.⁴⁸
- Noise and air pollution will reduce the amenity for residents of the proposed development.⁴⁹
- The proposed development raises issues of security concern, particularly for the Saudi embassy and for children attending Canberra Girls' Grammar School.⁵⁰

⁴⁵ Deakin Residents Association, Transcript of Evidence, Standing Committee on Planning and Environment, 11 March 2005.

⁴⁶ John James Hospital, Transcript of Evidence, Standing Committee on Planning and Environment, 11 March 2005.

⁴⁷ Submission No. 16.

⁴⁸ Submissions expressing traffic and parking concerns include: No. 1, 2, 4, 5, 7, 10, 12, 17, 19, 23, 24, 29, Deakin Residents Association, Transcript of Evidence, Standing Committee on Planning and Environment, 11 March 2005.

⁴⁹ Submission No. 19.

⁵⁰ Submission No. 8, 10, 20, Principal, Canberra Girls' Grammar School, Ms Susan Just, and Head, Junior School, Mrs Vandeppeer, Transcript of Evidence, Standing Committee on Planning and Environment, 31 March 2005, pp.17, 18.

- The full cost of additional infrastructure and government services should be specified and not recouped through rates.⁵¹
- ACTPLA and NCA consultations have been inadequate and disregard residents' views. The NCA and ACTPLA should work more cooperatively especially on planning controls on main avenues and approach roads. The NCA has no public consultation process for changes to Development Control Plans.⁵²
- Land use policy should not be changed at the request of a single developer. If the Committee or Assembly were to support this variation it is proposing a variation to the National Capital Plan and it would leave itself open to a perception of manipulation for the benefit of a single developer. The Minister's expression of support for the project before the conclusion of Assembly consultation processes suggests he is not open to consider opponents' views.⁵³

3 COMMITTEE COMMENTS

- 3.1 Whilst the primary focus of this report is the recommended change in land use policy, the Committee has taken the opportunity to respond to some of the issues raised in submissions, as these are of concern to stakeholders. The Committee could not address every issue raised in detail however. Several issues, such as noise, have already been addressed in the B15 area specific policy overlay.

Consultation

- 3.2 The Committee does not accept the Deakin Residents' Association's assertion that the proponent and the ACT Planning and Land Authority have not consulted adequately about this proposed

⁵¹ Submission No.12, 19; Deakin Residents Association, Transcript of Evidence, Standing Committee on Planning and Environment, 11 March 2005.

⁵² Submission No 12, 14 ; Deakin Residents Association, Transcript of Evidence, Standing Committee on Planning and Environment, 11 March 2005.

⁵³ Submission No 24; Deakin Residents Association; Transcript of Evidence, Standing Committee on Planning and Environment, 11 March 2005.

development. The Association's view is not consistent with the evidence available to the Committee.

- 3.3 Allegations of Ministerial bias are also unsustainable, given the largely transparent statutory consultation process that is required for proposed redevelopments such as this. The Minister's view as expressed at any point in time may change in the face of persuasive evidence in favour of another view, and the Legislative Assembly has the power to disallow a proposed variation to the Territory Plan. Moreover, at the Draft Variation stage, no final views are being expressed on development proposals that will later be rigorously scrutinised as part of the Development Application assessment process.

Height and security issues

- 3.4 The Committee is aware of the strongly held views about the height of the proposed development being inconsistent with the character of Deakin and its streetscapes, and also that it raises security concerns. Community perceptions about the existing streetscape and neighbourhood character, and desirable future changes, are important considerations in urban planning.⁵⁴ The significant number of signatures on the Deakin Residents' Association 'petition'⁵⁵ suggests that people living near the site are not yet ready to accept such a change in their neighbourhood. It is also clearly arguable that considering the contours of the site and established trees, that any building over 3–4 storeys would dominate the landscape and be out of keeping with adjacent land uses.
- 3.5 The proponent's graphics present views from Hopetoun Circuit and Grose Street. These are likely to differ from the views of the

⁵⁴ See for example ACT Planning and Land Authority, *Development Applications: Multi-residential Developments, Commercial and Industrial Developments, Institutional Developments: Enhancing our Living Environment*, n.d., p.20

⁵⁵ As the petition did not conform to the Legislative Assembly's required format the Manager of Government Business, Mr Simon Corbell MLA, tabled the petition on behalf of its sponsor, Mr Zed Seselja, as a paper pursuant to standing order 83A, on Tuesday 15 March 2005.

development for residents of the townhouses adjacent to Adelaide Avenue, and Yarralumla residents' views. The embassies in the area are predominantly low set, and there would be no building of equivalent height on the opposite side of Adelaide Avenue to counterbalance the proposed development. Whilst the Committee understands the concept of 'gateway' developments, it is also mindful of the significance of avenues and approaches under the National Capital Plan.

- 3.6 The Committee appreciates the community's perception that the scale, height and built form of the 7 storey buildings proposed by Canberra Investment Corporation Ltd are incompatible with the current or future desirable landscape character of the area. In the Committee's view, the 4 storey structures proposed for the development are acceptable, as these are not so out of character with the predominantly 1 (one) and 2 storey townhouses and other structures in the vicinity of the Embassy Motel site.
- 3.7 The Committee also notes the objections to the proposed development expressed by the Royal Embassy of Saudi Arabia, and the confirmation of a long-term potential risk by security expert Clive Williams from the ANU's Strategic and Defence Studies Centre.⁵⁶ The Canberra Girls' Grammar School and its Early Learning Centre are also concerned that the line of sight possible from a multi-storey development may place their students at risk. The Committee appreciates these concerns but is of the view that risk-reduction strategies can be implemented.

Alleged inconsistency with the National Capital Plan

- 3.8 The Deakin Residents' Association argues that the Committee has been asked to consider a variation to the Territory Plan that is illegal because it is inconsistent with the National Capital Plan and a Development Control Plan, and contrary to the *Australian Capital*

⁵⁶ Submission No. 8.

Territory (Planning and Land Management) Act 1988 (Cwlth).⁵⁷ Section 11 of that Act provides that an enactment that is inconsistent with the Plan has no effect to the extent of the inconsistency, and the Commonwealth, a Commonwealth authority, the Territory or a Territory authority shall not do any act that is inconsistent with the Plan.

- 3.9 The Committee does not need to respond to this view in detail as it has been overtaken by events. Draft Amendment 50 to the National Capital Plan was released for public comment on 26 March 2005. But in any event, the Committee has been asked to consider a proposed change to land use policy and its views in relation to both that and the proposed development are recommendations only; they cannot effect a change to the Territory Plan to create an inconsistency with the National Capital Plan. The Committee is not doing 'an act' that is inconsistent with the Plan; it is merely exercising its powers as conferred by the ACT Legislative Assembly and as required to be exercised under the *Land (Planning and Environment) ACT 1991* (ACT).⁵⁸

Population change

- 3.10 The issue of Deakin's declining population has been referred to in the Deakin Neighbourhood Plan,⁵⁹ in submissions⁶⁰ and at the Committee's public hearing on 11 March 2005. Mr Stewart, one of the architects involved with the project, referred to the need to provide housing diversity so that suburban populations could 'reach

⁵⁷ Deakin Residents Association, Transcript of Evidence, Standing Committee on Planning and Environment, 11 March 2005.

⁵⁸ Refer Preface.

⁵⁹ ACT Planning and Land Authority, *Deakin Neighbourhood Plan: A Sustainable Future for Deakin*, Canberra, 2003, p.8.

⁶⁰ Canberra Investment Corporation Ltd, Embassy Motel Redevelopment Block 9, Section 12, Deakin, Planning Study Report, October 2003, pp.16–17; Submission No. 28, pp.3–4.

their peak' from a sustainability perspective.⁶¹ This is a worthy objective.

- 3.11 But whatever past trends may have been, Deakin's population is relatively stable and is now expected to increase gradually to the year 2013. According to the 1996 Census, Deakin had a population of 2 577 in 1996⁶² and 2 716 in 2001.⁶³ According to 2004 ACT Government figures it is projected to increase from 2 650 in June 2004 to 2 800 in June 2013.⁶⁴ This data does not impact significantly on the Committee's recommendations, but it suggests that Deakin is not declining as rapidly as some stakeholders have suggested. It also suggests that the demographic change stimulated by the proposed land use change should be beneficial for businesses and employment in the area.

⁶¹ Mr Colin Stewart, Colin Stewart Architects, Transcript of Evidence, Standing Committee on Planning and Environment, 11 March 2005, p.11.

⁶² Australian Bureau of Statistics, *1996 Census of Population and Housing, Basic Community Profile Based on Place of Enumeration, Statistical Local Area – Deakin*, accessed via <http://hale.dpa.act.gov.au/abs/abs@.nsf/abshome> 16 March 2005,

⁶³ Australian Bureau of Statistics, *2001 Census of Population and Housing, Selected Social and Housing Characteristics for Statistical Local Areas: Australian Capital Territory*, accessed via <http://hale.dpa.act.gov.au/abs/abs@.nsf/abshome> 16 March 2005, p.26.

⁶⁴ Chief Ministers Department, *Economic and Social Profile, Population Forecasts for Canberra Suburbs and Districts 2004 – 2014*, accessible at <http://www.cmd.act.gov.au/demography/2004to2014/index.shtml>.

South Canberra⁶⁵

District/Suburb	June 2004	June 2005	June 2006	June 2007	June 2008	June 2009	June 2010	June 2011	June 2012	June 2013	June 2014
Barton/Parkes	750	900	1,100	1,300	1,400	1,450	1,450	1,450	1,450	1,450	1,450
Deakin	2,650	2,650	2,700	2,700	2,700	2,750	2,750	2,750	2,800	2,800	2,850
Forrest	1,250	1,350	1,350	1,350	1,350	1,350	1,350	1,350	1,300	1,300	1,300
Fyshwick	100	100	100	100	100	100	100	100	100	100	100
Griffith	4,050	4,100	4,100	4,100	4,100	4,150	4,150	4,150	4,150	4,150	4,150
Kingston	1,950	2,200	2,400	2,600	2,750	2,950	3,150	3,350	3,550	3,750	3,950
Narrabundah	5,600	5,600	5,550	5,500	5,450	5,450	5,400	5,400	5,400	5,350	5,350
Red Hill	3,250	3,300	3,300	3,350	3,350	3,350	3,400	3,400	3,400	3,450	3,500
Yarralumla	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,050
Total South Canberra	22,650	23,150	23,600	23,950	24,250	24,500	24,700	24,950	25,150	25,400	25,650
Total Central Canberra	63,100	64,600	65,650	66,300	66,900	67,500	68,000	68,500	69,000	69,500	70,050

⁶⁵ Chief Ministers Department, Economic and Social Profile, Population Forecasts for Canberra Suburbs and Districts 2004 – 2014, accessible at <http://www.cmd.act.gov.au/demography/2004to2014/index.shtml>.

Traffic and parking (including visitor parking)

- 3.12 A significant number of submissions argue that traffic and parking is already an issue for stakeholders travelling in the vicinity of the development site. These suggest that a new traffic study should take account of increased traffic flows generated by town-house developments in the area, at peak times such as morning and afternoon school drop-off and collection (by both public and private transport), and days of major school or soccer club activity.
- 3.13 Many traffic and parking issues were analysed in the 2002 Traffic Impact Statement for the Deakin Shopping Centre Master Plan by Bill Guy and Partners Pty Ltd. That 2002 study included an assessment of the possible traffic impact of proposed developments near the Deakin Shopping Centre. These included the Deakin Oval Redevelopment, the Made in Australia Gallery and the Deakin Motel redevelopment. If each of these developments were to proceed, the study estimated they would create an additional 21vph on Macgregor Street and 18vph on Hopetoun Circuit. The Deakin Motel redevelopment would generate a total traffic volume of 71 vph at peak period. The consultants concluded that ‘the streets and junctions would be able to accommodate this extra traffic and that no adverse impacts on the existing traffic capacity would occur’.⁶⁶
- 3.14 The Committee also notes that Hughes Trueman Engineers advised the proponent using data from up to the year 2000, that the proposed development was not likely to create any adverse traffic impacts.⁶⁷ Peak hour traffic movements on Hopetoun Circuit are expected to increase from a maximum peak hour flow (2-way) of 670vph to approximately 810vph which is said to be ‘well within the capacity of Hopetoun Circuit (and significantly lower than previous peak volumes). The daily traffic volume is expected to be in the order of about 7 300 vpd if the development goes ahead.’⁶⁸

⁶⁶ Traffic Impact Statement Deakin Shopping Centre Master Plan, Deakin Section 12, February 2002, Appendix C to: Rochford Telfer Group Pty Ltd Landscape Architects, Forward Design Study Deakin Shopping Centre, pp.15-16.

⁶⁷ Capital Planners ACT Pty Ltd, *Embassy Motel Block 9 and 13 Section 12 Deakin, Proposed Redevelopment Project Consultation Report*, July 2004, p.6.

⁶⁸ Canberra Investment Corporation Ltd, Submission No. 28, pp.6, 9.

- 3.15 The Committee also notes that the proponent, citing Roads ACT data, reports that the accident history records for Hopetoun Circuit between Gawler Crescent and Grey Street (July 1997–July 2002) show ‘a very low number of accidents recorded at all intersections and midblock sections in proximity to this site...7 property damage only...’.⁶⁹
- 3.16 In relation to alleged parking congestion issues, the proponent has advised the Committee that it has undertaken an assessment of parking requirements in accordance with the ACT Parking and Vehicular Access Guidelines, and AS4299–1995–Adaptable Housing Code (in relation to the 15 proposed adaptable units).⁷⁰ Canberra Investment Corporation Ltd has provided for 1 carpark per 1 bedroom unit, 1.5 carparks per 2-bedroom+ unit and 36 visitor spaces. In June 2004 the proponent said that visitor parking would comprise 12 spaces in the central forecourt, 10 spaces along Grose Street and 11 spaces in the public parking area in Duff Place/Hannah Place.⁷¹ In March 2005 this was 7 places in the verge on Grose Street adjacent to the site, with the remainder to be provided within 100 metres, off site in Duff Place and Grose Street.⁷²
- 3.17 The Committee agrees with the proponent that the proposed development is at an ideal location from a sustainable transport perspective. It has very good public transport services available to it, and it is very close to the local shopping centre, schools and other community facilities. Most of the additional traffic flow generated by the development would be out onto Adelaide Avenue for commuting to work and weekly shopping trips. Most of the traffic congestion in Grey Street would be attributable to the drop off and collection of school children at the Early Learning Centre and the Canberra Girls’ Grammar School.
- 3.18 The Committee agrees that additional traffic reduction or calming measures along Hopetoun Circuit in this area should be investigated, as suggested by Mr Stewart.
- 3.19 The Committee also notes that the sustainability features of the proposed development include secure parking for bicycles. The Committee commends

⁶⁹ Canberra Investment Corporation Ltd, *Embassy Motel Block 9 Section 12 Deakin, Planning Study Report*, October 2003, p.11. This is the figure also cited in the 2002 study by Bill Guy and Partners.

⁷⁰ i.e. Housing that can be adapted as required for use by everybody, irrespective of their age, level of mobility or condition of health.

⁷¹ Canberra Investment Corporation Ltd, Submission No. 28, p.8. See also: Colin Stewart Architects, *Embassy Apartments, Deakin, Fact Sheet*, 9 June 2004.

⁷² Canberra Investment Corporation Ltd, Submission No. 28, p.8.

this feature. The Committee does not recommend that the proponent be required to increase the number of car parking sites available provided relevant standards have been complied with.

- 3.20 The Committee suggests that the ACT Planning and Land Authority, and local community organisations such as Pedal Power, consider targeting some of their educational programs in Deakin, to encourage cycling and walking, and to discourage private car use. The Walking Bus Program could be extended to this area, and parents could be encouraged to send their children to school by bus. The Minister for Planning might consider trialling a remote drop-off and collection point in Deakin so that parents are discouraged from dropping their children off at school entrances.
- 3.21 The benefits of such initiatives in terms of improved health for participants were explored in the April 2003 report of the Standing Committee on Health. The Committee recommended that future civic design and planning include measures to encourage active transport, physical exercise and discourage use of the car.⁷³
- 3.22 There are initiatives already underway that could be adapted to respond to the reported parking and traffic problems in Deakin. Pedal Power might consider running their cycling skills and awareness program with the Grammar School. The Minister for Planning might consider trialling TravelSmart (a program new to the ACT), in a residential area such as Deakin. TravelSmart is designed to allow people to make informed choices about their transport options and encourage them to avoid or reduce the number of trips by private motor vehicle. It is to be focused initially on some employment locations where paid parking is being introduced. This program could usefully include a residential component in an area such as Deakin.

Shortage of visitor/short stay accommodation

- 3.23 The Committee considered the submissions on this issue but has decided against making recommendations in relation to this, as data from the

⁷³ ACT Legislative Assembly, *Standing Committee on Health, Looking at the Health of School Age Children, Report No. 4*, April 2003, pp.99–103.

Australian Bureau of Statistics suggests that room occupancy rates for motels and guest houses and serviced apartments were well below 100% in the September quarter 2004. Motels and guesthouses had an average 61.8% occupancy rate while serviced apartments were 77%. This data represents results from the quarterly Survey of Tourist Accommodation (STA), which includes hotels, motels and guesthouses and serviced apartments with 15 or more rooms.⁷⁴

Infrastructure costs

- 3.24 The Committee notes that existing infrastructure for the site (including stormwater, natural gas, electricity, gas and telecommunications) is considered adequate for the proposed increased use, except for the water and sewer network. ActewAGL has apparently accepted the connection of the development to the sewer and a capital works project has been proposed to upgrade the sewer downstream as part of ActewAGL's capital works network replacement program.⁷⁵ ActewAGL is undertaking an assessment of the water tie servicing the site, and the other services will have further detailed assessment if the proposal proceeds.⁷⁶ This seems to be consistent with The Canberra Spatial Plan goal of ensuring fiscal responsibility by making efficient use of infrastructure.⁷⁷

Sustainable design

- 3.25 In the Committee's view, the proposed development seems to meet many ACT Government sustainability criteria. The application of ACT planning laws and policies will also ensure that any residential development on the Embassy Motel Site contributes to a high quality built environment and a unique sense of place. For example:
- the ACT Sustainable Transport Plan and the ACT Greenhouse Strategy 2000 encourages travel modes other than private motor vehicle, and shorter distances between home and work;

⁷⁴ Australian Bureau of Statistics, Tourist Accommodation Australia, September Quarter 2004, No. 8635.0

⁷⁵ Colin Stewart Architects, ESD Report Blocks 9 and 13 Section 12 Deakin, Embassy Apartments, March 2005, p.11, Appendix 3 to Canberra Investment Corporation Submission No. 28.

⁷⁶ Canberra Investment Corporation Ltd, Submission No. 28, pp.9–10.

⁷⁷ ACT Planning and Land Authority, *The Canberra Spatial Plan*, Canberra 2004, p.80.

- the Canberra Spatial Plan aims to minimise resource consumption including water and energy use;⁷⁸ and
- the Canberra Spatial Plan aims to consolidate development in existing areas and along major transport corridors, especially within a 7.5km radius of the city, whilst providing a diverse range of housing choices and protecting the character and amenity of existing suburbs.⁷⁹

3.26 In the Committee's view, whilst many submissions regard the proposed residential use as likely to negatively impact on suburban amenity, the development can also be seen as a welcome innovation in housing styles that will contribute to a revitalisation of the Deakin local centre. The proposed redevelopment is within the 7.5km intensification radius in the Canberra Spatial Plan and is close to the West Deakin activity node.

Committee recommendations

RECOMMENDATION 1

- 3.27 **The Committee supports the proposed replacement of the Entertainment Accommodation and Leisure Land Use Policy currently applicable to Blocks 9 and 13 Section 12 Deakin, with Residential Land Use Policy with a B15 area specific policy overlay.**
- 3.28 **The Committee recommends that the ACT Planning and Land Authority include in the B15 area specific policy a requirement that the height of the residential buildings on the site be generally no higher than 3–5 storeys. The Committee is of the view that 7 storey buildings⁸⁰ on this site would be out of character with the surrounding landscape and main avenue/ceremonial route of Adelaide Avenue and has taken Deakin residents' views into account in forming this view.**
- 3.29 **Landscaping consistent with a landmark development should also be required on Block 19. The B15 area specific policy should require high**

⁷⁸ *The Canberra Spatial Plan*, pp.70, 76.

⁷⁹ *The Canberra Spatial Plan*, p.36.

⁸⁰ The Recommended Final Variation refers to 6 storeys plus penthouse, which is shortened to 7 storeys for the purposes of this report.

quality landscaping on the site, including in the private courtyards, so that its visual impact is not diminished by poor quality courtyard gardens.

RECOMMENDATION 2

- 3.30 The Committee recommends that a detailed and current study of the traffic implications of the proposed development, in the context of surrounding land uses, be undertaken. Roads ACT should assess whether additional traffic reduction or calming measures in this area are necessary or desirable.

RECOMMENDATION 3

- 3.31 The Committee recommends that the Minister for Planning require the ACT Planning and Land Authority, and encourage local community organisations such as Pedal Power, to consider targeting some of their educational programs in Deakin, to encourage use of public transport and cycling and walking, and to discourage private car use. The TravelSmart and Walking Bus programs could be extended to this area, and parents could be encouraged to send their children to school by bus. Pedal Power could offer their cycling skills and awareness program to Grammar School students if funding is extended for their current program.

Appendix 1 – Current Territory Plan Policies

The existing Land Use Policy for the area subject to this variation is shown in Figure 1.

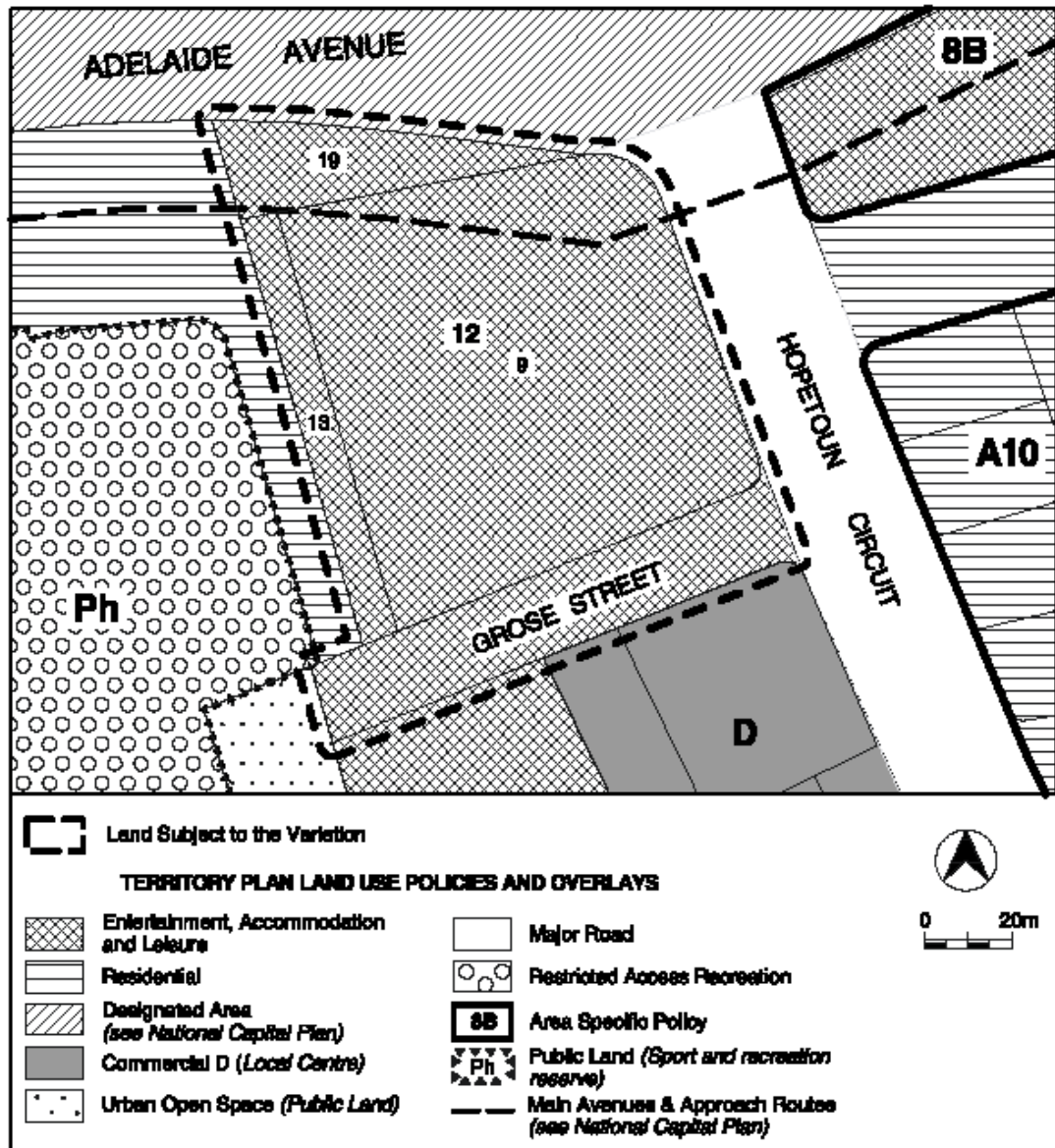


FIGURE 1 – TERRITORY PLAN CURRENT LAND USE POLICIES

Appendix 2 – Proposed Variation to the Territory Plan Map

The proposed Land Use Policy for the area subject to this variation is shown in Figure 2.

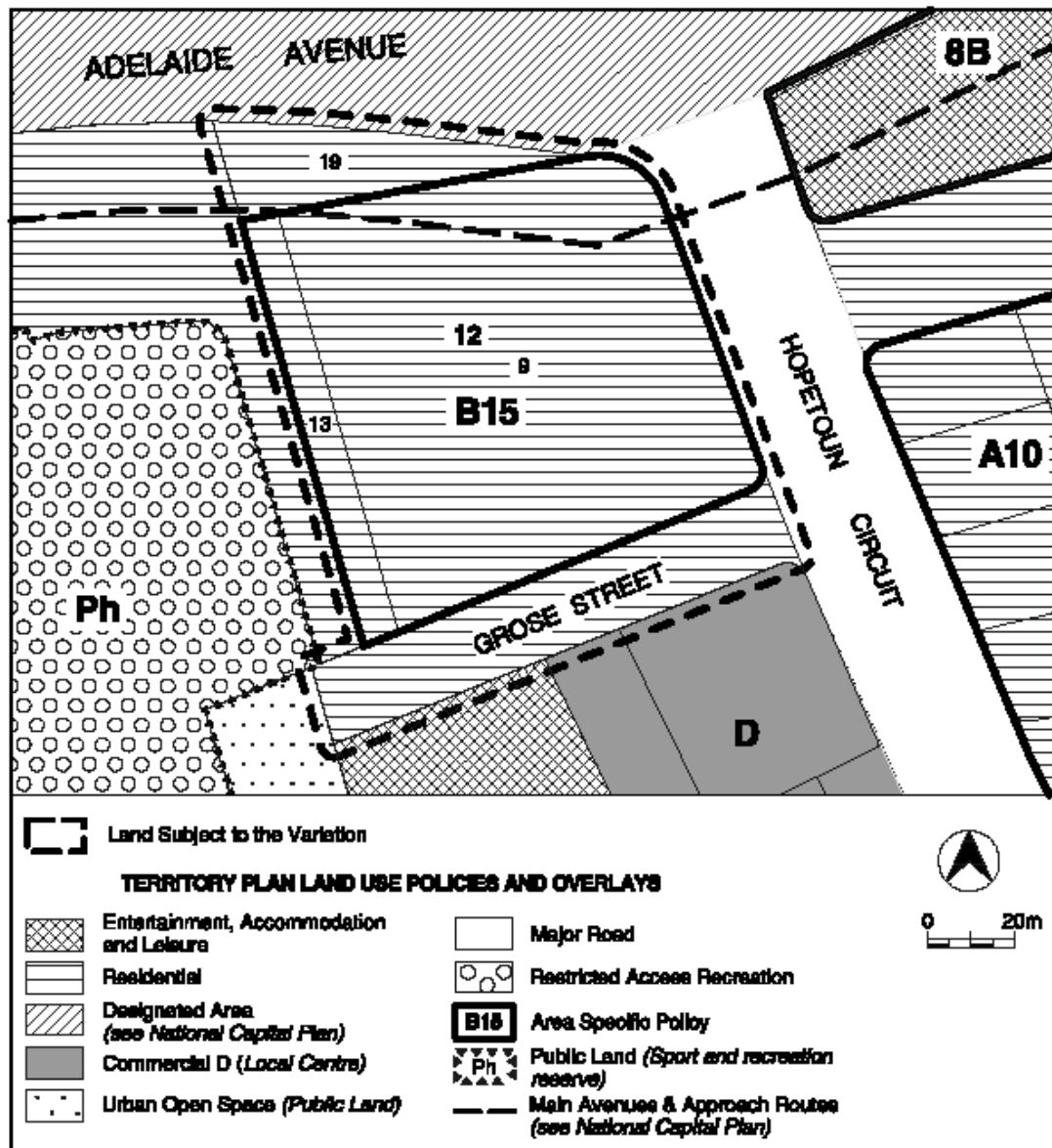


FIGURE 2 – PROPOSED TERRITORY PLAN LAND USE POLICIES

Appendix 3 - List of submissions⁸¹

- Submission No 1 — Mr Phil Lowen
- Submission No 2 — Mr David White
- Submission No 3 — Mr Dean Davies
- Submission No 4 — Ms Jacqueline Elliott
- Submission No 5 — Mr & Ms John & Tanya O'Bryan
- Submission No 7 — Mr I McLeod
- Submission No 8 — Mr Clive Williams
- Submission No 9 — Dr Peter Chapman
- Submission No 10 — Ms Susan Just
- Submission No 11 — Mr Greg Carman
- Submission No 12 — Ms Di Johnstone
- Submission No 14 — Chris Shelling
- Submission No 16 — Ms Margaret Johnstone
- Submission No 17 — Ms Jane Crawford
- Submission No 18 — Ms Gaelle Giroult
- Submission No 19 — Mr Allen Curtis
- Submission No 20 — Mr & Mrs O'Donovan
- Submission No 23 — Ms Charmian Walker
- Submission No 24 — Ms Justine Ross
- Submission No 25 — Royal Australian Institute of Architects, Planning Committee.
- Submission No 26 — Royal Australian Institute of Architects, Planning Committee
additional material.
- Submission No 27 — Pedal Power ACT Inc
- Submission No 28 — Canberra Investment Corporation
- Submission No 29 — Deakin Residents' Association supplementary submission

⁸¹ This list does not include submissions numbered 6, 13, 15, 21 and 22 as these were made in response to a joint advertisement for the DV237 and DV205 (Deakin Block 11 Section 68 (Oasis Leisure Centre) Proposed Office Use) inquiries, and were filed jointly and consecutively. These submissions related to DV205 only. They are discussed in the Committee's report on DV205.