

4 August 2005

The Secretary
Standing Committee on Planning and the Environment
ACT Legislative Assembly
London Circuit
Canberra City ACT 2601

Dear Hanna

RE: SECTION 27 BARTON – INQUIRY INTO FINAL RECOMMENDED VARIATION NO 238

I refer to the the Inquiry into the Recommended Final Variation No. 238 and to our subsequent presentation in conjunction with the Doma Group and Colin Stewart Architects on 19 July 2005.

We are pleased to present this submission on behalf of the Doma Group, which provides information on the background to the proposal, the master plan and comments on aspects of the Recommended Final Variation to the Territory Plan as presented by ACTPLA.

In summary, this submission seeks the following amendments to the Final Recommended Variation No 238:

- changes to the locations where COMMERCIAL ACCOMMODATION USE is permitted
- an increase in the amount of retail space permitted
- removal of the restriction on the amount of NON RETAIL COMMERCIAL USE permitted
- removal of the restriction on the number of storeys along Sydney Avenue given that that the maximum height (AHD) is stated
- specific building height limits on each street frontage.

The proposed amendments and the reasons for these are outlined in section 4 below. Some of these suggested amendments are the result of the evolution of the project and all are consistent with the master plan which formed the basis for the draft Variation.

1. BACKGROUND

The site is the former Macquarie Hotel that was National Land, which was auctioned by the Commonwealth in early 2003. The site is located at the hub of office, residential, visitor and community uses in Barton and has an area of about 26,800m². The existing Territory Plan land use policy is Entertainment Accommodation and Leisure.

The Doma Group have undertaken extensive planning and design work on the site. This work includes a comprehensive planning study which examined the alternate uses of the site, the preparation of a master plan and proposed development guidelines. A copy of the planning study has previously been made available to the Committee.

Community consultation has been an integral part of the planning and design process from the earliest stages of the design development. The consultations have included one-to-one meetings with residents, a community information session and meetings with key community groups and other organisations. Several changes to the design concepts were made in response to comments from the community.

2. PROPOSED DEVELOPMENT

The proposed development is a mixed use project that reflects the location of the site at the hub of the different precincts in Barton.

At this stage of its planning, the proposed development will consist of:

- 330 residential units
- childcare
- apartment hotel (160 room)
- retail and associated facilities
- health facilities
- gym
- office space
- conference facilities
- open space
- new internal road
- off-site works

The project has been planned to enable a flexible range of uses that reflect changing market opportunities during the development period for the project.

The proposed development is consistent with government policy and in particular the Spatial Plan and the Sustainable Transport Plan. It will contribute to an increase in higher density housing choices in the inner areas, increase opportunities for people to live in proximity to where they work and to walk to work and other destinations. The project is also a model of what is possible with a mixed use development.

2.1 Master Plan

A copy of the master plan prepared in 2003 has been provided separately to the Committee. The main characteristics of the master plan are:

- land uses have been sited to reflect and be compatible with the adjacent uses
- buildings are designed to front directly onto adjacent streets to reinforce the streetscape and especially National Circuit and Sydney Avenue
- a new internal road connecting Sydney Avenue and Bourke Street will increase the permeability of the site. There will be no direct road connection to Macquarie Street and non-residential traffic will be encouraged to use Sydney Avenue and National Circuit to access the site
- a triangular park will be located at the centre of the site and will be overlooked by several buildings, thus enhancing community safety

- the scale of development varies across the site and is sensitive to the character and scale of adjacent development
- on-site parking provision will be in accordance with Territory guidelines
- a number of off-site works are proposed to improve the amenity of the adjacent areas. These include road and traffic measures aimed at addressing the existing traffic issues in Macquarie Street and upgrading of landscaping and pedestrian pathways adjacent to the site.

3. COMMENTS ON THE SUBMISSIONS ABOUT THE DRAFT VARIATION

We note that ACTPLA received a number of submissions from the local community and other interested individuals in response to the exhibition of the Draft Variation. We support the responses by ACTPLA to the issues raised during consultation and detailed in the *Report on Consultation with the Public and Government Agencies* and make no further comment on these submissions.

4. COMMENTS ON RECOMMENDED FINAL VARIATION TO THE TERRITORY PLAN

The Recommended Final Variation proposes a number of controls on the site under several headings including land use restrictions, section master plan, building height and design and siting. Whilst the controls are broadly consistent with the master planning undertaken for the site and discussions with ACTPLA there are three aspects of the controls with which we are concerned.

4.1 Land Use Restrictions

In summary, the land use restrictions state:

Club+, COMMERCIAL ACCOMMODATION USE; Drink Establishment, Indoor Recreation Facility; NON RETAIL COMMERCIAL USE; Shop, Restaurant.

- shall be designed and located to minimise impacts on residential or commercial accommodation development.
- shall not be permitted on land fronting Macquarie Street except that a serviced apartment may be permitted.
- the total gross floor area of all shops on Section 27 shall not exceed 1000m² provided that the maximum gross floor area of a supermarket or shop selling food, does not exceed 400m².
- the total gross floor area of NON RETAIL COMMERCIAL USE on Section 27 shall not exceed 7000m² and that the gross floor area in any one building is limited to 3000m².

We request that the Committee consider the following amendments to the land use restrictions.

4.1.1 Location of Commercial Accommodation Use

We request that that Committee replace the second 'dot' point with the following:

COMMERCIAL ACCOMMODATION USE shall only be located in buildings with a frontage to National Circuit.

The reasons for this suggested amendment are:

- the residential amenity of Macquarie Street will be better protected if no commercial accommodation is permitted in this area
- the residential accommodation will be targeted at owner-occupiers and is likely to attract early and active retirees. This group would not want to share buildings with a transient population staying in commercial accommodation located in their complex
- the master plan proposes an overall mixed use development, however within the site there are clearly defined precincts. Residential and associated community uses are clustered to the east of the internal road

4.1.2 Retail Floorspace Provision

We request that the Committee replace the third 'dot' point with the following:

The total gross floor area of all shops (excluding an arts, crafts and sculpture dealer and associated services) on Section 27 shall not exceed 1,600m² provided that the maximum gross floor area of a supermarket or shop selling food, does not exceed 400m²

The reasons for this suggested amendment are:

- Parkes/Barton is an area with an increasing number of workers and residents and currently has very few local retail options with workers and residents needing to travel to either Kingston or Manuka to access even the most basic services.
- Various departmental submissions to the Parliamentary Inquiry into Pay Parking (2003), highlighted the need for local services to be developed in the Parkes/Barton area prior to introduction of any pay parking.
- The retail analysis undertaken as part of the planning study indicated that there was a demand for up to 1600m² of local retail space and local provision would not have an adverse impact on Kingston or Manuka.

4.1.3 Non Retail Commercial Use

We request that the Committee delete the fourth 'dot' point, that is the reference to the amount of office floorspace in the development.

The reasons for this suggested amendment are:

- Amendment 44 to the National Capital Plan removes the restriction on the amount of floorspace outside of the Central National Area.
- The site is within the transport corridors proposed in the revised National Capital Plan office employment corridor and provides a centrally located alternative to the Airport.

- Section 27 Barton is adjacent to the Central National Area and is one of only two sites in this location that could be developed for NON RETAIL COMMERCIAL USE.
- There is already considerable office development on the eastern side of National Circuit.
- There is a growing demand from office uses already located in Parkes/Barton for new and/or additional office space. These agencies do not want to relocate from the area and are unable to secure space in existing developments.
- The site is adjacent to bus routes serving the metropolitan area and therefore better located for office development than areas such as the Canberra Airport.
- Vacancy rates in office buildings throughout Canberra are currently very low, including in Parkes/Barton as well as in Civic.
- The increase in the amount of office space above that already proposed would enhance the mixed use character of the proposed development.

4.2 Building Height

The Building Height provisions state that the maximum height of buildings shall not exceed a maximum height of AHD 591 with the following exceptions:

- Recessed and screened roof top plant and minor building elements integrated into the design of the building and roofscape may extend to a height of AHD 599.
- Development fronting Sydney Avenue may extend above AHD 591 providing the development is limited in height to five storeys plus two recessed storeys and does not rise in height beyond AHD 599.
- Buildings fronting Macquarie Street are to be a maximum of three storeys in height provided that the third storey is set back at least 3 metres from the building line, including at the corner of Macquarie and Bourke Streets.

We request that the Committee consider the following amendments to the building height restrictions.

4.2.1 Provision Regarding Roof Plant and Minor Building Elements

We request that the Committee delete the first dot point relating to the height of roof plant and minor building elements be deleted.

The reasons for this suggested amendment are:

- It is proposed below to introduce a specific control on building height for buildings fronting the internal road. The introduction of this provision means that the building heights on each road frontage are defined and this provision would be redundant.
- Defining the height controls on each frontage offers greater certainty than the current provision on the height of roof plant.
- Removal of this provision would not have an adverse impact on residents in either Bourke or Macquarie Streets. who have previously indicated that they are mainly concerned about building heights in Macquarie Street.

4.2.2 Provision Regarding Number of Storeys

We request that the Committee amend the second 'dot' point to remove the reference to the number of storeys.

The reasons for this suggested amendment are:

- The maximum height of buildings proposed in the Draft Variation was AHD 597. This height restriction was made relative to the maximum height of the DFAT buildings in York Park which was assumed to be AHD 591 based on the York Park Master Plan. After the draft variation was prepared, it was discovered that the DFAT buildings are actually built to a height of AHD 598.9.
- During consultations with the local community a number residents indicated that whilst they were interested in the height of buildings fronting Macquarie Street they were not concerned about building heights elsewhere on the site.
- Subsequently the architects undertook massing studies to examine the impact of increasing the height of the buildings and especially those fronting Sydney Avenue. A copy of the massing study is attached for the Committee's information.
- Discussions were held with ACTPLA about increasing the height of buildings in parts of the site and ACTPLA supported increasing the maximum height to AHD 599.
- ACTPLA supported the increased height since the maximum height of the DFAT buildings in York Park is AHD 598.9 and the proposed height of Section 27 Barton will be consistent with this complex.
- Prior to discussions with ACTPLA to increase the height of development, the number of storeys proposed was as is currently stated in the Building Height Controls. Therefore although ACTPLA has agreed to increase the heights this is not reflected in the number of storeys which are permissible.
- The height provisions in the controls are sufficient without reference to the number of storeys.

4.2.3 Height of Buildings Fronting the Internal Road

We request that the Committee include an additional building height control which states:

Development fronting the internal access road may extend above AHD 591 provided the development does not rise in height beyond AHD 599

The reasons for this suggested additional control are:

- The master plan and initial development guidelines indicated that development fronting the internal access road could be higher than development along Macquarie Street and initially a height of AHD 594 was proposed.
- There was no community objection to development of this height in the "centre" of the site.
- Slightly increasing the height is consistent with decisions on other parts of the site.
- Increasing the height would not have any impact on development along Macquarie Street in terms of solar access, overlooking or overshadowing.

In summary, we consider that the proposed redevelopment of the former Macquarie Hotel site in Barton will set a new standard for mixed use development in the ACT. The amendments proposed to the Recommended Final Variation and outlined above are intended to ensure that the planning provisions support a high quality development and provide sufficient flexibility to respond to changing market circumstances whilst protecting the amenity of surrounding residents.

We request that the Committee consider the matters raised above. We would welcome the opportunity to discuss this submission with the Committee prior to the finalisation of its report.

Yours sincerely

CHRISTINE PURDON

Director