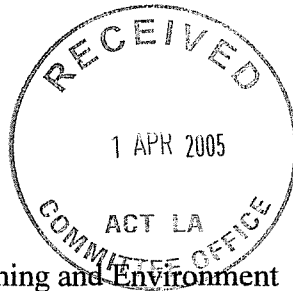


DEAKIN RESIDENTS' ASSOCIATION

"To enhance the residential, urban and social qualities of Deakin"



37 Gawler Crescent
Deakin 2600 ACT
1 April 2005

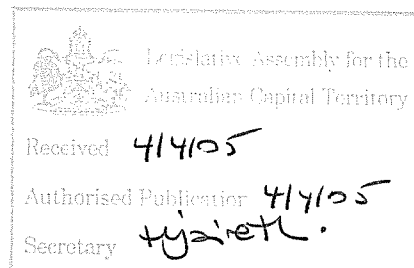
Dr Hanna Jaireth
Committee Secretary
Standing Committee on Planning and Environment
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT

Dear Dr Jaireth

Attached is Supplementary Material prepared by members of the Deakin Residents' Association following the residents' appearance on 11 March before the Standing Committee on Planning and Environment of the ACT Legislative Assembly inquiry into *Draft Variation to the Territory Plan No. 205 (DV205) – Deakin Block 11, Section 68 (Oasis Leisure Centre) Proposed Office Use*, and *Draft Variation to the Territory Plan No. 237 (DV237) – Deakin Section 12 Blocks 9, 13 and 19, Embassy Motel Redevelopment Proposed Residential Use*.

Yours sincerely

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SUPPLEMENTARY MATERIAL
PROVIDED BY MEMBERS OF THE DEAKIN RESIDENTS' ASSOCIATION (DRA)
IN RELATION TO THE STANDING COMMITTEE ON PLANNING AND
ENVIRONMENT CONSIDERATION OF
DRAFT VARIATION TO THE TERRITORY PLAN NO. 237 (DV237) – DEAKIN
SECTION 12 BLOCKS 9, 13 AND 19: EMBASSY MOTEL REDEVELOPMENT
PROPOSED RESIDENTIAL USE

Members of the Deakin Residents' Association wish to bring to the attention of the Standing Committee the following supplementary material for Committee consideration.

Summary

Deakin residents want development on the Embassy Motel site that is consistent with and complements a low-density garden suburb and Adelaide Avenue. Residents have a strong preference for retaining the site for a quality tourist development. Residents wish to encourage thoughtful and appropriate sustainable development on the site would most likely be achieved by a quality landmark hotel facility of no more than three or four storeys. The proposed eight-level residential development is contrary to existing planning controls, inconsistent with a low-density garden suburb and an unnecessary over-capitalisation of the site.

1. Advice provided by experienced Canberra architect, Jack Kershaw

Mr Kershaw was a member of the Deakin Residents' Association team at the meeting with the Standing Committee on 11 March. The following represents *Mr Kershaw's considered view on the proposed development and other options for the Embassy Motel site.*

“By way of constructive critique of the current proposal, as far as I could tell from a cursory examination of the plans, it has been very difficult to come up with a design that gives all flats decent visual and acoustic privacy, and a sunny non-westerly orientation with views for living spaces, even with some 7-storey sections. I believe such qualities are required by ACTPLA's new apartment design guide, which recommends minimum standards, some of which in respect of window/balcony interface distances are too low in my view and that of colleagues. I estimate that a development with a maximum of 50 units might just result in reasonable amenity with respect to privacy, views and solar access for all, giving a plot ratio of around 0.5, which would be more normal for such residential development given the 4-storey limit, and the proximity to commercial areas and a busy highway. I understand that the plot ratio is nearer 1.5 in the current 143-unit, part-7-storey proposal, which is gross. Although there is currently a proliferation of such flats, that does not make them acceptable, in my view, and standards need to be raised, given the good supply in the market, the questionable location of some, the asking prices and increasing interest rates. 50 really good apartments on 4 levels could indicate a purchase price for the site of around \$5 million.

On the other hand, a hotel/motel, having transitory living accommodation, does not necessarily need the level of solar/outlook amenity required by permanent living units, but may need more compensating attractions like a swimming pool and gardens. Nevertheless, it could be reasonable for the plot ratio for a motel to rise to around 1.75, still staying within 4 storeys.

From a very preliminary design analysis, this could result in a high class (say 4.5 stars) hotel/motel with approximately 240 standard room units (of which some would be combined as suites or self caterers) with around 35 square metres each, plus ancillary spaces of say 5,000 square metres of which half could be for function rooms, restaurants, cafes, bars, "a swingin' hot spot", retail etc.; in say a double-loaded-corridor rooms arrangement in an articulated square donut/atrium format about 65 metres square covering about half of the site (the ground floor could be the full square with outer facades recessed and a central courtyard in the 25 x 25 metres glass-roofed atrium) - a good environmentally sustainable design format. Under ACTPLA requirements, about 225 car parking spaces would be required for such an establishment, with most attributable to the function rooms. On one basement floor, with other vehicle spaces, this car park would cover most of the site, with gardens, pool etc. on its lid. Two basements would be better and possibly cheaper, enabling in-ground landscaping. By comparison, Rydges Capital Hill (cnr. Canberra Av and National Cct) has 186 rooms), and I imagine the new Embassy would pitch its rates just under Rydges Capital Hill.

As the DRA and others have already explained, this type of 4-storey hotel/motel development could be very desirable and attractive, given the location with respect to a whole range of national institutions, attractions and facilities nearby, including hospitals, plus the embassies of course. Preliminary financial feasibility analyses indicate that the hotel/motel project should be viable, with possibly a better price for the current property owner. All players should be encouraged to follow this course"

2. Future ACT Tourism

Residents again *draw the Committee's attention to the potential implications of the land use change on facilities available for ACT tourism* (see attachment at 'A') and seek Committee support for a review of the forward requirements of the ACT tourist industry.

As the nation's capital, Canberra must provide a wide variety of overnight accommodation and facilities for international and domestic tourism as well as the demand generated by parliament, government, business, research and the conference industry. Recent debate suggested that the shortage of suitable tourist accommodation and quality conference facilities prevented Canberra being able to bid for the 2007 APEC.

Residents draw attention to comments by Mr Ross MacDiarmid, CEO, Australian Capital Tourism (September 2004) indicating his organisation was concerned about the loss of the Embassy Motel, although it took the view that if the property was not providing an acceptable return to its owners, his organisation could not or should not stop the planners from approving the sale and changing its purpose zoning (A copy of the relevant e-mail from Mr MacDiarmid is attached at 'B')

Canberra tourist industry can ill-afford to lose another close-in hotel-motel site to developers seeking prime land to build high density apartments. As pointed out above, the Embassy Motel site is well suited in terms of location, land area (0.89 hectares) and topography for a future four storey hotel-motel with adequate space for parking attributable to function rooms and guests.

This future potential of the site seems not to have been taken into account by ACTPLA, even though their policy (expressed in a letter to a planning consultant dated 10 November 2003) was **‘to protect entertainment, accommodation and leisure uses from competition from higher order commercial uses’** because **‘sites capable of commercial tourist accommodation uses are a limited resource and, once lost, are not readily replaced’**.

Residents consider that, given the potential impact on employment in the ACT tourist industry (in addition to other consequences) of the loss of this site, the Committee should investigate whether Australian Capital Tourism or ACTPLA has reported to the Minister for Planning about future land and building requirements of the ACT tourist industry.

3. Traffic and Parking

Residents and others who access Deakin are *worried about potential traffic problems* associated with a building of the size proposed. The motel does not cause traffic problems for residents as many users come by bus or taxi. A building of 143 units (and prospectively one on the Solander site) with owner and visitor cars would cause problems for residents and CGGS school.

4. Motel – wide range of current community uses

Residents also note that in addition to the large number of community users of the motel identified by residents in our previous Submission, the motel *plays a community role in servicing accommodation requirements* for large numbers of South Coast families and those from the wider ACT visiting patients at John James Hospital (noted in evidence to the Committee by Mr Phil Lowen, Chief Executive Officer, John James Memorial Hospital) as well as parents visiting children at the Canberra Girls Grammar School (CGGS) Boarding House.

5. Precedent

Deakin residents remind the Standing Committee that *the decision taken on the Embassy Motel site will set a precedent for the opposite Solander site* (as well as other vulnerable sites in Deakin). CGGS, and Deakin residents with children at CGGS, are concerned that the precedent set for the Solander site would allow for a development on that site which would impinge on the light for the Early Learning Center at CGGS and possibly provide opportunities for unwelcome surveillance on children from such a development.

6. Site visit

Residents consider it would be *useful for the Standing Committee to visit the relevant area of Deakin*. This would allow the Committee to assess the projected impact of a change of planning controls on the Embassy Motel site, on the “old Solander” site and on other vulnerable sites in Deakin. Residents would be prepared to accompany the Committee on this visit.

7. Height

Residents attempted to obtain from the proponent copies of the plans shown by it to the Standing Committee and displayed at the public session on 11 March. *However, the proponent refused to provide these plans to residents.* The relevant exchange of e-mails has been sent to the Committee Secretariat. Residents note that the plans displayed to the Committee showed the proposed development as *six levels and eight levels.*

Residents consider that the proponents' plans and photo montages displayed at the public session on 11 March should be made publicly available to Deakin residents. Residents ask the Committee to consider ways that this might be done.

8. Consistency of approach with other Avenues

Residents note that the NCA's **Development Control Plan 171/02/0009**, providing that the Embassy Motel site "should be predominantly three storeys and a maximum of four storeys in height", is *consistent with the maximum height provision which applies for residential apartments fronting Canberra Ave and Wentworth Ave including the Kingston Foreshore Redevelopment Area.* The Drawings in NCA's Griffin Legacy Plan indicate most of the buildings along Constitution Ave could be of a similar height or five storeys with higher building design emphasised towards the two apexes of Griffin's Parliamentary Triangle, that is, at City Centre and Russell. In such circumstances it is not clear why there should be any consideration by the Standing Committee of a seven storey apartment development on the Embassy Motel site adjacent to Adelaide Avenue.

9. NCA Draft Amendment 50

Members of the Deakin Residents' Association *are very concerned about references to Adelaide Avenue in National Capital Plan Draft Amendment 50* at 2.4.2 and will make a Submission to the NCA as part of the public consultation process.

Residents fully support current limitations of a maximum of four storeys on Adelaide Avenue consistent with its special role as a ceremonial route between Parliament House and Government House, and note the security considerations that attach to that function.

Residents note that 2.4.2 (v) provides that "buildings should not generally be higher than 3-4 storeys" leaving open the possibility that the NCA could support a development above four storeys. We will argue that the NCA policy should be explicit that buildings "will not be allowed over 4 storeys".

Residents also note para (vi) which says "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". Residents are not opposed to "landmarks" on these sites that are consistent with a low-rise garden suburb and within current planning controls. Residents would not oppose appropriate "landmark" development that was consistent with current landuse policy and within the four storey height limit. However the proposed wording of paras (v) and (vi) appears to open the door to the proposed seven-storey (eight level) "landmark" high-density residential development on the Embassy Motel site and

prospectively similar development on all FOUR sites at the crossing of Hopetoun Circuit by Adelaide Avenue. (We note there is no development on the Sri Lankan High Commission site, and if the proposed development on the Embassy Motel site were to proceed this could force a move by the Saudi Embassy to another site on security grounds).

Residents will therefore oppose changes to NCA policy guidelines that would allow the proposed high density seven storey residential development on the Embassy Motel site.

Residents submit that the proposed variation to landuse should be considered by the Committee under existing legal arrangements. There has been no agreement by the Federal Government to the NCA proposed policy changes. It would be entirely inappropriate (given the required consultation and parliamentary processes) for the NCA proposed policy changes to be anticipated by the Committee. Residents doubt whether the NCA policy changes will pass the scrutiny of both houses of federal parliament.

10. Wider Planning issues

Residents have advanced arguments in public hearings before the Committee about legal issues relating to a draft variation based on the presupposition of a change to the National Capital Plan (NCP) and potential implications for Assembly processes (relevant uncorrected draft Section of Hansard attached at "C"). Residents believe, however, that independent of the legal issues, there are arguments about good and appropriate planning, economic viability, retention/protection of amenity, openness of opportunity that require rejection of this variation proposal.

Residents note that the NCA's proposed changes in Draft Amendment 50 to the NCP would remove height restrictions on all the three blocks covered by DV237. The specific removal of height restrictions on this corner for a designated "landmark development" seems surprising and inconsistent with the professed general objectives of the NCP.

On a matter of detail, residents note DV237 proposes to change the purposes of Section 12 Blocks, 9, 13 and 19 to residential use. Block 19 has never been in the ACTPLA land pool as it is an embankment to support Adelaide Avenue and in our understanding has been previously counted (by PALM) as Open Space. From a titles search it appears that Block 13 has always been leased on a rental basis only for the purpose of a carpark. Though the original leases over Blocks 9 and 13 both ran till 26 January 2064, they were apparently surrendered and new leases issued in July 1998 and September 1999 respectively. A search at the Titles Office records no lodgement of the surrender of the lease of Block 9 and lodgement of the surrender of the lease of Block 13 only in February 2000. Residents consider the Committee should investigate why the new leases were issued with changed conditions and the above perceived anomalies. Residents also intend to make an FOI request to seek more information.

Residents consider the Committee must require an open, accountable, independent planning process. Residents put to the Committee that the community overwhelmingly wants the motel site retained for its current purposes and developed through an open process which encourages its continued viability as part of sustainable development of the area; and that the community believes the Canberra Spatial Plan and all other published planning philosophies and balanced economic analyses support such retention.

11. Anti-Development

Residents were concerned that the Canberra Times report of the residents' appearance before the Standing Committee on 11 March described the Deakin Residents Association as an "anti-development group". *The DRA is not an anti-development group*. A letter published in the Canberra Times refuting that description is attached at 'D'. In recent years Deakin representatives have participated in a variety of committees and meetings to assist the planning authority in the on-going development of Deakin. These residents have not advocated a no rejuvenation/no development approach, and residents are not taking this approach now.

Lodged by Di Johnstone
For: Members of the Deakin Residents' Association
1 April 2005