

The Type of Development

The National Significance

- 3.1 All the submissions to the Inquiry noted that the Deakin/Forrest Designated Area is an area of national significance. The basis for this lies in its location within the Griffins' land axis, its proximity and relationship to Parliament House, and the role of State Circle as one of the premier Main Avenues identified in the National Capital Plan.¹ This is reflected in the inclusion of the area in the Central National Area of the National Capital Plan and its Designated Area status.

The Griffins' Vision – the Land Axis

- 3.2 In their design for Canberra, Marion and Walter Burley Griffin “drew one decisive line, the Land Axis, south-west to north-east from Mount Kurrajong to Mount Ainslie”.² By tying his design “into the three-mile axis between these two hills, Griffin locks the city to its site”.³ The Land Axis is intersected by a line drawn between Black Mountain and Queanbeyan, the Water Axis. Paul Reid argues that

this crossing of the Land Axis and Water Axis is the Griffins' most decisive geometric intervention ... From the great cross formed by these two axes the whole geometry of the city grows.⁴

1 Civitas Partnership Pty Ltd, Submissions, p. 99.

2 Paul Reid, 2002, *Canberra following Griffin: A Design History of Australia's National Capital*, National Archives of Australia, p. 62.

3 Paul Reid, 2002, *Canberra following Griffin: A Design History of Australia's National Capital*, National Archives of Australia, p. 62.

4 Paul Reid, 2002, *Canberra following Griffin: A Design History of Australia's National Capital*, National Archives of Australia, pp. 62-64.

- 3.3 In its submission Civitas Partnership argues that “the connectivity between these elements that make up the land axis needs to be maintained and strengthened”.⁵

Proximity to Parliament House

- 3.4 The NCA points out that the land immediately surrounding the Parliamentary Zone, between Capital and State Circles, forms the landscape setting for Parliament House.⁶ The relationship of Parliament House to the other National Capital buildings and sites nearby is determined by development fronting State Circle. The nature and quality of that development is, according to the NCA, “critical to the way both Australians and foreign visitors perceive and experience Parliament House and the National Capital”.⁷
- 3.5 The land fronting State Circle falls into five visibly recognisable precincts. The first four are the Yarralumla Diplomatic Area; the Parliamentary Zone between Kings and Commonwealth Avenues; the office complexes to the east of Kings Avenue, in the Forrest and Barton areas; and St. Andrew’s Cathedral. The final precinct is the Deakin/Forrest residential area on State Circle. The NCA notes that this precinct:
- is viewed, in the main, on the way out of the Parliamentary Zone or on the way to Woden or Fyshwick moving away from Parliament House. The visual links from Parliament House tend to be over the Zone and along the radiating Avenues rather than into this precinct. This is articulated in the entry of the *Parliament House Vista* in the *Register of the National Estate*.⁸
- 3.6 Residential development in the Designated Area first began in the 1950s. It is one of the first residential subdivisions in the inner south of Canberra, originally part of the suburb of ‘Blandfordia’, now Deakin, Griffith and Forrest.⁹ A residential suburb had been well and truly established before the completion of the new Parliament House on Capital Hill in 1988.
- 3.7 The effect of these two separate developments has been to place in close proximity to each other, a residential area and the home to the Commonwealth Parliament. As some submissions point out, the effect of Parliament House on the area, especially the properties fronting State

5 Civitas Partnership Pty Ltd, Submissions, p. 99.

6 National Capital Authority, Submissions, p. 113.

7 National Capital Authority, Submissions, p. 113.

8 National Capital Authority, Exhibits (Senate Estimates Committee Hearings, 19 February 2002, Answers to Questions on Notice, p. 6).

9 National Capital Authority, Submissions, p. 142.

Circle, has not been beneficial.¹⁰ There was also some disagreement among submissions whether the residential character of the Deakin/Forrest area, especially in relation to State Circle, complements Parliament House.

- 3.8 For its part the NCA sees the area as being at “the back door of Parliament”.¹¹ The nature of the area, “low scale residential development”, demonstrates all the “best hallmarks of the Garden City”.¹² The NCA concedes that although the current state of the area “may do little to contribute in a positive sense to the surrounds of Parliament House, the existing development does not intrude on the Parliament and its setting”.¹³ Instead, argues the NCA, the residential area “serves to emphasise, in a prominent and critical location, the dual role of Canberra as the National Capital and as a city for its residents”.¹⁴
- 3.9 The critical part of the Deakin/Forrest residential area, in relation to its national significance, are the properties fronting State Circle. Development along this section of State Circle lies at the heart of all the submissions and is the most delicate of the issues confronting the Committee. It is here that interests of the residents/lessees and those of the National Capital collide.

10 Davidson, Hewitt, O’Sullivan, Submissions.

11 National Capital Authority, Submissions, p. 114.

12 National Capital Authority, Submissions, p. 114.

13 National Capital Authority, Submissions, p. 114.

14 National Capital Authority, Submissions, p. 114.

Figure 2 Deakin/Forrest designated area



Figure 7
The Central National Area
(Deakin, Forrest & Red Hill)

Source National Capital Authority, Consolidated National Capital Plan, 2001

State Circle

- 3.10 The ACT Division of the Royal Australian Planning Institute (RAPI) points out that State Circle “was prominent on Griffin’s plans as part of a system of concentric roads circling Capital Hill”.¹⁵ Of these, “only Capital Circle and State Circle have been built in their entirety”.¹⁶ RAPI note that State Circle is “a corridor of immense national significance, as is the land fronting it”.¹⁷ It is classified as a Main Avenue under the National Capital Plan.¹⁸ As such, detailed planning, design and development conditions apply. Contained within State Circle is the parliamentary precinct. State Circle serves to connect the radiating National Avenues such as Commonwealth Avenue, Kings Avenue and Brisbane Avenue. Future development fronting State Circle, thus, needs to reflect its “significant symbolic and functional importance in the structure of the Central National Area”.¹⁹

The Residential Precinct

- 3.11 Although it is referred to as one single residential suburb, the Deakin/Forrest designated area is in fact divided into two principal areas. Sections 2, 5 and 7, between Somers Crescent and National Circuit, and Canterbury Crescent and Hobart Avenue, represent the larger area of the designated area. Sections 2 and 7 are well established residential areas. Section 5 is the site of two diplomatic missions, those of Switzerland and Austria.
- 3.12 Sections 3 and 6 are bordered by Somers Crescent and State Circle, and Adelaide and Hobart Avenues, and intersected by Melbourne Avenue. These sections are also well established residential areas. However, they are, in turn, divided between those properties fronting Canterbury and Somers Crescents, and those fronting State Circle.
- 3.13 The properties in Section 3, lots 5 to 9, and Section 6, lots 1 to 8, fronting State Circle, have been adversely affected as a result of the construction of the new Parliament House on Capital Hill. Sir Lenox Hewitt, the “only remaining original lease-holder of a residential block with a frontage to State Circle”, points out that increased traffic noise, adverse effects on privacy and security concerns has led to difficulties in securing “suitable tenants”, and therefore a high vacancy rate for the properties along State

15 Royal Australian Planning Institute – ACT Division, Submissions, p. 166.

16 Royal Australian Planning Institute – ACT Division, Submissions, p. 166.

17 Royal Australian Planning Institute – ACT Division, Submissions, p. 166.

18 National Capital Authority, *Consolidated National Capital Plan*, 2001, Part One, Section Two.

19 Royal Australian Planning Institute – ACT Division, Submissions, p. 166.

Circle.²⁰ As a consequence many of the properties have been allowed to deteriorate and require extensive renovation to bring them to contemporary standards.²¹ This indicates a different type of development may be necessary to alleviate these problems.

The Appropriate Land Use Policy

- 3.14 The National Capital Plan stipulates the existing land use policy for this area as residential.²² Over the past decade there has been some agitation by lessees of State Circle properties to have this policy changed.²³ As a result the NCA commissioned two separate reviews of the land use policy. In April 1998 a planning study by Morris Consultants presented a series of options for the State Circle section of the Designated Area. In 1999 the Parliamentary Zone Review Advisory Panel for the Parliamentary Zone Review examined the State Circle residential area. A background paper of the Parliamentary Zone Review, *State Circle Residential Area Planning Review*, and the *Outcomes Report* for the Review were made publicly available in March 2000.²⁴
- 3.15 The Parliamentary Zone Review Advisory Panel found that a change in land use policy was not warranted and is unlikely to be so for many years.²⁵ The Panel concluded that alternatives to residential land use such as diplomatic missions, offices and commercial accommodation would be inappropriate.²⁶ The Panel cited several reasons including:
- The demand for change is not widespread among the lessees of the ninety or so residential properties in the study area;
 - The argument for change is based on commercial benefit;
 - There is ample opportunity available elsewhere in Canberra to provide for the various uses proposed as alternative land uses;
 - Many of these areas are not fully utilised, especially in the small to medium office markets in Barton and Deakin;
 - The use of the area for Diplomatic Missions, as opposed to diplomatic residences, does not align with a long-standing policy of locating Diplomatic Uses in defined diplomatic areas;

20 Sir Lenox Hewitt, Submissions, pp. 181-2.

21 Mr Donald Davidson, Transcript, p. 55.

22 National Capital Authority, Submissions, p. 115.

23 National Capital Authority, Submissions, p. 115.

24 Available from the NCA website: www.nationalcapital.gov.au/publications/pzreview

25 National Capital Authority, Submissions, p. 140.

26 National Capital Authority, Submissions, p. 146.

- Commercial Accommodation uses are considered inappropriate so close to Parliament and because of the potential to adversely affect residential amenity;
- The location of the study area so close to Parliament is a vital consideration. Any change must be on the basis of a comprehensive approach. The current ownership pattern and the requirement for extensive co-operation between lessees to achieve an appropriate outcome suggest that such an outcome is unlikely without some form of Government intervention or participation. At this stage, however, neither Commonwealth nor Territory Government has shown any real interest, and such an approach has not been suggested by the Redevelopment Association.²⁷

3.16 The NCA concurs with the recommendation of the Parliamentary Zone Review Advisory Panel. As Ms Annabelle Pegrum, Chief Executive of the NCA, states, the Authority “remains completely convinced that it would be totally inappropriate to change from a residential land use in this area”.²⁸ In the NCA’s view, the demand for a change in land use policy does not have full local support, nor are there sound planning reasons to justify change.²⁹ The Committee notes, however, that full local support for any planning proposition is unlikely to ever occur.

The NCA Scenarios

- 3.17 In relation to the State Circle properties, the NCA, through the revised Draft Amendment 39, “proposes to allow for continuing residential development”.³⁰ Specific design and landscape requirements would be applied in order to protect the interface with Parliament House. These include height limits, setback and landscaping requirements, plot ratio of 0.6 for amalgamated sites, a reduction in the number of vehicle access points, and architectural treatment that “reflects the principal design character of the area”.³¹
- 3.18 As part of its evidence to the Committee, the NCA prepared three planning scenarios for the State Circle section of the Designated Area to match the provisions of each version of Draft Amendment 39.

27 National Capital Authority, Submissions, pp. 146-7.

28 Ms Annabelle Pegrum, Transcript, p. 22.

29 Ms Annabelle Pegrum, Transcript, p. 22.

30 National Capital Authority, Submissions, p. 122.

31 National Capital Authority, Submissions, pp. 122-3.

Scenario One – The Status Quo

- 3.19 Under the current provisions of the National Capital Plan residential land use would continue.³² However, redevelopment would be restricted to a mixture of low density detached housing and dual occupancy.³³ There would be little incentive for new residential redevelopment, especially as the plot ratio for dual occupancy, a maximum of 0.4, would prevent block amalgamation.

Scenario Two – The Territory Assumes Responsibility

- 3.20 Scenario Two is premised on removing the Designated Area status and passing planning jurisdiction to the Territory as proposed in the first two versions of Draft Amendment 39. Provisions would be introduced into the National Capital Plan to protect the residential character and use of the area through specific design controls, but the Territory's policies, such as DTPV192 and DTPV200, would apply.³⁴ Under DTPV200 the area would be defined as "suburban" and some types of residential development such as multi-unit complexes and triple occupancy would be prohibited.³⁵ Dual occupancy would be effectively limited through the 5% per section rule for such developments in DTPV192.³⁶ In the NCA's view, "the incentive for urban design enhancement and redevelopment of blocks fronting State Circle would be significantly lost".³⁷

Scenario Three – Version Three of DA39 Applies

- 3.21 Scenario three is premised on the current version of Draft Amendment 39 in which the NCA retains planning and development jurisdiction. Multi-unit redevelopment and block amalgamation would be permitted and special design conditions would apply to the State Circle section, including a mandatory height of two storeys and landscape controls for all new buildings.³⁸ Future redevelopment of the State Circle section would, therefore, likely include a mixture of dual and triple occupancy town houses, similar to those recently built at No. 15 State Circle, and apartments.

32 National Capital Authority, Submissions, p. 124.

33 National Capital Authority, Submissions, p. 124.

34 National Capital Authority, Submissions, p. 124.

35 National Capital Authority, Submissions, p. 125.

36 National Capital Authority, Submissions, p. 125.

37 National Capital Authority, Submissions, p. 125.

38 National Capital Authority, Submissions, p. 126.

A Developer's Proposal

- 3.22 State Circle Developments, a developer which holds an option agreement to acquire five residences on State Circle (Blocks 1 – 5, Forrest), argues that the current version of Draft Amendment 39 will “result in inferior planning and design outcomes which will diminish the significance of a very important precinct close to Parliament House”.³⁹ Mr Richard Drummond, a principal of the company, makes two points in relation to future development of the State Circle section of the precinct.
- 3.23 Firstly, whilst agreeing with the NCA that the land use policy for the area should remain residential, Mr Drummond believes that Draft Amendment 39 as currently proposed, will encourage dual occupancy development at the expense of medium density/multi-unit development.⁴⁰ Mr Drummond sees dual occupancies “as being the lowest form of development, and we think a more appropriate form of development is medium density”.⁴¹ His view is supported in several submissions.
- 3.24 The ACT Division of the Royal Australian Planning Institute (RAPI) agrees that low density detached housing or dual occupancy development is not “an appropriate form of development for such a significant site”.⁴² RAPI believes that the detailed provisions of the Draft Amendment are not an adequate urban design response. The Draft Amendment does not “capture the opportunity for a prominent and distinctive interface between Parliament House and its encircling development”.⁴³
- 3.25 The Royal Australian Institute of Architects (RAIA) points out that, as it stands, Draft Amendment 39 encourages dual occupancy development which is neither desirable nor appropriate for these State Circle sites.⁴⁴ RAIA also argues that the 13 residential blocks on State Circle:
- should have different planning parameters and development criteria than the rest of the designated area as these sites are located at the interface between the Parliamentary Zone and the residential area
- 3.26 Mr Malcolm Smith does not regard the detailed provisions of the current version of Draft Amendment 39 “an appropriate response to this very important land”.⁴⁵ It is, in his view, suited to “development that interfaces

39 State Circle Developments, Submissions, p. 75.

40 Mr Richard Drummond, Transcript, p. 61.

41 Mr Richard Drummond, Transcript, p. 61.

42 ACT Division, Royal Australian Planning Institute, Submissions, p. 167

43 ACT Division, Royal Australian Planning Institute, Submissions, p. 167

44 Royal Australian Institute of Architects, Submissions, p. 172.

45 Mr Malcolm Smith, Submissions, p. 39.

with a suburban shopping centre, rather than ... with the most important building and democratic institution in the nation”.⁴⁶ He suggests that Draft Amendment 39 be revised further to allow medium density/multi-unit developments of the type proposed by Mr Drummond.

3.27 To allow the type of residential development that complements the national significance of the area, Mr Drummond suggests planning guidelines that are “performance based rather than prescriptive”.⁴⁷ To achieve this he urges the Committee to recommend the establishment of new planning guidelines for the area and proposes three changes to the current version of Draft Amendment 39. These are:

- Amend the height restriction to either “generally eight metres” or removing this limit and applying performance-based assessment consistent with the NCA’s approach;
- Inserting the condition – “Generally development should not be more than two storeys in height”; and
- Replacing “plot ratio” with “site coverage” or removing the reference to plot ratio.⁴⁸

The Committee’s View

3.28 The Committee is cognisant of the fact that the outcome of its deliberations “will affect the built form that will be along State Circle for the next 30 to 40 years”.⁴⁹ In making its recommendations the Committee notes that there appears little demand, especially among the residents/lessees, for a change in the existing land use policy. Of the 13 individuals and organisations who made submissions to the inquiry, only three favour a change in the land use policy.⁵⁰ All three are lessees of State Circle properties. The Committee is entirely sympathetic to the concerns they have raised regarding the deterioration of the State Circle properties over the past decade, the difficulties in securing suitable tenants and the consequent effect on the value of their properties.

3.29 However, the Committee is aware of the possible adverse effects a change in land use policy may have on the area as a whole. Even if a change in land use policy were confined to the area fronting State Circle, it would undoubtedly impact upon those properties in Somers and Canterbury crescents. The Committee is convinced that the Deakin/Forrest residential

46 Mr Malcolm Smith, Submissions, p. 40.

47 Mr Richard Drummond, Transcript, p. 60.

48 State Circle Developments, Submissions, p. 54.

49 Mr Richard Drummond, Transcript, p. 60.

50 Davidson, O’Sullivan, Hewitt, Submissions.

area is a homogeneous precinct and in terms of planning and development decisions must be treated as such.

- 3.30 Furthermore, the Committee recognises that the area is well and truly established as residential. Much of the area reflects the best of Canberra as the 'Garden City'. The Committee is also concerned to ensure that development in the area does not diminish the setting of the Prime Minister's Lodge, a point raised by the Official Establishments Trust.⁵¹

Recommendation 2

- 3.31 **That the established use of the land in the Deakin/Forrest area for residential purposes continue and non-residential development be prohibited.**

Recommendation 3

- 3.32 **That development along State Circle between Hobart and Adelaide Avenues continue to be residential and be required to achieve a design and landscape outcome appropriate to the setting of Parliament and which reflects the Main Avenue role of State Circle.**

51 Official Establishments Trust, Submissions, p. 5.

