

# State Circle Developments Pty Limited

SUBMISSION 51



22 March 2003

Joint Standing Committee on the National Capital and External Territories  
Parliament House  
CANBERRA ACT 2600

For Attention: The Inquiry Secretary

Dear Sir

**Re: National Capital Plan - Draft Amendment 39 (DA 39)**

The purpose of this letter is to respond to the invitation of the Inquiry Secretary to provide our views on the latest version of DA 39. As has been previously advised, our Group has had control and more recently has acquired a number of properties along State Circle and intends to undertake a multi unit residential development.

Our Group, which includes the Becton Group of Companies, is committed to delivering an outstanding residential project at 17-25 State Circle, Forrest.

Becton is a major Australian owned and operated property group which has developed in excess of \$3,000,000,000 of projects over the past 25 years and has received both national and international acclaim for their medium density residential developments.

Becton has been involved with development in Canberra over the past eight years and has developed Pharmacy House in Barton and more recently completed and retained ownership of the development of Walter Turnbull House on the corner of State Circle and Sydney Avenue.

Becton has a strong commitment to developing buildings of the highest quality and because of their existing association with Canberra, is acutely aware of the national significance of State Circle.

**We seek a set of development controls, which can deliver an outstanding development on a main avenue of national significance. It is our contention that the proposed amendment falls well short of this and at best will merely produce a suburban outcome in an area of the highest national significance.**

**We urge the Committee to ensure that the final amendment allows for an outcome which is in keeping with the urban/civic role of the State Circle properties as a backdrop to Parliament House.**

In formulating the appropriate development controls for sites which front State Circle, we do not mean to suggest that any amendment should ignore the rights of the existing residents. Far from it. We agree with the NCA view as stated in the proposed amendment that side and rear setback controls and a development control plane should be introduced to ensure that the privacy and overshadowing of the rear neighbours on Somers Crescent and Canterbury Avenue is protected. At today's hearing we will produce shadow diagrams that will clearly show the amenity of the neighbours is unaffected by shadows on the shortest day of each year (23 June) between the critical time of 12 am to 3 pm.

On the basis of generally accepted urban design principles applied throughout Australia, a building of 18 metres high on the State Circle site, setback 18 metres from the rear boundary, would cast a shadow during the critical times that would be deemed acceptable in every other planning jurisdiction, save in the National Capital Area. Therefore, a building restricted generally in height between 18 to 12 metres, as proposed in DA 39, would be well within the limits of accepted practice.

The amendment as proposed by the NCA also requires any multi unit development to have "dwelling units should generally be oriented to the street with living areas to the front and quiet areas (bedrooms) to the rear". We fully concur with this view and acknowledge that this will serve to protect the amenity of the neighbours to the rear.

Further, the amendment requires any multi unit development application be advertised in the principal daily newspaper inviting comments to be made to the NCA. Again we agree with this process.

Overall, we believe that the proposed amendment provides more than adequate safeguards to protect the amenity of the rear neighbours.

However, it is our deep concern that in seeking to protect the amenity of the rear neighbours, the NCA will deliver a suburban solution at the expense of the national significance of State Circle to Parliament House.

We would direct members of this Committee to "Recommendation Three" as set out on page 51 of their report of October 2002, which stated:

" That development along State Circle between Hobart and Adelaide Avenues ..... 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".

We contend that the proposed amendment not only fails to meet the objectives of this Committee's recommendations but rather, is inconsistent with the objectives of this recommendation.

We contend that the proposed amendment subjugates the setting of Parliament House and the significance of State Circle as a Main Avenue into an inferior role to that of the rights to amenity of the rear neighbours.

As was acknowledged by the Committee, State Circle is arguably the most significant of the Main Avenues, especially as it relates to Australian federal political matters:

- It encircles Parliament House.
- The intersection of Melbourne Avenue and State Circle is the main thoroughfare to the Ministerial entrance of Parliament House.
- This intersection is the main arrival point for most foreign dignitaries and Heads of State.

Accordingly, we believe the development controls established by the NCA should encourage the highest quality of design outcome, as this area is the doorstep to Parliament House.

Unfortunately we consider the proposed prescriptive controls may result in a multi unit development of a low architectural and design merit. At best, it will deliver a 150 metre, three-storey, 1960s style unit development set back uniformly 10 metres from State Circle. At worst, the prescriptive controls encourage limited or small townhouse developments or dual occupancies. Each of these outcomes is inconsistent with the recommendations of this Committee.

In particular, we are concerned that the imposition of an arbitrary Plot Ratio does not foster or encourage high quality design outcomes. The restrictive plot ratio does not recognise or recompense for the significantly higher building costs associated with medium density development. It only serves to restrict design outcomes and deliver design outcomes of the lowest order.

In order to achieve highest quality design outcomes, it is sufficient for the NCA to establish setbacks and height controls only which establish a development envelope. In conjunction with performance based controls, as proposed by the NCA in the proposed amendment, the Committee can be assured of a "design and landscape outcome appropriate to the setting of Parliament and which reflects the Main Avenue role of State Circle"(p51).

The height and setback controls, on their own, ensure that the amenity of the rear neighbours is protected. But importantly, the height and setback controls do not constrain the potential for high quality design outcomes. The quality of any development is further enhanced with the setting of performance based controls.

The NCA have an already established precedent for development of multi unit residential development on a Main Avenue with existing residential to the rear, being DCP 1712/01/0001 for Blocks 2-6, Section 26, Forrest. In that situation the NCA set no plot ratio but rather established front, side and rear setbacks with a height limit and a development plane. In that precedent, the NCA stipulated a 3 to 4 storey development to the Canberra Avenue with no plot ratio, but with front, side and rear setbacks and with performance based controls.

We would urge that the NCA be directed to apply that precedent for State Circle. In particular, the NCA should be directed to remove the requirement for a Plot Ratio in the draft amendment. This would then ensure that the resultant development controls would deliver an outcome that is consistent with the recommendations of this Committee.

Yours sincerely

*Signed by e-mail*  
Bernie Bryant  
Director