



# **Representation on DA201833481 – proposal for 16 storey mixed use development**

**May 2018**

The Conservation Council ACT region is the peak non-government environment organisation for the Canberra Region. We have been the community's voice for the environment in the Canberra region since 1979.

Our mission is to influence government, business and community through effective public policy and engagement to protect nature.

We represent more than 45 member groups who in turn represent over 15,000 supporters. We harness the collective expertise and experience of our member groups and networks. We work collaboratively with Government, business and the community to achieve the highest quality environment for Canberra and its region.

The Conservation Council is active in a number of campaign areas. Our current focus includes:

- **Biodiversity Conservation** – protecting our unique ecological communities and the Bush Capital
- **Climate Change** – a regional, national and global challenge
- **Planning** – the right things in the right places
- **Transport** – connecting people and places
- **Waste** – being efficient through closed-loop systems
- **Water** – smart use of a scarce resource
- **Governance** – for a Smarter, Sustainable Canberra

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## **1. Overview**

The Conservation Council welcomes the opportunity to comment on Development Application 201833481 at 70 Bunda Street (Block: 5 Section: 47 City). The proposal is for a 16 storey mixed use development and lease variation which includes demolition of the existing building; construction of a 16 storey mixed use building and 2 level basement, comprising of a commercial hotel development containing 233 hotel suites, other commercial tenancies, signage and associated works; and variation to the lease to permit hotel and change pavement requirements.

## 2. Aim of this representation

The aim of this representation is to ensure the maintenance, preservation and enhancement of the quality of the urban environment in and adjacent to Garema Place and Bunda Street, Civic and to ensure the integrity of ecological systems and processes for today's Canberrans and for future residents and leaseholders of Australia's Capital City.

The Conservation Council actively supports developments that are ecologically sustainable, socially just, economically viable, and that ensure society lives lightly on the planet.

As a peak body, we will represent issues arising from consultations with our member groups. We may also include other incidental matters.

We feel that the site of the current Development Application (DA) (section 47, block 5) is suitable for redevelopment but the nature of the present DA conflicts with criteria and guidelines promulgated by Government and breaches (at least) sections 9 and 49 of the Planning and Development Act 2007 (PDA).

We have no concern with the development itself other than the proposed location. The same function and value of the proposal can be better met elsewhere with less impact on adjacent areas.

We feel it is necessary to consider the current proposal in part on its own merits but also as a precedent setting development that could magnify environmental damage to Garema Place and nearby approaches if other sites are similarly developed.

There should be a Master plan for Civic to allow for better planning.<sup>1</sup>

***Recommendation 1.***

***That a Masterplan be developed for Civic that seeks to ensure the maintenance, preservation and enhancement of the quality of the urban environment and to ensure the integrity of ecological systems and processes for today's Canberrans and for future residents and leaseholders of Australia's Capital***

## 3. The Application

DA 201833481 is not in accordance with current Crown Lease conditions and the applicants indicate that their proposal requires Code changes, but no details have been provided. All relevant documentation needs to be publicly accessible.

We also note there are other planning zones (e.g. CZ6) that are more appropriate for

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<sup>1</sup> Master plans exist for other areas but not for Civic

[http://www.planning.act.gov.au/tools\\_resources/legislation\\_plans\\_registers/plans/master\\_plans](http://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans)

large scale accommodation services of this nature.

#### **4. Planning and Development Act (PDA)**

We note the requirement under PDA sect. 49 that the territory plan “must give effect to its object in a way that gives effect to sustainability principles”. This is a mandatory requirement. More specifically, a territory authority is prohibited from approving an act that is inconsistent with the territory plan (PDA sect. 50 Note 1).

Our representation is that the proposed development is not sustainable development as it reduces the effective integration of social, economic and environmental considerations (PDA sect. 9), frustrates implementation of the precautionary principle (PDA sect. 9(a)), jeopardises intergenerational equity (PDA sect. 9(b)), and devalues the value of solar and wind environmental resources and does not enhance waste management processes.

The current site effectively integrates 12 businesses already providing a range of economic services for ACT citizens. The proposed development excessively reduces the integration of services to just 3 – a hotel for mostly out-of-state residents, a bistro and a cafe.

The loss of solar amenity, discussed below, is irreversible environmental damage that cannot be prevented by the present development application.

The proposed development potentially contradicts the right (PDA sect. 48) of the people of the ACT to have an attractive and efficient environment for recreation in Garema Place particularly if the development creates a precedent for similar developments on all sites bordering Garema Place.

***Recommendation 2.***  
***The DA should not be approved as proposed development does not adequately demonstrate effective integration of social, economic and environmental considerations***

#### **5. Heritage**

The size of the proposed development will have a significant adverse impact on a bordering registered heritage site or will set a precedent that could result in significant adverse impact should later equivalent developments occur. A heritage site at one scale can be damaged by later oversized developments near it. This is a matter for judgement.

Although it is not formally registered, Garema Place has historic, public and heritage value that needs recognition and protection even if outside current heritage registration. The submitted DA document 71 “Masterplan Report” notes the role of Garema Place as the primary meeting place, a site of dynamic social forums (page 17) and that it is used by different categories of actors (page 16) depending on

seasons. These key social functions need to be sustained and not compromised by Garema Place being closely ringed with multi-story towers. At page 22 the Masterplan Report supports increasing the height of buildings bordering Garema Place. This gives grounds for our concerns.

The draft City and Gateway Urban Design Framework also identifies the importance of the public realm and this is not being recognised by the proposed development.

*Design of the public realm will enable a variety of choices to accommodate all aspects of Canberra's local community and diversity of visitors:*

- *Public realm design should invite use and activity.*
- *Various user types will be accommodated in public spaces, from children to adult, from able bodied to differently abled.*
- *The public realm will be designed to enable democratic use of space.<sup>2</sup>*

The proposed height of the building and its shadows will impact on the use of Garema Place as public realm.

***Recommendation 3.***

***The Garema Place precinct has historic, public and heritage value that should be recognized and protected including from impact of increased height of surrounding buildings***

## **6. Consultation**

The community consultation was inadequately dealt with. It is not clear how claims concerning Canberran's support for "modernity" were found through consultations. Community views were received including concerns over:

- long-term traffic (page 9)
- maintaining pedestrian routes during construction (page 9)
- importance of solar access to Garema Place (page 8).

However the Report on Consultations (Document 6) claimed that there was no need to make any changes to the proposed building design (page 10).

However, the document also reports:

*The focus groups found that two-thirds of City area residents (65%) strongly support "public spaces including extensive landscaping at ground level" with a further 27% somewhat supporting this inclusion, highlighting the desire for well-designed, public spaces in the CBD.<sup>3</sup>*

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<sup>2</sup> <https://www.yoursay.act.gov.au/application/files/5715/1978/9098/City-and-Gateway-Urban-Design-Framework-2018-Access.pdf>

<sup>3</sup> <http://203.9.249.10/e-registerfiles/pubnote/pdf/CONSULTATION-201833481-01.pdf> page 9

It is inadequate that the building will have a major impact on the public spaces around, but the building proposal has not been amended to deal with or improve the public spaces.

The consultation report should consider more carefully the limited public feedback provided and give more direct answers on the reported matters of concern.

**Recommendation 4.**  
***The consultation report should provide evidence of consideration of public feedback and provide more direct answers on matters of concern***

## **7. Traffic**

Unlike most other development sites, the only vehicular access to the site is via two single carriageways shared with pedestrians and cycles. DA document 82 "Traffic Report" claims there is adequate capacity to accommodate the traffic generated by the proposed development but given the enormous increase in gross floor area and associated business activity this DA claim cannot be substantiated.

The DA calls for converting 30-minute parking spots to 5 minutes, for moving loading zones, and for conversion of current parking to a new driveway entry. It also seeks to establish a dedicated hotel Drop-off zone.

This is unworkable for customers accessing local shops. 5 minute stays and remote loading zones do not support the needs of other businesses and their customers in this locality.

A 200 plus bed hotel will necessitate considerable extra traffic by arriving and departing guests and any taxi services, mini buses or rental cars utilised during their stay. At 66% occupancy, arrivals and departures will amount to around 300 additional vehicle movements and parking stop usages per day. A back-packer facility focussing on pedestrian tourists might be a preferable option here as the site is close to the Jolimont bus terminal and TransportCanberra bus services from the railway station and from the airport.

We also note that the single vehicular access makes it difficult for fire emergency services to attend any large-scale incident in a high-rise building at this locality.

As Canberra Metro trams will include bicycles we expect, given the location of the Civic terminal, that Bunda Street and Garema Place will become major routes for tram patrons to visit the north-east retail area. This suggests that the amenity for pedestrians and cyclists to use these routes be protected against further congestion by vehicles.

Unlike other Civic commercial sites, this site has no service lanes.

On site parking is limited and there appears to be no provision for charging vehicle batteries.

## **8. Waste**

We note that the current off-site waste collection point already damages the Bunda Street environment. Any new development should include provision for waste management and collection be moved "on site".

As there is no compaction proposed in the DA it is likely that over 230 rooms plus new food outlets will produce more waste than current site businesses. Each room is expected to produce 5 litres of waste per day accumulating to over 3,000 litres per day. Other elements of the DA are expected to generate 1,500 litres per day. The DA proposes that waste collection will be "off site as a modified arrangement to that of the existing" (point 7, Document 90 – Waste Management). The presence of this material on Bunda Street pedestrian areas either maintains the current eyesore and potentially risks increasing the damage to the urban environment depending on the frequency of waste collection servicing.

The DA does not make it clear how recycling is implemented. This should be a feature of any new development. It is expected that there will be an increased emphasis on source-separated waste in the future and the proposed development is an example of archaic consideration of waste matters with the building set to become a white elephant of bad waste practice with inadequate provision of space and systems for proper waste management.

***Recommendation 5.***

***The DA should be rejected for its inadequate provisions for waste management including waste reduction, reuse and recycling and that it proposes off-site waste management rather than reduction and management at source***

## **9. Utilities**

Given the increase in gross floor area from 2,000 square metres to 14,000, we are concerned that the proposed development will require significant upgrading of water, sewerage and electricity infrastructure. We expect that data indicating the current levels of usage and consumption is available and can be compared to expected demands from any new development.

## **10. Climate Change**

Over the life of any new development temperatures are expected to increase and there will be increased wind and storm activity. There appears to be no explicit wind impact study.

The building should be built to better than the current standards for commercial

buildings in terms of insulation, energy efficiency, solar access, local generation of energy from wind and solar. This would reduce the building's impact on climate change and assist its resilience to the impacts of climate change.

The building sustainability report claims that the building will achieve 4.5 Star rating NABERS Energy. 4.5 stars can be achieved with limited effort. It is time that builders took sustainability seriously and went beyond the minimal and inadequate requirements of current regulations and looked towards meeting the needs of future generations.

**Recommendation 6.**  
***There should be an explicit wind impact study on the adjacent buildings and public spaces***

**Recommendation 7.**  
***The DA should be rejected because of the low NABERS star rating which will not help the ACT to achieve its long-term goals of zero net emissions by 2050 at the latest***

## **11. Solar and wind resource**

The present proposal eliminates all solar for part of the day over an extended region encompassing rooftops of other businesses and Garema Place as far as City Walk. Depending on season and time of day, it blocks out solar energy across most other southern properties, all Garema Place and part of City Walk. The solar environmental function and value protected by Planning and Development Act sect. 124A(1) is significantly adversely impacted by the proposed development and the substantial increase in overshadowing is not in accordance with Element 2.1 of "City Precinct Map and Code" at page 9.

The principle of equitable, sustainable development requires that all leaseholders have the same rights to solar resources. This is the only way renewable energy can spread throughout a community.

This suggests that the height of the building should not exceed the current heights of existing buildings. This will also ensure that any building fire can be handled by existing fire services equipment.

The current proposed maximum height of the development precludes the possibility of future deployment of wind turbines.

The existing buildings bordering Garema Place demonstrate that current building heights still enable economic viable businesses to operate and provide employment opportunities.

## 12. Fossil Fuel

The proposal includes additional consumption of gas and makes no provision for electric vehicles. This damages community aspirations for a zero net carbon future. The consumption of gas will produce greenhouse gas emissions which does not accord with the ACT's long-term goals of zero net emissions by 2050 at the latest.

***Recommendation 8.***

***The DA should be amended so that the building does not use gas***

## 13. Sustainability

The DA does not adequately address sustainability. The sustainability report list various measures that might be considered for energy, water, materials, ecosystems and waste but does not specify firm commitments instead leaving them for a later "design stage". For example, under energy the Sustainability Report says: "At detailed design a full appraisal of energy options will inform the preferred energy strategy..."<sup>4</sup>. A modern DA should be prepared to commit to technologies and to seriously consider sustainability.

***Recommendation 9.***

***The DA should be amended to provide serious commitment to sustainability measures for energy, water, materials, ecosystems and waste***

## 14. Conclusion

We recommend that the present DA be rejected and that an alternative proposal be sought to revitalise Garema Place – the "centre of the centre" of Canberra within existing lease conditions.

The development should be designed on best practice for enhancing the public realm, providing vibrancy for the local area, using novel approaches to provide for remedies against overshadowing, make commitments on sustainability measures and generally provide for an improved and enhanced local and general environment.

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<sup>4</sup> [http://203.9.249.10/e-registerfiles/pubnote/pdf/SUPP-201833481-SUSTAINABLE\\_REPORT-01.pdf](http://203.9.249.10/e-registerfiles/pubnote/pdf/SUPP-201833481-SUSTAINABLE_REPORT-01.pdf) p3