



The National Capital Authority  
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### **Submission re: Works Approval application for the 'One City Hill' development, Canberra**

The Lake Burley Griffin Guardians appreciate the opportunity to make a public submission on the works approval application by the Morris Property Group for the development known as 'One City Hill' on Blocks 10 and 11 Section 100 City, Canberra.

**Our submission outlines a number of serious concerns regarding this development proposal, sufficient for it to be rejected by the NCA in its current form.**

#### **Preamble**

The current Works Approval application has resulted from a change of function for the development from a residential function to a commercial function yet confusingly there are numerous references to 'residential (this or that)' and the 'previously approved residential building' in the documents, such as in the Architectural Design Report. Does this mean that there is still some residential component or is it all now commercial? There should be no lack of clarity on the function given its significance in terms of Works Approval triggering and how the application is assessed both by the community and the NCA.

#### **Omitted documentation**

The documentation includes *Morris Property Group: Planning Report (July 2021)* which, at 1.7, refers to THCS' Water Sensitive Urban Design drawings being included with the Works Approval Application. However, they do not appear to be present and so are unfortunately unavailable for review.

All of the Architectural Plans (03.A-E) were also originally unavailable for inspection and review for the first five days of the public consultation period when they were made available after a request.

#### **Part of a staged development, not being considered in its larger context**

The development is part of a much larger development which needs to be considered **in its whole context** and includes a precinct of buildings over the site and future development south of Edinburgh Avenue as the City to the Lake development plan works its way around City Hill. Once again, an approval process is, inappropriately being allowed for the early stages of development which will inevitably lead to approval of later stages.

The Commonwealth model for project planning and approval, as articulated in the *EPBC Act* process, requires the entire project within the City Hill Precinct to be considered, not just its parts. The current approach might be seen to be 'smart' business or planning practice but is inconsistent with the good Commonwealth planning and approval practice set out in the *EPBC Act* requirements for referred projects – they are required to be referrals of complete projects, not parts. It does seem inappropriate that the NCA diverges from this practice in allowing projects to be split in this situation, particularly when the parts are so patently interdependent whether or not an *EPBC Act* process is likely here.

In this context, why is an holistic planning practice not being followed here as it should be?

### **Significant heritage not considered**

'City Hill' was formally listed in the ACT Heritage Register in 1994 (#20002) and its boundary is 'the outer perimeter of the Vernon Circle road reservation'. This means it is immediately adjacent to the One City Hill development – it could not be closer or more prominent, overlooking the site, and should be considered and respected as such in the development's planning. It is not currently.

Additionally, City Hill is found within the Register of the National Estate (RNE) (#17912) where it was included in 1998 and has also been listed by the National Trust of Australia (ACT). Further ignored is the nearby Reserve Bank of Australia (in the Commonwealth Heritage List (#105396)). The Law Courts Precinct, an adjacent place, is a nomination to the ACT Heritage List awaiting assessment. Also, not considered adequately are the Main Avenues and approach routes, and Griffin's axes considered very significant in the NCP, such as the adjacent Northbourne Avenue/Vernon Circle and Edinburgh Avenue.

This establishes that the adjacent City Hill and the other places have either undoubted heritage value or indicative heritage value in terms of both the NCP and the *EPBC Act*.

City Hill, in particular, is further considered to have considerable importance in the National Capital Plan (NCP) as it is within the setting of the Parliamentary Zone, is the heart of a designated precinct - the City Hill Precinct, a critical component of Griffin's plan - and also noted, along with the subject site, as such in the Report.

It is acknowledged in the Planning Report that the development site lies within the Designated Area and this gives rise to a requirements of the NCP at 2.44 Principles for Objective two – Urban design and heritage (see Attachment A).

In the Report at 1.3 Site Details it is stated that:

*The subject site has a significant frontage to Vernon Circle, and provides a prominent visual reference and contribution to the development of the future City Hill precinct. Along with the recent redevelopment of the ACT Courts precinct to the north, it is one of the first sites to be developed and plays an important role in setting the future standard for development in the City Hill Precinct.*

However, the Report states at 1.5 Heritage Context that:

*The site is not identified as a local or state heritage place and is not identified as adjoining a heritage place.*

Therefore, the Report is in error and the adjacency of at least this heritage place, an obviously important landmark feature, City Hill - a precinct of the greatest symbolic, civic and community significance to Canberra and still needs to be taken into account in the development's planning. The Site Details statement related to City Hill is inadequate and, consequently, its interpretation in the development proposal is also. There is insufficient respect offered to this critical site and its position at the apex of the Parliamentary Triangle.

Proposed developments on the slopes of City Hill should respect and relate to Griffin's design purpose for the national capital as unique landscape architecture and a symbolic diagram of Australia's constitution, and to the civic and municipal land uses envisaged for this corner, the node of the National Triangle.

The NCP's 4.6 City Hill Precinct Code (pp92-102) repeatedly emphasises these qualities that need to be protected and which are patently not in the proposal. The Planning Report does not have much regard for the important 'municipal heart of central Canberra'. The One City Hill proposal gives an almost solid frontage onto City Hill Park that does not interact with that open space in a positive way. This frontage should provide an attractive and vibrant interaction with City Hill. A development within the Precinct, critically, so close/adjacent, to the core of this Precinct must relate considerably better than it does, even being subservient, to the highly significant City Hill. However, there is no design harmony, sympathy, integration or respect, at present, across Vernon Circle to City Hill.

This could occur minimally with the preparation of a professional Heritage Impact Statement, as per the NCP, with suitable recommendations. These could take into account the continuing issue of such structures as exist already on Vernon Circle, inappropriately, as has been noted previously (related to the previous residential proposal) 'enclosing, submerging and isolating City Hill, lining Vernon Circle.....with long walls of tall, dense structures'. This issue is still the case with this new commercial proposal, perpetuating as it does, the unfortunate vertical wall of tall buildings, begun with Courts complex, right at the property boundary on this eastern edge of the development. This circumstance should be, at least, partially ameliorated by an appropriate setback, a significant lessening of the proposed height and a less imposing face to City Hill. This is even more important here to relieve the scale and presence of the unfortunate, adjacent, Court Complex wall running along Vernon Circle.

Less height and more setback might also ameliorate any (currently unassessed) potential for overshadowing of City Hill Park which could be detrimental to both the amenity of the Park, its vegetation and the presence in one of the last locations of the Golden Sun Moth (see below) given the other development depredations in this area.

The excavations required to construct, to the depth required for the basement car parks, may also have effects on the current water table, particularly, as this relates to City Hill Park. The report has no commentary on this either even to the extent of its relevance. Why?

Also, as the NCP requires that the Burra Charter be a guiding document in Designated Area heritage management (see ATTACHMENT A), the NCA should, to meet its own obligations, require the proponent to be guided by that document too. A detailed process in this document is thus available to guide the appropriate consideration of this heritage site in terms of the respectful development of the adjacent site of One City Hill.

### **Golden Sun Moths**

In a similar issue to the unrecognised adjacent significant heritage, the known presence of the Gold Sun Moth, (*Synemon plana*), a critically endangered species, on the adjacent City Hill Park, could possibly be affected by the proposed extended wall of buildings around this western edge of Vernon Circle, by the heat bank and the potential for over-shadowing the Park concerns related to the development, or even the extra people from the office development visiting the Park. There is no mention of any consideration of these potential impacts (such as a shadowing assessment) in the Works Approval documentation.

### **Design Quality**

Design quality needs to be paramount. The design quality is not good enough (see below). The National Capital Design Review Panel could certainly improve this development.

### **No design competition**

The City Hill Precinct Code (at 6.6.5 General) it is required that: 'New buildings are encouraged to be delivered through design competitions in order to encourage innovation and design excellence.' The Morris Property Group's documentation shows no effort in this regard. It was not mandatory but no comment has been made on this. The proposal may have been improved by such a process.

### **Density**

The site is over-densified. The developer appears to have proposed the maximum scale, height and density of development which is permitted for the site. By maximising the private built environment, the proposal extends the concrete jungle of overshadowed footpaths and windswept laneways in City West.

### **Development to the boundaries**

Zero boundary development should not be allowed on Vernon Circle, London Circuit, or Edinburgh Avenue. It is obvious from the proposal that the developers plan to build to the boundary wherever allowed by the

planners. The Law Courts extension was a travesty in this vicinity which should not be allowed to be perpetuated with this adjacent site.

### **Limited pedestrian access**

The site should have more pedestrian access or porosity. The lack of pedestrian thoroughfares across the site, particularly, and potentially between London Circuit and Vernon Circle, allowing for when the next stage is built, should be included rather than just being at the edges of the proposed building footprints. By maximising the building footprint, the opportunity for a sense of shared public-private realm internal to the site, as demonstrated in New Acton, does not exist. This is a lost opportunity for a precinct-scale development on this site.

It could have a mall to invite pedestrians through to a central landscape area of the site and other routes through to London Circuit rather than the sterile current proposal of a passageway to a T-junction with the Knowles Place Extension. The promised future of another stage which includes public laneways and a plaza is unconvincing; such public benefits should be evident in every stage or they may disappear just as the residential function of the City Hill site has.

### **Vernon Circle impacts on offices and retail**

The offices above and ground level retail facing Vernon Circle will be affected by unpleasant and disruptive noise, vibration and air pollution from north-bound traffic across Commonwealth Avenue Bridge and also from Edinburgh Ave. The development also assumes that the ACT Government's proposed eventual diversion of through traffic onto London Circuit will work. This provides a further reason for a greater setback and a lower height on the eastern edge of the development.

### **Noisy and congested service lane**

The Knowles Place Extension is to be used as a shared pedestrian, cycling and vehicular zone. But it is also the access for waste management and loading/deliveries for both the present One City Hill south tower and the future stage south Barracks tower (a large landmark building). This seems likely to be a noisy, congested service lane despite the decision to lessen these aspects by the concentration of the north tower of One City Hill's waste management and deliveries in Knowles Place. More thought should be given to such a dangerous conjunction of uses in the Extension and a more satisfactory solution found to reduce the likely conflicts that will arise here.

### **No green space**

The proposed design has no green space (it is just a building with an internal laneway through it), so it maximises commercial value uplift of the block. Indeed, the future laneway connections and 'future public plaza' in Stage 3 adjacent to London Circuit will continue the trend of hard surfaces dominating the area, rather than introducing green spaces to City West. This part of the development appears simply to try to capture commercial value from the adjacent light rail stop, which will likely be one of the busiest in the City during day time, yet quiet at night because of the potential total absence of a residential development on the site. At a time in our history when development should respect climate change anxieties, such as heat islands in cities as set out in all modern planning publications, it is a shocking indictment that a development of this scale has so little green relief in its massive and mostly unsympathetic form. It should be designed so as to achieve amelioration in its likely, and unfortunate contribution to an adverse microclimate. More design thought should be given than is apparent, to a green and sustainable strategy for the site, even though it is acknowledged in the references to various 5 star ratings claimed for the development, to provide a more positive role in creating a future, cooler city - more green space is required.

There is a further issue here related to green space of a different type. The 'greenway' is a concept that is intended to facilitate, in a time of fractured habitats, in and around our cities, that allows the safe movement of fauna, through specifically designed green corridors of planted native flora, connecting habitats that would not otherwise be able to be joined. It is difficult to envisage how a functional greenway might be built, say, from the Lake edge across this site to City Hill Park, for instance, but such corridors can also be utilised by

people offering amenity, through providing sunny winter routes or shady summer ones, to such as pram pushers, pedestrians and slow, short run cyclists. So there are other advantages. To install this kind of facility may not be practical here on this site, but the principle should be explored in each new development to ensure a potential is found and used wherever it exists.

### **Empty and unsafe at night**

Change of character from residential to commercial means adjacent streets and laneways will not be 'overlooked' by residents. However, it will be a place devoid of people at night, so potentially unsafe for women then, perpetuating and exacerbating the 'empty streets' feel of City West at night. I shows no evidence or possibility of encouraging the 'vibrancy' so desired by Government planners.

### **Impoverished landscaping**

The landscaping plan is inappropriate and does nothing to enhance the sterility of the hard surfaces and office environment, perhaps relying, apparently, too much on the adjacent City Hill Park for this. The development of these two blocks shows no recreation space within. The only greenery is found in small patches of green grass around the Vernon Circle edge and in well-spaced trees again on the perimeters. There is nowhere for ground recharge of rainwater and just where is all the runoff going? This is the central location of the national capital and this proposal is absolutely unacceptable. The scale and ugliness of the building mass will devalue the innovative design of New Acton, which was successful in its grouping of high-rise buildings with landscaped spaces. There are no courtyards or pocket parks that could be linked to cafes or shops. This is the central location of the national capital and, in our view, it is grossly sub-standard design, giving modern landscaping a bad name.

### **Inadequate traffic study**

The traffic study does not take into account the full impact of future development factors which are likely to be major, including closing-off the cloverleaves north of Parkes Way, or adequately cover the impact of light rail on Commonwealth Avenue, etc. This would be difficult but their inclusion is essential to understand the implications of and on the development proposal. Traffic entry to the site (Gordon St and Knowles Place) is still too restricted.

### **Uncertain promise of Stage 3**

Future laneway connections and the 'future public plaza' in Stage 3 adjacent to London Circuit, if they are built, will continue the trend of hard surfaces dominating the area, rather than introducing green spaces to City West. This part of the development appears simply to try to capture commercial value from the adjacent light rail stop, which will likely be one of the busiest in the City during day time, yet quiet at night because of the total absence of a residential development on the site.



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Vice Convenor  
(on behalf of the) Lake Burley Griffin Guardians  
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The Lake Burley Griffin Guardians is a non-profit community group committed to safeguarding one of Canberra's and the Nation's treasures, the open space of Lake Burley Griffin and its lakeshore landscape setting.

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**National Capital Plan Extract (p17)*****2.4.4 Principles for Objective two – Urban design and heritage***

- a. The National Capital Authority will consider heritage places in Designated Areas as Commonwealth Areas for the purposes of protecting the environment in the manner currently afforded under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) and any subsequent legislation.*
- b. Within Designated Areas, the National Capital Authority may require Heritage (or Conservation) Management Plans to accompany development applications for heritage places which should be prepared to meet requirements equivalent to those in the EPBC Act. The National Capital Authority may require Heritage Impact Statements to accompany development applications for a heritage place.*
- c. Development should be consistent with the requirements of any relevant Heritage (or Conservation) Management Plan for that particular place.*
- d. The management of heritage places should ensure that their use and presentation is consistent with their heritage values. Heritage places will be presented and interpreted to increase public awareness, understanding and enjoyment of the natural and cultural heritage of the National Capital and its conservation, subject to any reasonable requirements for privacy or confidentiality.*
- e. The National Capital Authority will adopt the Australian Natural Heritage Charter and the Burra Charter as key guiding documents respectively for natural and cultural heritage places within Designated Areas.*