



Inner South Canberra Community Council

Mr Mick Gentleman MLA
Minister for Planning and Land Management
ACT Legislative Assembly
GPO Box 1020 CANBERRA ACT 2601
gentleman@act.gov.au

Dear Minister

DESIGN REVIEW PANELS

We understand the ACT Government is proceeding to introduce a Design Review Panel to deal with significant development proposals in Canberra, to replace or formalise through legislation the current National Capital Design Review Panel (Interim). The ISCCC would strongly support this action and urge the ACT Government to move as quickly as possible in this regard.

We note that the Government's "Housing Choices Discussion Paper" (November 2017) in section 4.2.2 "ACT Design Review Panel" states that:

"A key action in the 2015 Statement of Planning Intent is to establish a single urban design advisory panel in the ACT with an aim to improve the design quality of development and the public realm.

"The experience from other jurisdictions, both nationally and internationally, has demonstrated that design review early in the design process can achieve improved quality of development, reduced risks and costs for development and faster development approval processes. Multiple benefits for the community have also been identified such as improved amenity for building occupants, neighbours and the broader community.

"Design review is a collaborative process that allows for the discussion and exchange of ideas, through peer review, to ultimately improve the design quality of buildings, precincts and public spaces.

"The ACT Government has commenced investigations to establish a single design review panel in the ACT as part of the pre-development application process. When established, the panel will be chaired by the ACT Government Architect and consist of a range of highly experience multidisciplinary design experts. The aim of the panel will be to provide independent expert advice for private sector development proposals and key infrastructure projects."

ISCCC strongly supports the above intentions and asks that urgent attention be given to implementing them as soon as possible.

We have discussed the experience to date of the National Capital Design Review Panel (Interim) – NCDRP - with its co-chair, the ACT Government Architect, Catherine Townsend. She advised that the NCDRP has to date dealt with between 15 to 20 projects and that, by and large, proponents and ACTPLA officers have been responsive to discussions with the Panel and its recommendations.

We understand that the (Interim) Panel has been working with proponents on a voluntary engagement basis and in most cases this has been reasonably successful. The advice of the Panel has allowed ACTPLA to insist on related design improvements before approval of proposals, where the proponent had been initially reluctant to change a proposal. It does appear necessary however to introduce some degree of compulsion into the process, for more significant projects, to ensure that the process is clear and fair to all proponents and that there can be an overall improvement to the design quality of projects. At the moment developers can apparently choose to not meaningfully engage with the NCDRP, which of course puts more pressure on ACTPLA to negotiate better design outcomes.

In that regard, we are concerned that the strong recommendations of the NCDRP on the proposed hotel by Liangis Investments Pty Ltd at Block 3 Section 96 Griffith (the old Manuka Post Office site) appear to have been ignored. It is unacceptable that this situation has been allowed to occur. The NCDRP recommended: *“The Panel does not support the proposal in its current form as it is not considered to meet key provisions set out in the Manuka Circle Development Control Plan or the aspirations for high quality architectural response in this prominent location.”* Nevertheless, we understand the proposal was not changed, and ACTPLA approved it. ACTPLA’s approval does not take effect until the cancellation of registration of the large London Plane tree on the western side of the site. The developer’s proposal to cancel registration of the tree, supported by ACTPLA, is currently with the Conservator of Flora and Fauna for decision. The NCDRP further recommended that: *“The Panel request that the design team prepare a revised scheme that demonstrates the long term development of the entire Section 96 Griffith and that considers retention of the Registered tree.”* Again, this recommendation by the NCDRP was ignored.

In the Manuka hotel case ACTPLA claimed that ‘the interim panel was not a formal referring entity to the authority and the authority’s ability to respond to its advice was “limited, and indeed, arguably non-existent”’. Yet in a comparable case, a hotel proposal for Garema Place, Civic, ACTPLA seems to have been happy to use the advice of the NCDRP to force the developer to make very significant design improvements. The difference may be due to whether the developer is prepared to engage effectively with the NCDRP, but ACTPLA also seems to be uncertain about how to relate to the NCDRP. This does emphasise the urgency to introduce a permanent DRP, with associated procedures, as soon as possible.

We understand that the Planning Institute of Australia (ACT Division) also supports the introduction of a permanent DRP to the ACT as soon as possible, based on the work of the ‘Interim’ Panel and the success of such processes elsewhere in lifting the design quality of significant development proposals. Design Review Panels have

been employed in NSW, Queensland and South Australia for some years with good results.

We believe, therefore, there is a clear view held by the community, the planning profession and the ACT Government Architect that a permanent Design Review Panel, with procedures, membership etc informed by the experience of the current Interim Panel should be introduced in the ACT as soon as possible.

The ISCCC considers the features of such a design review panel should include:

- Requirement for assessment by the Panel of major projects, residential developments and redevelopments.
- Transparency with respect to the Panel's advice to proponents, for example through publication on the EPSDD website.
- Requirement for the proponent and ACTPLA to demonstrate how they have responded to the Panel's advice.
- Requirement for the Panel's advice to be considered by Government decision-makers on related, significant proposals affecting the character of a place, eg. cancelling registration of a registered tree.

Yours sincerely,



Marea Fatseas
Chair
15 January 2019