



Australian Government
National Capital Authority

Consultation Report

Works Approval No 100834

71 National Circuit, Deakin

Demolition of Existing Dwelling and Construction of
Dual Occupancy Residence

August 2018

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Introduction

Under the *Australian Capital Territory (Planning and Land Management) Act 1988*, the National Capital Authority (NCA) prepares and administers the National Capital Plan (NCP) to ensure Canberra and the Territory are planned and developed in accordance with their national significance.

The Plan sets out the broad planning framework for the Australian Capital Territory (ACT). Areas designated as having special characteristics of the National Capital are subject to detailed planning policies and guidelines.

Any buildings or structures, demolition, landscaping or excavation works in Designated Areas require the approval of the NCA. The NCA considers such proposals in the context of the relevant provisions of the Plan.

BACKGROUND

On 8 March 2018 the NCA received a works approval application for demolition of the existing dwelling and construction of a dual occupancy residence and associated landscape works at 71 National Circuit Deakin.

The proposal for two dwellings (two storey with basement) presents as one house from the National Circuit street frontage. Access to the basement garages is via the existing driveways. Both dwellings comprise outdoor swimming pools and are oriented to ensure primary living areas have northern orientation while maintaining privacy for and to neighbouring properties.

The contemporary architecture and building form is similar to some other recent developments in the precinct, and offers a highly modulated built form with articulated entries, patios and definition of base and upper level elements. Materials and finishes are proposed to be high quality natural and neutral finishes and materials with limited applied finishes.

Each dwelling has an entry point from the street. The residence features heavily screened planting to the National Circuit frontage with the existing front hedge to be retained, and large canopy trees to the rear gardens, ensuring a garden setting presentation to the street. Hedge planting is proposed to the perimeter of the block.

No works are proposed to the verge and existing driveway.

Public Consultation requirements

1.1 National Capital Plan (NCP)

Under the NCP, requirements for public consultation apply to:

- Major developments proposed for Section 9 Barton;
- A landmark building to RL617 adjacent to Commonwealth Avenue (within the Constitution Avenue and Anzac Parade Precinct);
- Detailed plans for development at Academy Close, Campbell;
- High-impact telecommunications facilities;
- All residential proposals within the Deakin/Forrest Residential Area Precinct; and
- All residential and commercial development proposed for Section 5 Campbell.

Public consultation was undertaken on the application as it is mandatory under the National Capital Plan.

1.2 Commitment to Community Engagement

The NCA's 'Commitment to Community Engagement' details how the NCA conducts consultation. The purpose is to achieve a greater level of consistency and transparency in the NCA's decision making process.

The 'Commitment to Community Engagement' describes the minimum requirements for consultation, and the process by which Works Approval (WA) applications that are released for public consultation will be assessed.

Part 2.7 *Works Applications and Attachment C Protocol for Development Applications for Works Which Require Consultation* of the NCA's 'Commitment to Community Engagement' describes the consultation process for WA applications. The NCA undertakes an assessment of whether a proposal is consistent with the National Capital Plan and level of public consultation required. An assessment is made in relation to adverse impacts on:

- public space and community amenity;
- environment, heritage or landscape values;
- amenity of the locality in terms of materials, finishes, scale, massing, design and quality; and
- consistency with an existing Heritage Management Plan.

When an application for works is lodged and public consultation is required, consultation with the community and stakeholders will be undertaken by the applicant, the NCA or both. Where consultation is undertaken by the applicant, the NCA may choose to stipulate specific requirements that the applicant is required to implement.

The NCA may set aside the requirement to undertake full public consultation where:

- previous consultation has been undertaken on the proposal;
- minor amendments to previously approved works are required;
- the NCA determines no stakeholders will be affected; and
- proposals are given exemption, as outlined in Part 2.3 of the 'Commitment to Community Engagement'.

Public consultation was undertaken as it is a mandatory requirement under the NCP, and significant community interest has been demonstrated in recent developments of the precinct and in planning policy proposals for the Deakin Forrest Residential Area Precinct.

Summary of Public Consultation

2.1 The public consultation process

Public consultation was undertaken on the WA application by the NCA between 9 and 27 July 2018. Consultation is in the form of:

- On Saturday 7 July 2018, the NCA published a public notice in The Canberra Times detailing the proposed works and inviting submissions to be made to the NCA in relation to the proposal ([Attachment A](#)).
- Between 9 and 27 July 2018, the NCA published the proposal and plans on the NCA's website.
- Between 9 and 27 July 2018, one A1 size sign was installed on site.

- On 9 July 2018 the NCA wrote to key stakeholders and community groups via email advising of the consultation process and inviting comments.
- On 9 July 2018 the NCA delivered hard copy notices to adjoining neighbours advising of the consultation process and inviting comments.

2.2 Key issues raised in public submission and NCA response

The NCA received a total of seven submissions on the proposal. Four submissions were in support of the proposal. Three submissions objected to the whole or parts of the proposal. Key issues raised in the submissions included:

- The proposal does not meet the *Landscape and Sustainability Guidelines* for the precinct and various landscape matters including set back requirements;
- the proposal is not in keeping with the dominant character of the area;
- plot ratio calculations;
- traffic and parking impacts, and traffic management during construction; and
- overshadowing of development to neighbours.

Emails of acknowledgment were sent to submitters advising them that their submission would be taken into consideration before a decision is made on the application. Issues raised in the submissions and NCA response to the issue is detailed in [Attachment B](#) of this report.

Conclusion

The NCA's consultation process was carried out in accordance with the Plan and the NCA's 'Commitment to Community Engagement'. The NCA has considered issues raised in the submissions as part of the assessment process.

The NCA requested further information from the applicant and requested changes, primarily in relation to the landscape design, to ensure consistency with the *Landscape and Sustainability Guidelines* of the precinct.

On 31 August 2018 the applicant provided revised plans. The NCA assessed the revised plans, and decided the proposal was not inconsistent with the provisions of the NCP and concerns of the community were addressed.

On 10 September 2018 the NCA approved the proposal.

Attachment A – The Canberra Times Public Notice and Site Notice



Australian Government
National Capital Authority

WORKS APPROVAL

Open for Public Consultation

Block 14 Section 2 Deakin Construction of Dual Occupancy Residence

The National Capital Authority (NCA) has received a Works Approval application from R Inventive Building Design for the demolition of the existing dwelling and construction of a dual occupancy residence and associated landscape works at 71 National Circuit, Deakin (Block 14 Section 2).



The NCA welcomes community feedback on this application **by close of business Wednesday 1 August 2018**. Submissions can be made via email to worksapproval@nca.gov.au or sent to GPO Box 373, Canberra ACT 2601.

Please contact the NCA for further information on (02) 6271 2888.



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HAVE YOUR SAY



Australian Government
National Capital Authority

BLOCK 14 SECTION 2 NATIONAL CIRCUIT, DEAKIN

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The NCA welcomes community feedback on this application **by close of business Friday 27 July 2018**. The application can be viewed on the NCA's website and submissions can be made via email to worksapproval@nca.gov.au or sent to GPO Box 373, Canberra ACT 2601.

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Attachment B

The National Capital Authority (NCA) undertakes an open and transparent works approval application process. As part of this process the NCA prepares a Consultation Report for publication on the NCA website, which includes a summary of each submission, along with the name of each person making the submission.

Submission	Comment/Issue	NCA Response
1.	Mr G. Rumble (Resident within Deakin/Forrest Precinct)	
1.1	The submission provided support for the proposal.	Support noted.
2.	Mr R.J. and Mrs C.L. Nattey (Resident within Deakin/Forrest Precinct)	
2.1	<p>The submission provided support for the proposal, and noted that the development supported greater community access to the benefit and convenience of living in a central location, while reasonably maintaining the environmental characteristics of the neighbourhood.</p> <p>The proposal provides residential opportunities that are not encumbered by rapid increasing Government and utilities overheads.</p> <p>The architectural presentation of the proposal appears to be consistent with modern architectural practices and somewhat less intrusive on the local environment than some very large single dwellings in the near area.</p>	Support noted.

Submission	Comment/Issue	NCA Response
	<p>By way of general comment, the nature of the Deakin/Forrest Precinct has changed over recent years with the increased urban density now imposed by the multi unit apartment blocks fronting State Circle. The proposed gentle development now under consideration appears to be consistent with sympathetic extension of the greater urban density principle for the area as a transition towards the very large dwellings being development towards Mugga Way.</p>	
3.	Ms N. Knowles (Property owner within Deakin/Forrest Precinct)	
3.1	<p>The submission provided support for the proposal. The proposal is in keeping with the bulk and scale of other properties in the area. The articulation of the front façade adds to the street appeal.</p> <p>A dual occupancy adds to the variety of housing types in the area consistent with garden city principles.</p>	Support noted.
4.	Mr J. and Mrs A. Bain (Resident within Deakin/Forrest Precinct)	
4.1	<p>The submission provide strong support to the proposal.</p> <p>It is a very high quality development consistent with the National Capital Authority’s objectives, consistent with other recent developments in the Deakin/Forrest Precinct and consistent with the continued development of the Precinct as a high quality residential area favoured by aspiring residents.</p> <p>The proposal is a significant improvement on the existing structure on the block.</p>	Support noted.
5.	Mr J. Koundouris on behalf of three households (One within Deakin/Forrest Precinct, two within the wider suburb of Forrest)	

Submission	Comment/Issue	NCA Response
5.1	<p>The NCA precinct of Deakin / Forrest is a designated area for the purpose of being preserved. The main objective of the plan, is that the principal residential character of the area, and the use for the land for residential purposes are to continue.</p>	<p>The site is located within Figure 28 – Deakin Forrest Residential Precinct of the National Capital Plan. The land use policy for the site is Residential. The proposal will not alter the land use policy for the site.</p> <p>The residential character of the area will be retained as the land will be continued to be used for residential purposes.</p>
5.2	<p>The NCA released an ‘Issues Response Paper’ in April 2017. In that response paper on page 6, it described the character of the area as being single dwellings on large blocks (1050m2 plus per block).</p> <p>The approval of dual occupancies throughout the area will erode the character of the area and in affect, change its character.</p>	<p>The importance of the Deakin/Forrest residential area precinct stems from its frontage to the Main Avenue of State Circle and close proximity and relationship to Parliament House, its location within the Griffins’ land axis, and as an example of twentieth century ‘Garden City’ planning concepts that the Griffins’ adopted in their design for Canberra.</p> <p>The ‘Issues Paper’ formed the first part of the NCA’s investigation into the Deakin/Forrest Precinct, to ascertain whether current planning and design controls within the National Capital Plan (NCP) were adequate to maintain the ‘Garden City’ and ‘City Beautiful’ concepts on which the area is based. The NCA determined that greater emphasis and clarification was required in regards to the landscape and sustainability policies within the NCP, therefore the NCA prepared <i>Landscape and Sustainability Guidelines</i> (the Guidelines). The Guidelines are advisory only and aim to support existing objectives and policies of the NCP to preserve the Garden City character of the Precinct.</p> <p>The Guidelines for the Precinct do not place a limit on the quantity of dwellings per block, however future development, including single dwelling proposals, will need to comply with specific requirements outlined in the Guidelines.</p>

Submission	Comment/Issue	NCA Response
		<p>The NCA considers that the proposal for two dwellings on the 1436m² block still allows sufficient space for large landscaped areas, maintaining and enhancing the City Beautiful and Garden City concepts and character of the residential environment.</p>
5.3	<p>Dual occupancies which are set forward from the existing home on the block, that are almost architecturally identical in their appearance, not only changes the street scape but also the urban design character.</p>	<p>The NCP provides quantitative standards for setbacks. The proposal provides for a minimum setback of 8.13m, which exceeds the minimum requirement of 7.5m.</p>
5.4	<p>How can the NCA on one hand describe the character of the area as per the 'Issues Response Paper', yet consider applications which deviate from this character?</p> <p>Character is not limited to landscaping and sustainability; character is all encompassing.</p>	<p>Refer to response at 5.2 above.</p>
6.	<p>Mr A. and Mrs M. Dick (Resident within Deakin/Forrest Precinct)</p>	
6.1	<p>The submitter objects to the construction of two dwellings, not the demolition of the existing building.</p>	<p>The NCP and associated Guidelines do not limit quantity of dwellings. Implementation of policies outlined in the NCP and Guidelines naturally limit the built and hardscape environment in order to protect the Garden City and City Beautiful character of the Precinct.</p>
6.2	<p>The proposal does not comply with the requirement to have 40% soft landscaping as per the Guidelines. It is not clear how much of the block is soft landscaping (as the figure provided on their "Areas" plan is a meaningless figure - 7581m²). It is clear by looking at the plan that it cannot constitute 40% of the block.</p>	<p>The application was lodged and public consultation undertaken prior to release of the Guidelines, however, the NCA has requested amendments be made to the proposal for further consideration of the application.</p> <p>Amendments include replacement of certain tree and shrub species to front and rear landscaped areas to contribute to greater canopy coverage and</p>

Submission	Comment/Issue	NCA Response
	<p>There are no canopy trees in their landscape plan and it will not satisfy the requirement to have 15% canopy tree coverage (pg5 of the Guidelines). There is also no Tree Management Plan as required by the Guidelines (pg5). The proposed plan does not meet the NCA's guidelines or maintain the garden nature of this suburb.</p>	<p>garden city principles and narrowing the driveways to allow greater soft landscaping areas.</p> <p>The revised landscape plan is required to include the quantity and calculation of soft landscape areas. The NCA will ensure adequate landscape is proposed, consistent with the Guidelines.</p>
6.3	<p>The plans do not meet the sustainability design requirements as set out in the Guidelines (pg8) such as eaves, awnings and not enough information has been provided relating to issues such as overshadowing of neighbouring properties, materials/colours to be used to absorb less heat etc.</p>	<p>The NCA has requested further information and amendments to the proposal, including a change to some of the materials proposed.</p> <p>The two storey components of the building are setback a minimum distance of 6.3m from side boundaries and single storey elements set back 4.8 and 4.4m. The proposal is not expected to overshadow neighbouring properties. The setbacks provided will allow adequate light and ventilation, privacy to/from neighbouring properties and space wide enough for access requirements.</p> <p>The NCA delivered hard copy notices to adjoining neighbours advising of the consultation process and inviting comments. No comments were received from adjoining neighbours.</p> <p>The NCA will ensure the proposal meets the sustainability objectives of the Guidelines.</p>
6.4	<p>The proposal is not in keeping with the dominant urban design character of the area in proximity to the lodge which is single dwellings on large blocks with significant front set-backs. This is contrary to the Guidelines (Pg3). Although not detailed in their plans - the proposed dual occupancy dwellings appear to be sited much further forward on the block than the existing house which</p>	<p>Refer to response at 5.1, 5.2 and 5.3 above.</p>

Submission	Comment/Issue	NCA Response
	would have a detrimental impact on the streetscape and character of the area.	
	We strongly oppose the sneaky way these dual occupancy developments are trying to get around the specified maximum plot ratio of 40% (pg3 of the Guidelines) by not including the garages in the plot ratio calculations. This defeats the purpose of having specified a maximum plot ratio in the first place.	The NCA sought advice from the Australian Government Solicitor (AGS) in October 2017 in relation to the application of plot ratio for proposals in the Precinct. The AGS advised that it is clear in the definition of 'plot ratio' and 'gross floor area' (GFA) set out in the NCP, that in multi-unit residential development, any area used for car parking is not part of the GFA calculation. The AGS also notes that more than one unit on a single block (attached or detached) is able to be considered 'multi-unit'. NCA officers support this view and will be taken into consideration as part of the assessment of the proposal.
7.	Mrs M. Dick on behalf of the Forrest Residents Group	
7.1	Front setback needs to be in keeping with the existing home. How can the character of the area continue if there is substantial change in the setback of the streetscape. Surely a streetscape where there is no articulation in the front setback is not in keeping with the principal character.	Refer to response at 5.1, 5.2 and 5.3 above.
	The above application proposes two homes which are near identical. The existing character of the area is architecturally diverse and includes varying styles of architecture on each block. Further, when 39 National Cct Forrest was developed, each home maintained its own architectural identity.	Refer to response at 5.2 above.
	The existing character of the area, as defined by the NCA in their 'Issues and Policy Response Paper' dated April 2017 on page 6 under clause 1.2 states; the majority of blocks have a	

Submission	Comment/Issue	NCA Response
	<p>single dwelling.</p>	<p>The NCA also (on the same page), makes the comment that residential blocks are typically large, ranging in size from 1050m² to 3,832m². We believe that this is fundamental to the character of the area. This assertion is also supported in the Martin report.</p> <p>The proposed development application, proposes one dwelling per 718m² (approximately). This is not in keeping with the fundamental character.</p> <p>We also draw your attention to recent Land and Environment Court decisions including <i>Sterling Projects Pty Ltd v The Hills Shire Council</i> [2011] NSWLEC 1020 where the Commissioner said in its consideration of compatibility with neighbouring character:</p> <ul style="list-style-type: none">a. Character is not limited to a consideration of streetscape but includes the wider context of the site, in particular the characteristics of the properties which adjoin the site (predominantly detached two storey houses on large allotments).b. The length of the proposal (including its intrusion into a green zone) is uncharacteristic of the area <p>Our assertion is that the character of the area includes all planning principals not just the front streetscape e.g. built</p>

Submission	Comment/Issue	NCA Response
	<p>form, number of dwellings per block size, driveways, canopy setback, landscaping, proximity and impact on neighbours to the rear and side. The case above is just one of many we could point to in terms of the way the word character should be considered in assessing applications.</p>	
	<p>The soft landscaping calculation is incorrect (7581m2?). Also noting your new guidelines which require 40%.</p>	<p>Refer to response at 6.2 above.</p>
	<p>The applicant makes mention of other developments within the zone of dual occupancies or small multiunit developments. The approval of previously developed blocks which do not comply with planning guidelines, is not a precedent to approve further non complying applications. Surely the NCA is not endorsing that the principal character of the area be eroded to dual occupancy developments throughout the precinct. How can the principal character of the area continue with such a proposal?</p>	<p>Refer to response at 5.2 above.</p>
	<p>The applicant will be removing trees, particularly at the back of the block (seen from satellite photos). There is no arborist report or any other kind of report/statement indicating what they plan to remove and that they are allowed to do so.</p>	<p>The NCA has requested this information be provided for consideration in the assessment of the application.</p>
	<p>There are no canopy trees in the plan. The landscape plan shows only two 'largish trees' towards the front of the block which they have listed as "Acer palmatum" which is a species of tree commonly known as Japanese Maple. They do not list a specific type/variety (as required) for these two trees but the largest Japanese maples</p>	<p>Refer to response at 6.2 above.</p>

Submission	Comment/Issue	NCA Response
	<p>only grow to 4m height in the best conditions and are slow growing. The plan does not meet the requirement to have canopy trees in their landscape plan. The rest of the plants listed on their landscape plan are small. There is lots of information on landscape/canopy tree requirements in Section 3.1 of the Issues and Discussion Paper 2017, none of which this plan meets.</p>	
	<p>They indicate a "low metal fence" in the landscape plan. Metal fencing is not allowed in this precinct.</p>	<p>Metal fencing is permitted, as long as it is not visible from the street or public domain, and set behind the building line. The NCA will ensure fencing is set back sufficiently from the street behind the building line with greater emphasis on boundary hedge planting.</p>
	<p>There is no information about how many car spaces they plan to have on the site, and no traffic impact report. On this basis alone i.e. no traffic report, the application should be refused.</p>	<p>The National Capital Plan prescribes the minimum parking requirement for a residential building designed for family accommodation as two spaces, plus adequate space for visitor parking. The NCA considers the proposal consistent with the NCP. The basement parking sufficiently caters for residents and visitors for off street parking, minimising potential impacts of traffic safety and congestion.</p>
	<p>There is no diagram indicating how the building will cast shadows over the neighbours.</p>	<p>Refer to response at 6.3 above.</p>
	<p>Overall the plans are poorly written and lacking detail e.g. exactly what kind of finishes are they using (the cover page gives only a vague indication of what they <i>may</i> use). Are they having solar panels, if so, where and will they impact the street, neighbours given the roof plan etc. It is not clear what the finished height above ground level is at various locations along the buildings. There's no information about what is going to be</p>	<p>Refer to response at 6.2. The NCA has requested further information and amendments to the proposal, including a change to some of the materials proposed.</p>

Submission	Comment/Issue	NCA Response
	<p>included in the basement area e.g. are they having rooms down there. If so, these effectively become three story houses.</p>	<p>A roof plan has been provided as part of the application and was available on the NCA's website for consultation purposes. There are no structures proposed to be located above the roof.</p>
		<p>The NCA has requested an amendment to the proposal which ensures the basement garage is located almost wholly below natural ground level and does not constitute a storey. The NCA considers that the revision to the proposal would ensure the basement could not be capable of being adapted for the use as anything other than storage.</p>
	<p>Subdivisions are not permitted under the existing guidelines (see Clayton Utz advice dated 21st September 2017).</p>	<p>The NCA does not support subdivision in the Deakin/Forrest Residential Precinct.</p>
	<p>Any approvals in the area should include a Traffic Management plan during construction. Further, given that parking is not permitted in the street until 7:30am, construction should not commence weekdays until 8:00am. Currently on National Cct, we have buses which overlap on the street every half an hour, cars and trucks parked on either side of the street whilst residents are trying to leave their homes by car. The current situation is dangerous and in particular dangerous for children walking and riding their bikes to Forrest Primary School. This is mainly due to trucks and cars which are illegally parked and do not adhere to the parking signs. There have been some very near misses and it is only a matter of time before a serious accident occurs. The other issue we would like to raise is when the garbage truck comes for its weekly collection, it cannot access bins because of cars illegally parked on the street.</p>	<p>Temporary traffic management during construction will be subject to a future works approval application once a builder/contractor is engaged to undertake construction work.</p> <p>Illegal parking of cars is an ACT Government enforcement issue.</p>