



Australian Government
National Capital Authority

Consultation Report

Works Approval No 101772

(Block 4 and 5 Section 38 Campbell)

Letter of Consistency

Stage 1 residential development and associated civil
and landscape works

February 2021

Contents

Contents	2
Introduction	3
1.1 National Capital Plan	3
Public Consultation requirements	6
1.2 Commitment to Community Engagement	6
Summary of Public Consultation	7
2.1 The public consultation process	7
2.2 Key issues raised during consultation and NCA response	7
Conclusion	7
Attachment A – The Canberra Times Public Notice and Site Notice	8
Attachment B – Submissions/NCA Responses	9

Introduction

1.1 National Capital Plan

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 located on National Land outside of designated areas is require the approval of the NCA. The NCA considers such proposals in the context of the relevant provisions of the Plan.

The NCA acknowledges the Molonglo Valley has been inhabited by Aboriginal people for tens of thousands of years and recognises their ongoing connection to country.

BACKGROUND

On 11 February 2020 the NCA received a Letter of Consistency application for Stage 1 residential development and associated civil and landscape works at Section 38 Campbell.

Blocks 4 and 5 Section 38 Campbell (the site) is National Land comprising buildings that were formerly occupied by the CSIRO Department.

Following the vacation of the site by CSIRO, Development Control Plan (DCP) 16/01 was prepared for the site to guide future development.

The site is National Land located outside of a Designated Area under the National Capital Plan. Therefore, 'Special Requirements for National Land Outside Designated Areas' under Section 4.22 of the Plan applies. This requires that development, including subdivision and leasing proposals, of all National Land not included in a Designated Area is to conform to a Development Control Plans (DCP) agreed by the NCA. Development proposals will be subject to consideration by the NCA who will assess proposals to ensure they are not inconsistent with the provisions of the Plan and relevant DCP.

DCP 16/01 was prepared to meet the Special Requirements of the National Capital Plan and forms the basis for assessment of development proposals proposed on the site. The site is also identified as being within the 'Urban Areas' under the National Capital Plan (NCP). Therefore, section 3.3 principles and policies for Urban Areas of the Plan applies to the site and its development. DCP 19/02 and the Concept Plan was approved by the NCA on 15 October 2019.

Stage 1 development comprises the construction of building precincts 1, 2, 3, and 4, common areas, civil and landscape works. Precinct 5 is not included as part of this application.

The works included in the application are broadly consistent with the NCA's endorsed Concept Plan. Minor departures from the concept plan include:

- Increasing the dwelling quantity from 241 to 244 dwellings. This change has arisen following designed changes on the ground level. The bulk and scale of the buildings remain unaltered
- Basement redesign
- Landscape changes post Design Review Panel feedback
- Slight change in the location of the waste collection point

The proposal is for a residential development and includes two apartment buildings along the Limestone Avenue boundary and 15 blocks of townhouses. Totalling 117 apartments and 127 townhouses. The required parking generated by this proposal will be wholly contained within the site in either the basement underneath the apartment building, private garages underneath each townhouse or on grade visitor parking at various locations around the site.

The total site is 40,108m² and the total gross floor area is 28,702m². The gross floor area is broken down in the following way:

- Precinct 1 – 12,430m²
- Precinct 2 – 7,058m²
- Precinct 3 – 6,176m²
- Precinct 4 – 3,038m²
- Precinct 5 – TBC (does not form part of this application)

The total height of the development is RL617 for the apartments and RL610 and RL612 for the townhouses.

The proposed development will occur in stages. This application being stage 1. This application includes the apartment buildings containing 117 units and 95 of the townhouses. The remaining townhouses will form part of a separate application and be subject to further public consultation.

Other documents considered

- *Geological Heritage Report*, Phil Cresser, May 2011
This report assesses the rock outcrops on Block 4 Section 38 Campbell, Dacites, that are part of a more extensive sequence of volcanic rocks known as the 'Mount Ainslie Volcanics'. The assessment was made using the formal criteria for heritage significance under the ACT *Heritage Act 2004*. The report concludes that while the rock outcrops, particularly the large boulders close to the former CSIRO building have geological values and have been used for teaching purposes, they are not considered to meet the ACT *Heritage Act 2004* criteria for heritage significance.
- *Desktop Review European and Aboriginal Heritage*, report prepared by Biosis, October 2013
This report details the findings of a desktop cultural heritage assessment (Indigenous and historical) for Blocks 4 & 5 Section 38 Campbell, ACT. This assessment does not include an assessment of the built heritage values of the CSIRO building. The report includes searches on the ACT Heritage Register to identify previously located sites in the area and surrounds and background research into archaeological studies undertaken in the surrounding areas. A field investigation of the study area was undertaken in preparation of the report. The field survey examined areas of surface exposure for artefacts and examined the stone outcrops that occur in the study area for any evidence of utilisation by Aboriginal people in the past.

The report concluded no artefacts or cultural heritage sites were identified as occurring within the study area. Due to the high degree of impact no areas of Potential Archaeological Deposit (PADs) were identified over the study area.

- Referral EPBC 2014/7372 - *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
An EPBC Act referral (EPBC 2014/7372) was lodged for the site in 2014. The then Commonwealth Department of Environment and Energy assessed and provided EPBC Act approval for development of the site on 24 July 2018 with conditions to protect the critically endangered Natural Temperate Grass Lands and Golden Sun Moth.
- *Geotechnical Investigation Report*, prepared by ACT Geotechnical Engineers Pty Ltd, June 2016
This technical report was prepared for the Doma Group to identify subsurface conditions, provide site classification to AS2870 "Residential Slabs & Footings", recommend suitable footing systems, advise on preparation of subgrades for building slabs and pavements, advise on excavation conditions and suitability of excavated materials for use in fill, Advise on stable batter slopes, Provide indicative design CBR values, Provide the Earthquake Site Factor, and advise on site drainage and other relevant geotechnical issues.
- *Cultural Heritage Assessment*, Navin Officer Heritage Consultants, 5 November 2020
In response to media statements a new cultural heritage study involving consultation with Registered Aboriginal Organisations in Canberra was commissioned. The report investigates and assesses potential Indigenous heritage at the development site, including input from Aboriginal representatives. The report was finalised in November 2020.

The report found one Aboriginal site, an artefact scatter, was recorded in the study area. Two items of reported Aboriginal cultural significance were identified in the study area by Aboriginal representatives: a 'pointer rock' and a boulder containing a reported Aboriginal petroglyph of a 'kangaroo' motif.

Some of the Aboriginal participants stated that the area was a men's place used for the instruction of young men and that the 'pointer rock' was used by Aboriginal people to point to Tidbinbilla Mountain during instruction. Some Aboriginal representatives maintain that Mount Ainslie was a women's site and that the study area itself does not have any particular cultural significance.

The report also notes the study area has been heavily impacted by the construction and subsequent demolition of the CSIRO building complex and car park, and the subsequent demolition of those buildings. Very little pre-European landscape or ground surface remains across the study area.

Following analysis, the report concludes that the 'pointer rock' is a natural formation and not a human-made feature and that the marks on the boulder were made mechanically with metal tools.

The report also found the study area contains Indigenous heritage values based on its remnant natural features (boulderscape, natural grasslands) and the presence of the artefact scatter site, which is assessed as having low archaeological significance due to the sparseness of artefacts and its disturbed context.

The Report concluded that the matters claimed as being of cultural significance did not meet DAWE's significance guidelines or the thresholds for Commonwealth or National Heritage listings.

The Report was provided to DAWE for consideration and to determine whether any variation to the EPBC Act decision was warranted. On 4 December 2020, DAWE advised the NCA that following consideration of the Cultural Heritage Report, no variation of the conditions attached to EBPC approval 2014/7372 is required.

Public Consultation requirements

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 *Letter of Consistency and Attachment C Protocol for Letter of Consistency 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 for this proposal.

Summary of Public Consultation

2.1 The public consultation process

Public consultation was undertaken on the WA application by the NCA between 30 March and 22 April 2020. Consultation took the form of:

- On Saturday 28 March 2020, 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 27 March and 22 April 2020, the NCA published the proposal and plans on the NCA's website
- On 30 March, two A1 size signs were placed on site
- On 27 March 2020 the NCA wrote to key stakeholders and community groups via email advising of the consultation process and inviting comments
- On 30 March the NCA provided hard copy letters to all adjoining and near-by neighbours advising of the consultation process and inviting comments

2.2 Key issues raised during consultation and NCA response

The NCA received a total of 13 submissions on the proposal. All submissions objected the proposal. Key themes raised in the submissions included:

- Implications of traffic flow
- Tree removals
- Increasing the density of the suburb
- Impact on existing Aboriginal Heritage and the Ainslie Volcanics

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 all issues raised 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 believes that key concerns raised during the public consultation period have been addressed. The proposal is not inconsistent with the National Capital Plan, the Development Control Plan 19/02 - Blocks 4 and 5 Section 38 Campbell or the Concept Plan – Blocks 4 and 5 Section 38 Campbell.

Attachment A – The Canberra Times Public Notice and Site Notice



Australian Government
National Capital Authority

LETTER OF CONSISTENCY

Open for Public Consultation
Blocks 4 and 5 Section 38 Campbell
(30 Limestone Avenue Campbell)
Site Development Stage 1

The National Capital Authority (NCA) has received a Letter of Consistency application from DOMA Group for Stage 1 residential development and associated civil and landscape works located on Blocks 4 and 5 Section 38 Campbell.



The plans and supporting information can be viewed on the NCA's website.

The NCA welcomes community feedback on this application **by close of business Tuesday 21 April 2020**. Submissions can be made via email to worksapproval@nca.gov.au or GPO Box 373, Canberra ACT 2601.

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

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Building the National Capital in the hearts of all Australians

HAVE YOUR SAY



LETTER OF CONSISTENCY

BLOCKS 4 AND 5 SECTION 38 CAMPBELL

(30 LIMESTONE AVENUE CAMPBELL)

Site Development Stage 1

The National Capital Authority (NCA) has received a Letter of Consistency application from DOMA Group for Stage 1 residential development and associated civil and landscape works located on Blocks 4 and 5 Section 38 Campbell.

The plans and supporting information can be viewed on the NCA's website. The NCA welcomes community feedback on this application **by close of business Tuesday 21 April 2020**.

Submissions can be made via email to worksapproval@nca.gov.au or GPO Box 373, Canberra ACT 2601.



Please contact the NCA for further information on (02) 6271 2888
www.nca.gov.au

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 each submission, along with the name of each person making the submission.

Submission	Comment/Issue	NCA Response
1.	Department of Finance	
1.1	The proposed works would appear to not be inconsistent with Development Control Plan 19/01 (DCP) and the associated Concept Plan.	Noted. The NCA assessment of the final documentation is that it is not inconsistent with the relevant provisions of the approved DCP 19/02, Concept Plan and the National Capital Plan.
1.2	The proposed works is currently inconsistent with the provisions of the Crown Lease particularly in regard to the purpose and gross floor area clauses of the existing Crown Lease.	The proposed works will not commence until the Crown Lease has been amended.
2.	Stephen Ryan	
2.1	The site still only has one point of access and exit for vehicles associated with 240+ dwellings and the point of will create major problems in peak hours, both for those trying to depart and turn right into Limestone Ave and for those coming along Limestone Ave from the direction of the War Memorial and wishing to enter the development. Particularly during peak times.	On 6 February 2020, Transport Canberra and City Services provided support for the traffic report. The traffic report states ““There is adequate capacity in the surrounding existing local rad network to accommodate the traffic generated by the proposed development. The additional traffic proposed on Limestone Avenue has a minimal effect on queuing and delays at the key intersections.”
3.	Tony Adams	
3.1	As an Ainslie resident, I welcome this proposal and consider it to be an excellent use of a magnificent site. Doma and the professional team that they have assembled are very experienced and competent and I am confident that the outcome will be exemplary.	Noted.
3.2	My only concern relates to the provision for public pedestrian and bicycle access around the eastern end of the site.	Blocks 4 & 5 Section 38 have been private property for over a decade and predate Doma’s ownership. No right of way for the public to traverse the land exists.
4.	Jemena	
4.1	No Comment.	Noted.

Submission	Comment/Issue	NCA Response
5.	ACT Fire Risk and Planning	
5.1	No Comment.	Noted.
6.	Environment, Planning and Sustainable Development Directorate	
6.1	Concerns have been raised about the Fire and Rescue. The site has one point of access and egress to the site is problematic for emergency situations.	Please refer to submission 5.1. ACT Fire Risk and Planning made no comment or raised objections.
6.2	EPSDD does not support the amount of trees being removed as part of this application. The ACT Government commitment to increase tree canopy target to 30% and loss of mature native trees as part of this application is a key threatening process. Please provide sufficient space for replanting.	As noted in the tree assessment most trees within the site are mature and in poor condition, making retention non-advisable and relocation difficult. The regeneration of the landscape with the new landscape master plan has been highly considered and provides the framework for plantings in appropriate locations to create a landscape setting to the buildings that will flourish as it matures.
6.3	The relevant codes of the Territory Plan, particularly to multi unit housing development within RZ5 Residential High Density Zone, has been varied since the preparation of DCP 16/01 and 19/02. The changes include Water Sensitive Urban Design General Code, please consider these changes for this development.	The proposed works have been assessed against the relevant provisions of the National Capital Plan, Concept Plan and Development Control Plan. These documents were prepared in line with the special requirements of the National Capital Plan. Water Sensitive Urban Design elements, such as use of water tanks, have been included where possible.
6.4	The proposed works should be assessed by the ACT Climate Change Strategy 2019-2025; Canberra's Living Infrastructure Plan: Cooling the City and – Environmentally Sustainable Development Considerations.	<p>The proposed development will apply best practice building and environmentally sustainable design by including elements such as the following:</p> <ul style="list-style-type: none"> • Inclusion of extensive deep-rooted planting • Rain water collection and reuse on site • Dwellings designed for natural ventilation • Water and energy efficient fittings, fixtures and appliances

Submission	Comment/Issue	NCA Response
		<ul style="list-style-type: none"> • Landscaped communal areas and private courtyards • Good solar orientation for majority of dwellings to maximise winter sunlight • Well design and located community facilities for residents and visitors • High quality landscaped gardens • Use of materials with good durability and low maintenance • WSUD provisions included in design.
6.5	An Environmental Sustainability Design report should be prepared by a qualified professional, to supplement the materials already submitted.	Please refer to submission 6.3 and 6.4.
6.6	Please ensure all relevant ACT Government agencies are consulted.	The application has been referred to all relevant ACT Government agencies.
7. Annie Kin - Policy Officer – Regulations and Productivity		
7.1	The submitter raises concerns about the removal of the trees around the boarder. The submitter would like to see the trees relocated.	Please refer to submission 6.2.
7.2	The submitter would like to see more details about the proposed sustainability measures that are mentioned in the planning report to ensure that they are contributing positively to the ACT Climate Change strategy.	Please refer to submission 6.3 and 6.4.
7.3	The submitter notes that the proposal received approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) in 2018. The EPBC Act is currently under review; the impact of this review on the approval should be closely monitored.	Noted. The proposal received approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) in 2018. The EPBC Act decision was reassessed based on new information provided by the applicant. The Department of Agriculture, Water and the Environment (DAWE) found that the

Submission	Comment/Issue	NCA Response
		decision did not require amendment. Monitoring of EPBC Act decisions is the responsibility of DAWE.
7.4	Concerns have been raised about the removal of an existing drop off and pick up point for Campbell High. The ACT Government supports the consideration of reasonable pick up/drop off points and implementing measures to relieve traffic pressures in the area.	A school drop off location is located on Treloar Crescent, located on the other side of Campbell High School to the site.
7.5	The submitter raises concerns about the AM peak hour and believes that the surrounding streets might be impacted by the removal of the drop off point for Campbell High and the new development.	Please refer to submission 2.1.
7.6	The submitter notes that the proposed development has one central waste disposal site for both apartment buildings. Greater detail should be given to the planned recycling facilities and other sustainable waste management practices that will be implemented in the proposal.	Noted. The proposed waste management plan has been designed ensure easy access for waste pick up. Sustainable waste management is a consideration post planning approval.
8. Shane Mortimer		
8.1	The submitter states that the land is of Cultural and National Significance and is not to be disturbed or developed.	A cultural heritage study involving consultation with Registered Aboriginal Organisations in Canberra was commissioned by the applicant. The Department of Agriculture, Water and the Environment (DAWE) found that the EPBC Act decision did not require amendment as a result of the findings of the study. Please refer to submission 7.3.
8.2	The submitter is concerned about the preservation of the Mount Ainslie Volcanics.	Please refer to submission 7.3.
9. Christine Vincent		

9.1	The submitter has raised concerns about the timing of the Public Notification period. The notification period occurred during a period where no public meetings were allowed to be held due to the currently world wide pandemic.	During these unprecedented times, NCA is committed to ensure that future works are not impacted and this includes future development. For the public consultation, the availability of online group chat platforms contributed to this process.
9.2	The submitter states that the EPBC referral was a grossly flawed process and should be revisited. No stakeholders were notified. The NCA should have notified previous submitters of the DCP 16/01 of the referral by advertised.	The public consultation process for an EPBC Act referral is a matter for the Department of Agriculture, Water and the Environment. NCA does not have a role in providing notification to the public as part of this process.
9.3	The concerns about the loss of the existing Ainslie Volcanic Rocks on site.	Please refer to submission 7.3.
9.4	The submitter also raises concerns about the removal of the boundary trees.	Please refer to submission 6.2.
9.5	The submitter is concerns about the relevance of the traffic report and fears it is not current.	Please refer to submission 2.1
10.	Shane West	
10.1	The submitter is concerned about the loss of the existing Ainslie Volcanic Rocks, aboriginal heritage and other heritage significance of the onsite.	Please refer to submission 7.3.
10.2	The submitter is also concerned about the change of land use to residential and believes it is not a suitable land use of the site.	The land use was amended as part of DCP 19/02 and the Concept Plan was approved by the NCA on 15 October 2019. Once the lease variation is complete the Crown Lease will be consistent with the approved DCP. The land use is not proposed to be changed as part of this application.
10.3	The submissions addresses concerns about the currently planning assessment completed by the ACT Government and the NCA.	Noted.
10.4	The submitter believes the new development should have incorporated parts of the former CSIRO building.	The former CSIRO building was demolished as part of a previous application. This application was approved on 28 September 2018.
11.	Marianne Albury-Colless	

11.1	The submitter states that the new development will provide a loss in landscape character and isn't empathic to the surrounding blocks. In particular, concerns have been raised about the loss of significant trees.	Please refer to submission 6.2.
11.2	Concerns have been raised about the lack of consultation with the appropriate Aboriginal communities and Elders as to the actual heritage significance of the site. Thus, it appears that the Letter of Consistency lacks consistency with the <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	Please refer to submission 7.3 and 8.1.
11.3	The submitter raises concerns about the preservation of the Ainslie Volcanic rocks on site.	Please refer to submission 7.3.
11.4	The submitter raises concerns about the development not being consistent with the Crown Lease.	Please refer to submission 1.2.
11.5	The submitter is concerned about the EPBC Act referral and believes certain findings were overlooked. This includes <i>Caladenia</i> sp. nov. (aff <i>toxochila</i> sens. lat.)	Please see submission 7.3.
11.6	Concerns have been raised about the Bush Fire Risk Assessment.	Please refer to submission 5.1.
12.	Icon Water	
12.1	Doma Group must submit to Icon Water the building development application and In Principle Approval for site servicing application and seek approval prior to obtaining approval from NCA.	The applicant has been notified and approval from Icon will be obtained prior to approval.
13.	Evoenergy	
13.1	Evoenergy do support the development at B4 & 5 S38 Campbell	Noted.
13.2	Evoenergy would like to highlight that an existing 11kV underground HV network through block 4. This HV network to be relocated prior to any construction activities on site.	The application has been since received approval from Evoenergy.