



Australian Government
National Capital Authority

Consultation Report

Works Approval No. 102452

Blocks 10 and 11 Section 100 Canberra City

Construction of a Mixed Use Office Development

November 2021

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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 July 2021 the NCA received a works approval application the construction of a mixed-use office development and associated works on Blocks 10 and 11 Section 100 City.

In 2019 the NCA granted works approval for the construction of a mixed use residential development on the site. However the primary use of the building is now proposed to be changed to office. The proposed change in primary use of the building results in required changes to the building's function and design.

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 not 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 on the application due to:

- the prominent location of the site (located adjacent an apex of the National Triangle and proximity to City Hill);
- potential impacts to public space and community amenity; and
- significant community interest demonstrated in previous development within the City Hill Precinct.

Summary of Public Consultation

2.1 The Public Consultation Process

Public consultation was undertaken on the application by the NCA between 14 August and 3 September 2021. Consultation took the form of:

- On Saturday 14 August 2021, 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 14 August and 3 September 2021, the NCA published the proposal and plans on the NCA's website.
- Between 19 August and 3 September 2021, two A1 size signs were installed to the perimeter hoarding of the site ([Attachment A](#)).
- On 16 August 2021 the NCA emailed relevant stakeholders advising of the consultation process and inviting comments.
- On 21 August 2021 a post was published on the NCA's Facebook page, inviting community feedback on the proposal.

2.2 Submissions Received, Comments and Response

The NCA received a total of seven submissions on the proposal. A range of issues were raised in the submissions to elements of the proposal.

Key issues raised in the submissions included:

1. Land use mix;
2. Parking and traffic (including Knowles Place extension);
3. Commercial/retail tenancy and ground level activation;
4. Impact of development on environment and heritage values of adjacent heritage listed places;
5. Stage 1 to be considered in it's whole context of the precinct;
6. Building height (including overshadowing, loss of views), massing, setbacks and density;
7. Excavation impact to the water table;
8. Architectural quality, including reflective façade;
9. Permeability and safety through the site;
10. Security and overlooking to adjacent buildings; and
11. Lack of open space/ soft landscape areas and sustainability.

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. Key themes raised and NCA's response is outlined in Part 2.3 below.

A list of submitters can be found at [Attachment B](#) of this report.

2.3 Key Issues Raised

A number of submitters raised similar issues that have been summarised below, with NCA consideration and comment.

1. Land Use Mix (provision for supermarket and clarification if residential use proposed)

The proposed works are located within an Urban Area as shown in *Figure 2: General Policy Plan – Metropolitan Canberra*, of the NCP and City Hill Precinct of the Central National Area.

The land use policy for the site is Land Use A. Permitted land uses for Land Use A include: *Administrative Use; Car Park; Café, Bar Restaurant; Casino; Community Protection Facility; Cultural Facility; Diplomatic Mission; Education Establishment; Hotel; Health Centre; Motel; Indoor Recreation Facility; Office; Park; Personal Service Establishment; Place of Assembly; Public Utility; Residential; Retail; Scientific Research Establishment; Social/Community facility; Tourist facility.*

Due to the Covid-19 pandemic, the proponent has advised that the previous residential proposal is no longer viable due to current market demands. Consistent with the prescribed land uses for the site, Stage 1 development comprises mixed use office. There will be no residential use as part of Stage 1.

The applicant advises that future development and land use on Blocks 8 and 9 will be subject to market demand and is undetermined at this time.

2. Parking and traffic (including Knowles Place extension), particularly at peak times

Car parking requirements have been set out in the Deed of Agreement, administered by the ACT Government (750 space requirement). The extension of Knowles Place is also a requirement of the Deed, and is indicatively prescribed under the National Capital Plan.

The development exceeds the number of parking spaces required (871 spaces) over 3 levels of basement parking. The proposal ensures that the basement car park can operate at a reasonable level of service for both vehicular access and egress.

The Knowles Place extension was approved as part of the previous works approval application. The location of ingress/egress vehicular movements to the northern end of Knowles Place is a requirement of the NCA, to ensure active retail frontages are located within north-south laneways and adjacent Main Avenues (Edinburgh Avenue) as required by Part 4.6.5 *Detailed conditions of planning design and development* of the National Capital Plan. Grouping vehicular ingress/egress and waste management at the one location reduces vehicular crossings for safer pedestrian movement. Core access to the site will be from London Circuit and it is not anticipated that traffic will move through the ACT Courts precinct.

Further traffic modelling within the precinct associated with Light Rail 2A and raising London Circuit is to be undertaken by the ACT Government and their consultants, which will encompass the proposed development of Section 100 City. These works are subject to a separate works approval application.

3. Commercial/retail tenancy and ground level activation

A submission suggested preference for a supermarket chain to occupy ground floor commercial space.

The retail tenant mix is currently unknown and will be subject to market demand from various retailers. A number of commercial tenancies are located at ground level to Knowles Place and part of Edinburgh Avenue, consistent with the requirements of the National Capital Plan.

The range of land uses permitted under the National Capital Plan provides for diversity in the streetscape and will create visual interest. Knowles Place is intended to have a variety of commercial and retail tenancies to draw pedestrians into and through the development. Other stages of the development will provide additional active frontages, particularly fronting London Circuit that will provide for a high quality active ground level environment that will bring pedestrian activity to this part of the City Hill Precinct.

4. Impact of development on heritage values of adjacent environment and heritage listed places

Two submissions raised concerns regarding proposed impacts of the development on surrounding heritage listed places (such as City Hill, The Law Courts Precinct, the Supreme Court Building and the heritage precinct of the Reserve Bank/Supreme Court/Police Station).

The subject site is located within the City Hill Precinct of the National Capital Plan (NCP) that includes the vision of the Precinct as the municipal heart of central Canberra, forming Griffin's symbolic and geographical centre the City. The size of the site and location within the City Centre (Civic) are critical to Canberra's urban structure hierarchy that envisages use of the subject and surrounding sites for specialised retail, commercial, cultural, entertainment and tourist centre land uses. The site's proximity to City Hill, and location on an apex of the National Triangle are key components in framing the entrance to the Parliamentary Zone and giving expression to the principles of the Griffins' plan for

central Canberra. Accordingly, it is imperative that the site is developed consistent with the City Hill Precinct.

The proposal has been assessed against relevant legislation and planning provisions of the National Capital Plan. The road reserve of Vernon Circle is located within a registered place on the ACT Heritage Register, City Hill.

It is considered the proposed planting and palette and hardscape materials will contribute positively to the overall composition, symbolism and dignity of the National Capital. Similarly, the design and composition of the proposal is consistent with the objectives outlined in Part 2.4 *Liveability* of the NCP.

The NCA considers that the proposal will not have an adverse impact on the environment or heritage values and significance of City Hill or surrounding heritage places.

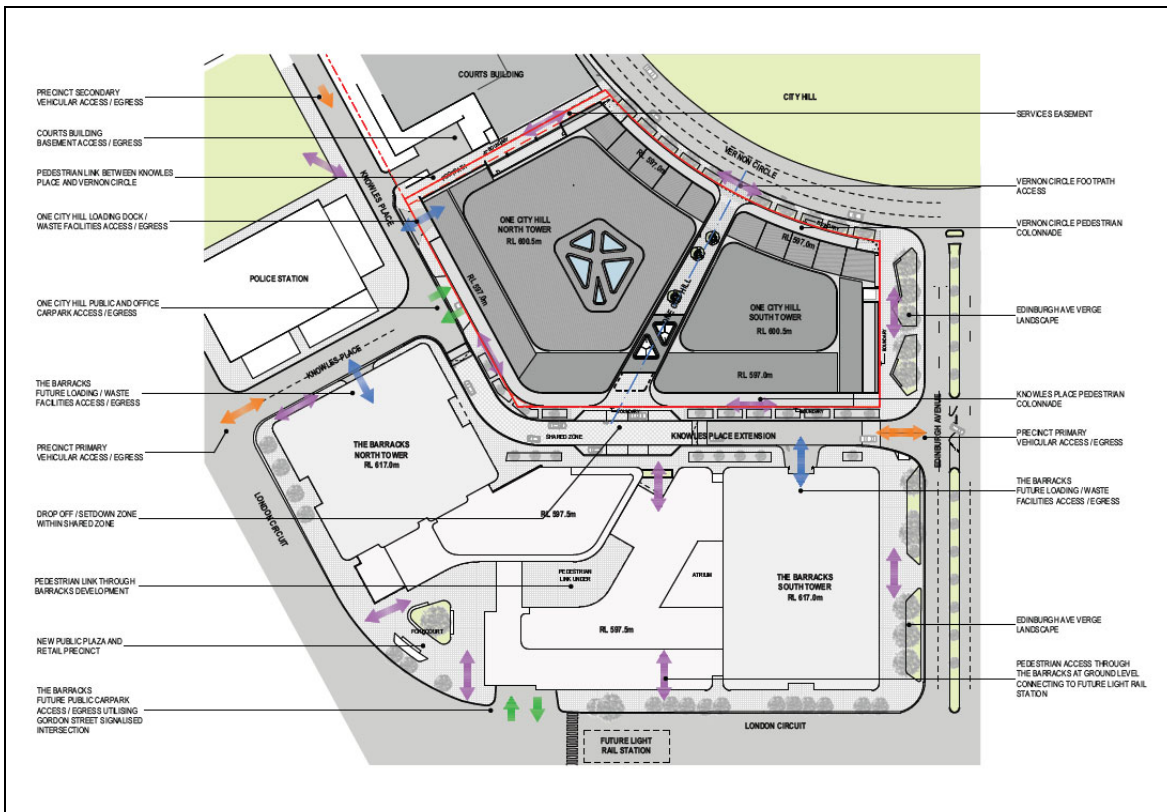
5. Stage 1 to be considered in it's whole context of the precinct

A concern was raised in regard to the NCA's consideration of the Stage 1 development and that it should be considered as part of the larger development across the site and within the precinct, as articulated in the EPBC Act process.

Stage 1 has been considered as part of the whole Section 100 precinct and in the context of the City Hill Precinct Code of the National Capital Plan (NCP) (shown in the images below). The NCP sets the planning framework for the whole precinct, in which Section 100 is located. The consideration of this application does not prejudice future works within the precinct. The EPBC Act assessment process is conducted under different legislative requirements.



Indicative Development



6. Building height, massing, setbacks and density

A number of submissions raised concerns in regard to the building height (potential overshadowing and loss of views from neighbouring buildings), building set back (particularly to the Vernon Circle frontage) and density of the development.

Density, Vernon Circle/ City Hill setback

The National Capital Plan states that urban expansion should be contained to minimise impacts on valuable natural and rural areas. A portion of new development must be located within existing urban areas such as town centres and along public transport routes. High density development is considered appropriate within Canberra's City Centre, adjacent to key public transport routes.

City Hill, within the precinct, serves as an enclosed central park within the urban built form. The subject site addresses Vernon Circle with a building entrance and two storey high colonnades. No services or 'back of house' treatments are located to Vernon Circle to maintain a prominent high quality street frontage. The proposed development also provides active frontages to Knowles Place, and Edinburgh Avenue. The proposed development reinforces the role of Vernon Circle as the ceremonial road leading to Parliament House. The building frontage to Vernon Circle will create a sense of enclosure to City Hill due to the scale and the various façade elements to complement the curvilinear nature of the roadway, consistent with the NCP and adjacent Law Courts precinct.

The proposed development adequately addresses the site's proximity to Vernon Circle and relationship with London Circuit and the buildings, land uses and surrounding open spaces will enhance and improve the City Hill Precinct. The proposed building will enhance the site and setting within the City Hill Precinct by improving the calibre of buildings in the area and diversifying the range of land uses available.

The proposed development maintains and reinforces City Hill Park as the primary public space for the Precinct. The building has been designed, sited and scaled to reinforce this aim with the development considerably increasing people within the precinct.

Building Height and Massing

The NCP allows for building heights of up to 25 metres (generally six to eight storeys) above adjacent kerb levels of London Circuit, Vernon Circle and Northbourne, Edinburgh, Constitution and Commonwealth Avenues in all areas of City Hill Precinct.

The building is located adjacent Vernon Circle and Edinburgh Avenue. The Vernon Circle elevation of the building separates the massing of the building into two 'towers' with the uppermost storey of each tower setback in profile to minimise overall mass, consistent with the *Indicative Development* shown in Figure 38 of the NCP.

The building frontage to Vernon Circle is proposed to be six storeys in height. Following consultation, the overall height was slightly lowered. The building height is proposed to range from 24.91m to 25.93m from kerb level to the top of the parapet (due to topography across the site). The rooftop plant is proposed to be setback from the building edge, extending 4m above the parapet and not visible from ground level.

The NCA considers the encroachment to height of the rooftop plant and skylights (set back from edges of roof) fosters greater energy efficiency and amenity across the floor plates and provides a greater level of indoor amenity, consistent with Part 4.6.5 *Detailed conditions of planning, design and development* of the National Capital Plan. The proposed development will not unreasonably impact on sunlight access to open spaces and major pedestrian areas within the City Hill Precinct. It is anticipated that shadows will be cast largely over roadways including Edinburgh Avenue and Knowles Place extension (particularly when future stages develop).

The proposal is not inconsistent with the relevant planning provisions of the National Capital Plan (NCP).

7. Excavation impact to the water table

One submission raised concerns regarding excavation impact on the water table as it relates to City Hill Park.

Excavation undertaken for basement levels was approved as part of the previous works approval application, and currently under construction (no changes proposed to excavation extent with the revised proposal). There is no impact to the water table and will not affect City Hill.

8. Architectural quality, including reflective façade

On 19 June 2020 the proposal was presented to the National Capital Design Review Panel (NCDRP). Design review is recognised across Australia and internationally as an effective way to raise the design quality of the building environment.

The NCDRP made comments on the site context and character, landscape, sustainability, density and connectivity, built form and scale, diversity and amenity and the public domain.

Assessment of the works approval application considered comments raised by the NCDRP. The applicant responded to comments raised, and revised plans were provided to the NCA for consideration and subsequent approval.

9. Permeability and safety through the site

One submission raised concerns regarding use of the northern footpath and increased pedestrian movement to the northern edge of the site, while a number of submissions raised concerns regarding pedestrian permeability through the Stage 1 development of the site.

The applicant reviewed the opportunity to provide greater pedestrian permeability through the site, however, believed that this would create an unacceptable breach to the building security and future tenancy and pedestrian safety. A public safety risk could also be created should a pedestrian path flow through the site to an area on Vernon Circle away from the signalised intersection at the Edinburgh Avenue extension to Vernon Circle. The approach of encouraging pedestrians to access City Hill Park via the Edinburgh Avenue extension is a better outcome from a safety perspective.

The proposal is unlikely to create a great amount of pedestrian movement towards the northern boundary. The northern boundary access is to provide quick and direct access through the site, given there is limited retail tenancies proposed to the northern end of Knowles Place where parking and waste access will be located.

10. Security and overlooking to adjacent buildings

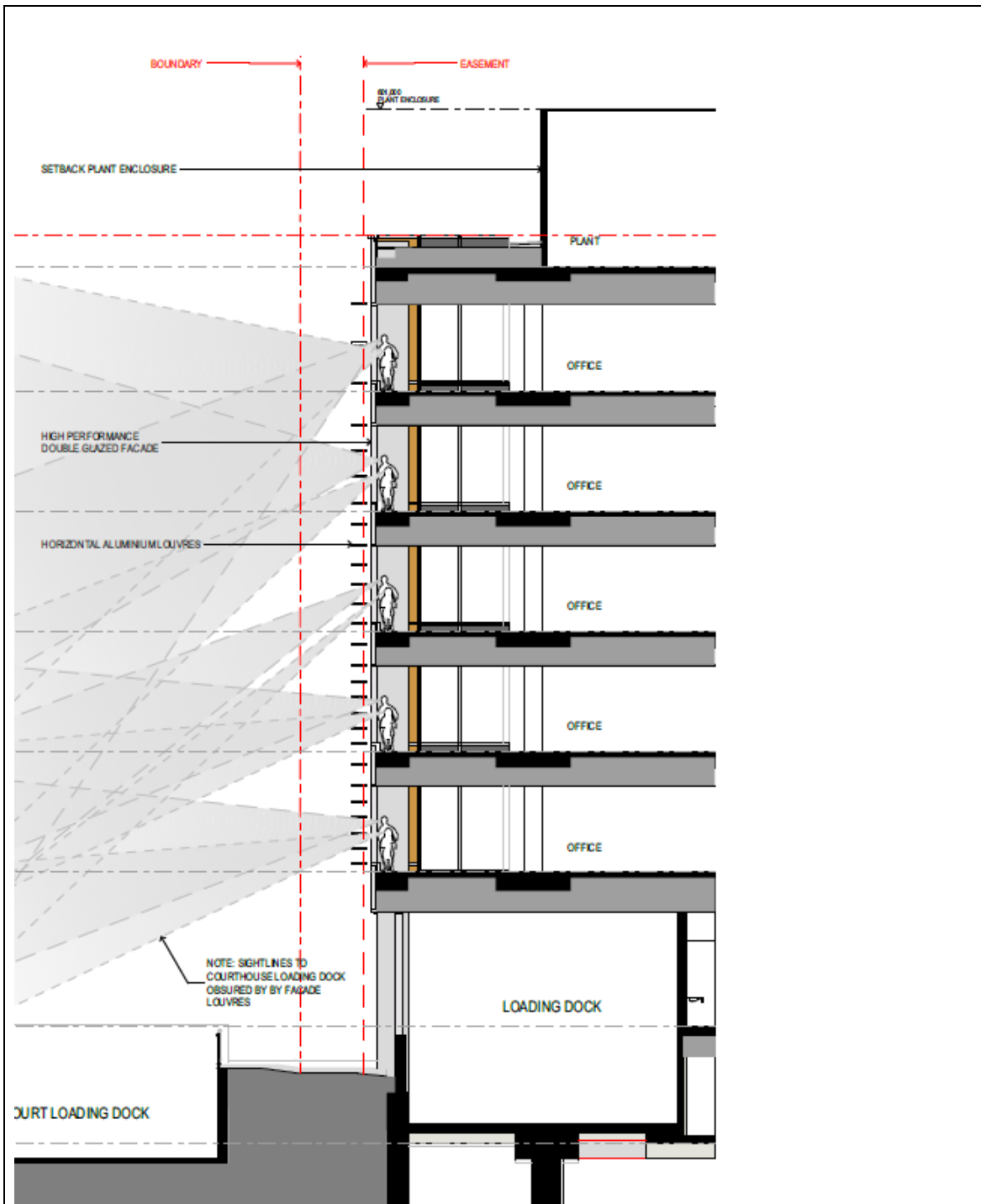
One submission raised privacy and security concerns regarding overlooking to the ACT Law Courts precinct.

The northern elevation of the building adjacent to the ACT Law Courts does not comprise any active frontages or retail space.

Given the change in use of the proposed development from residential to office, the NCA considers there is a lower security risk than previously proposed. Future building tenants and occupants are likely to require a high level of security and any employees and visitors will be required to hold a pass to scan/sign in when entering the building.

Following consultation, the northern façade has been altered to incorporate opaque shadow boxes and horizontal sunshade screening to the glazed curtain walls, providing privacy and security to the Law Courts precinct.

The section shown in the image below demonstrates potential lines of sight between the proposed office building, and the adjacent courts precinct. The horizontal louvres/sunshades and opaque shadow boxes limits potential overlooking, providing amenity to both office occupants, and the ACT Law Courts precinct.



11. Lack of open space/ soft landscape areas and sustainability.

The proposal has been considered against the National Capital Plan (NCP) and has been considered by the National Capital Design Review Panel.

The proposal meets Part 2.3. Sustainability of the NCP, as it:

- minimises urban expansion and reduces potential impacts on natural and rural areas (current site is a surface car park).

- The site is located within an existing urban area (town centre along public transport routes)
- Will not impact the natural environment of Canberra, ecological communities or any threatened flora and fauna species.

The building has been designed to target a 5 Green Star rating and 5 Star energy rating through the use and sourcing of sustainable materials (proponent procurement), water efficient tapware and sanitary ware, significant solar generation system and facilities to encourage alternate forms of transport for building occupants.

The proposed development is consistent with the objectives of the National Capital Plan, the Griffin legacy and the City Hill Precinct, which seeks to ensure the precinct is the municipal heart of central Canberra.

Landscape plans have been provided by a Registered Landscape Architect to support the proposal. Knowles Place and the broader scheme for Section 100 indicate high quality public realm areas through Knowles Place to London Circuit.

Landscaping is proposed to Knowles Place, Vernon Circle and Edinburgh Avenue which includes soft and hardscape elements which provides for high pedestrian use and outdoor dining, typical for the city. Streets are proposed to be lined with medium to large size deciduous street trees with hardscape areas to include permeable paving to capture storm water run-off for irrigation. Following consultation, additional soft landscaping has been provided to the Edinburgh Avenue frontage.

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 design of the public realm and landscape and significant changes to the northern elevation to reduce potential overlooking to the ACT Courts precinct.

On 22 November 2021 the applicant provided revised plans to the NCA. The NCA assessed the revised plans and considered the proposal was not inconsistent with the provisions of the NCP and concerns of the community were addressed.

On 26 November 2021 the NCA approved the proposal.

Attachment A – The Canberra Times Public Notice and Site Notice

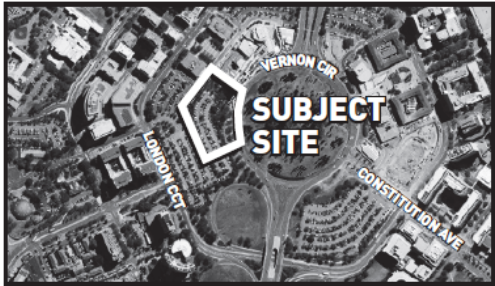


Australian Government
National Capital Authority

WORKS APPROVAL

Open for Public Consultation
**Blocks 10 and 11 Section 100 City
Mixed Use Office Redevelopment**

On 8 July 2021 the National Capital Authority (NCA) received a Works Approval (WA) application for a revised proposal to Blocks 10 and 11 Section 100 City, comprising a mixed use office development.






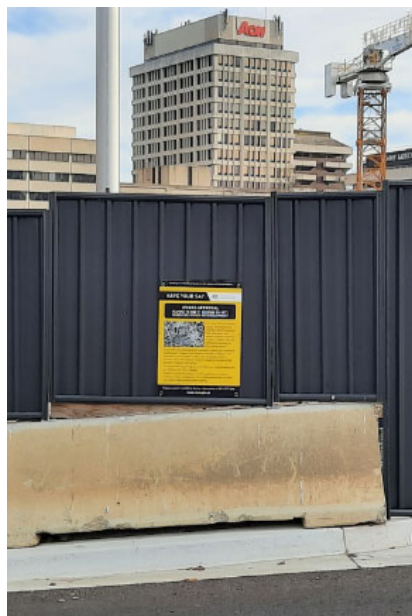
In 2019 the NCA granted works approval a mixed use residential development, however the primary use of the building is now proposed to be changed to office. The proposed change in primary use of the building results in required changes to the building's function and façade.

The plans and supporting documentation for the application can be viewed at the NCA's website.

The NCA welcomes feedback on this application **by close of business Friday 3 September 2021**. Submissions can be made via email to WAconsultation@nca.gov.au

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

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www.nca.gov.au



Attachment B – List of Submitters

01. Andy
02. National Trust of Australia
03. Lake Burley Griffin Guardians
04. Name Withheld
05. City Renewal Authority
06. ACT Courts and Tribunal with Chief Police Officer for the ACT
07. ACT Transport Canberra and City Services