



Australian Government
National Capital Authority

Consultation Report

Works Approval No. 102455

District of Weston Creek Block 864 and 1151

Construction of Aged Care/Seniors Living Facility

June 2022

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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

The proposed works are located in an 'Open Space' area of the Lake Burley Griffin and Foreshores Precinct Code of the National Capital Plan. "Community Facility" is a permitted use within the Lake Burley Griffin and Foreshores Precinct Code. Institutional Use is a use permitted under the definition of 'Community Facility'.

Institutional Use is defined as "the use of land as a benevolent home, convalescent home, hospital, nursing home, aged persons home, home for persons who are physically or mentally handicapped, or a remand, penal or reformatory establishment".

On 28 January 2015, following NCA Board approval, the NCA agreed to allow retirement village on Blocks 864 and 1151 Weston Creek, and to allow a 99 year lease for this land use.

On 11 July 2021 the NCA received a works approval application for the construction of an aged care facility development on Block 1151 and 864 in the District of Weston Creek. The facility comprises the following dwelling types and community facilities:

- 55 independent living town houses (2 and 3 bedrooms) with parking;
- 261 independent living unit apartments across four buildings with basement level car parking
- 11 high care rooms;
- Care Hub and associated clubhouse with facilities for the community; and
- Associated landscaping and engineering works including driveways and parking.

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 location of the proposed works (adjacent open space, community facilities); and
- potential impacts of the proposal on amenity of the locality (scale, massing, design and quality).

Summary of Public Consultation

2.1 The Public Consultation Process

Public consultation was undertaken on the application by the NCA between 28 August and 17 September 2021. Consultation took the form of:

- On Saturday 28 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 28 August and 17 September 2021, the NCA published the proposal and plans on the NCA's website.
- Between 28 August and 17 September 2021, one A1 size sign was installed to the Cotter Road frontage ([Attachment A](#)).

On 29 September and 11 October 2021 an article was published on the Riotact in relation to the proposal and community concerns.

2.2 Submissions Received, Comments and Response

The NCA received a total of 12 submissions on the proposal. One submission supported the proposal, and 11 submissions raised a range of issues to elements of the proposal.

Key issues raised in the submissions included:

1. Lack of consultation with neighbouring land holders/lessees including the equestrian community. Ongoing consultation should be required by the proponent.
2. High density development, large scale and massing in existing rural open space landscape.
3. Traffic (Including query on signalised intersection at Cotter Road) and proximity of the development to services/reliance on car use.
4. Construction management (including noise, sediment and erosion control, asbestos removal and remediation, waste management and contractor parking).
5. Shared access driveway and potential conflict of users (during and post construction).
6. Compatibility of aged care use with adjacent land uses (equestrian and Yarralumla Woolshed as an entertainment venue), use and management of shared paths (pedestrians, cyclists, horses).
7. Impact on heritage values of the Yarralumla Woolshed.
8. Perimeter fencing.
9. Protection of the Bicentennial Campsite.
10. Impact to fauna and future conflicts with domestic pets on site, including the location of the dog park adjacent equestrian facilities.
11. Bushfire risk.
12. Impacts of external lighting and light pollution (lighting to focus inwards to the site).

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.

- | |
|--|
| <p>1. Lack of consultation with neighbouring land holders/lessees including the equestrian community. Ongoing consultation should be required by the proponent.</p> |
| <p>Public consultation was undertaken on the application by the NCA in accordance with the NCA's Commitment to Community Engagement (2015). In addition to the NCA's process outlined in Part 2.1 above, the proponent (LDK Seniors Living) representatives have been undertaking ongoing engagements with the ACT Equestrian Association (dating back to 18 October 2021).</p> <p>The proponent has been working to address the key matters raised in all submissions, particularly those of the ACT Equestrian community.</p> <p>The proponent has committed to ongoing engagements with surrounding land users throughout the duration of construction and post development occupation.</p> |

2. High density development, large scale and massing in existing rural open space landscape.

The proposal will not impact the inner hills, ridges and buffer spaces of the National Capital Open Space System (NCOSS). The proposed site is located centrally to Canberra. Part 3.1.1 of the NCP states:

A wide range of land uses are permitted for each land use category. The use of land for a purpose not included in the specified range may be permitted where the Authority has been consulted and, after satisfying itself that a particular proposal is not inconsistent with the relevant principles and policies of the Plan, has given its agreement in writing.

On 28 January 2015 the NCA provided advice in writing permitting the use of retirement village as defined under 'Institutional Use' to the subject site and approved a Master Plan for the site (prepared by COX Architects) prescribing buildings of 2-5 storeys in height.

The proposal aims to be sympathetic to the landscape setting by locating taller buildings (care hub/apartments) to the southern end of the site (Cotter Road) screened by landscaping. Lower scale rural forms for the more independent living sit within the more visible grassland at the northern end of the site with landscape breaks throughout. Proposed building heights range from single storey townhouses to 5 storeys for the independent living unit/apartment buildings.

The proposed development is accompanied by a detailed view and vista analysis (refer to the design response report). This analysis demonstrates that the proposed development will not have an adverse impact on views or vistas into or around the site. The development has been sensitively designed to respond to the typography of the site with the majority of buildings being 1 - 2 storeys in height. The proposed development will provide a cohesive response to the landscape setting while providing critical aged care facilities for use by the ACT and broader regional community.

Part 2.4 of the National Capital Plan states

Buildings in Canberra Central should be of a height generally not greater than the height of the mature tree canopy (typically 3-4 storeys), except where otherwise permitted by the Plan. In Canberra Central no building or structure which protrudes substantially above the tree canopy must exceed a height of RL617.

The proposal does not exceed RL617. Building 1 within the development is the tallest building (5 storeys) with a maximum RL (lift overrun) of 588.366. The roof level is proposed to be 586.900 with an overall building height of 18.65m. The large mature trees adjacent the site (Eucalypts and Pine trees) are approximately 17-20m in height. The NCA considers the building height acceptable for the site, with taller buildings located to the southern end of the site. Lower scale rural forms for the more independent living sit within the more visible grassland at the northern end of the site with landscape breaks throughout.

3. Traffic (Including query on signalised intersection at Cotter Road) and proximity of the development to services/reliance on car use.

A traffic and parking assessment has been prepared by Sellick consulting for the proposal (November 2021).

Although the parking requirements of the design and siting general code of the NCP are not applicable to the site, an assessment of the proposal having regard to these controls is detailed in the table below.

Type of building	Minimum Parking space requirement	Design Response
<i>Independent living unit (Residential building)</i>	<i>Two spaces per dwelling unit if such unit is designed for family accommodation and one space per dwelling unit plus adequate space for visitor parking if such unit is designed for single accommodation.</i>	The townhouses are designed based on two occupants per dwelling. All townhouses provide at least one garaged space per dwelling with sufficient space provided for 'off street' parking for an additional vehicle. In addition, visitor parking is provided across the site.
<i>Institutional</i>	<i>To be determined for each building proposal depending on use, building floorspace, employees, visitors and location.</i>	The subject development has been designed with appropriate car parking spaces allocated to each component of the institutional development.

Sellick consulting have also stated that

The Parking and Vehicular Access General Code specifies the required number of parking spaces for various land uses across different land use zones in the ACT. Whilst 'Retirement Village' is listed as a land use below the 'residential' and 'community facility' zones, it is not listed in the table of uses for 'other' zones. Notwithstanding, if the statutory car parking requirement rates for a retirement village within the 'residential' zone were adopted for assessment, the car parking requirement would be as summarised in the table below.

Land Use		Parking Rate	Number of Units/Staff	Parking Spaces Required
Retirement Village	Self-care apartments	1 space per unit	261 apartments	261 spaces
	Self-care townhouses	1 space per unit	55 townhouses	55 spaces
	Nursing home unit/bed	0.5 spaces per unit/bed	11 rooms	6 spaces
	Non-residential peak shift employees	0.5 spaces per non-resident peak shift employee	148 staff*	74 spaces
TOTAL				396 spaces

* Based on the staff car parking provision of 74 spaces, up to 148 staff could work at the site and be within the statutory car parking requirement, though it is recognised that this is likely to be an overestimation of the staffing level.

The following car parking is provided to each part of the proposed development:

- Building 1 - 111 resident car parking spaces and 9 staff car parking spaces
- Buildings 2 to 4 - 154 resident car parking spaces and 58 staff parking spaces
- Townhouses - 55 resident car parking spaces
- 110 on street visitor car parking spaces
- 7 on street staff car parking spaces

A total of 504 parking spaces are provided for across the site, which exceeds the minimum requirement of 396 spaces.

The proposed onsite car parking is considered sufficient to address the demands for the development and requirements under the NCP.

Traffic impacts have also been considered by Sellick Consulting and have concluded that:

- The development is anticipated to generate 687 trips per day (inclusive of 131 trips during the evening peak hour);

- The development will have minimal impact on the intersection of the site access road at Cotter Road during the PM network peak (the Level of Service will be Very Good to Excellent); and
- The development will generate a small increase in daily traffic volumes along the Cotter Road frontage of the site when considered in the context of existing conditions.

4. Construction management (including noise, sediment and erosion control, asbestos removal and remediation, waste management and contractor parking) and environmental controls

The builder appointed for construction of the development will be required to ensure works are undertaken in accordance with a Construction Environmental Management Plan (CEMP) and ACT Building requirements such as ACT Environment Protection guidelines.

A Remediation Action Plan (RAP) was completed by Lanterra Consulting dated 18 December 2020. The RAP provides a detailed review and analysis of the previous reports and site specific investigations. The RAP has identified areas of land contamination and presents a detailed remediation action plan to decontaminate the site. The RAP conclusion generally supports future uses of the site for purposes proposed and the RAP has been drafted in consultation with the ACT Environment Protection Authority. Furthermore, the RAP has been reviewed and approved by an independent approved environmental auditor in accordance with EPA guidelines. The RAP will ensure that land contamination is remediated within the site and no contamination of neighbouring sites occurs.

The site does not contain environmentally sensitive flora or fauna. A Tree Management Plan has been provided complying with the AS4970-2009. The site is located on Designated Land as such the *Tree Protection Act 2005 (ACT)* do not extend to the land.

Construction impacts will be temporary and restricted in relation to the periods that construction activity is permitted to occur.

5. Shared access driveway and potential conflict of users (during and post construction).

The proposed development retains existing vehicular access arrangements to the site. Endorsement will be sought from TCCS addressing any safety concerns such as stopping sight distance, queue lengths and sightlines for the shared driveway.

6. Compatibility of aged care use with adjacent land uses (equestrian), use and management of shared paths (pedestrians, cyclists, horses)

Appropriate separation has been provided between user groups and land holders.

A 1.8-2m high perimeter fence is proposed to the site boundary, minimising the possibility of conflict between the different user groups. A solid Colourbond fence is proposed to be constructed along the eastern boundary, as requested by the President of the Equestrian Centre. The solid fencing is required adjacent to the equestrian centre as horses use a cross country path on the adjacent land and visually screening the development from the equestrian centre activities is considered desirable.

7. Impact on heritage values and use of the Yarralumla Woolshed

The *Yarralumla Woolshed and Outbuildings* is a place included on the ACT Heritage Register. The heritage site is located approximately 250m from the north eastern corner of the proposed development site.

Given the distance between the proposed facility and the Yarralumla Woolshed, it is unlikely the heritage significance or current uses of the Yarralumla Woolshed (as an entertainment venue) will be affected. The proposal is unlikely to impact the rustic rural aesthetic of the site which is evocative of Australia's pastoral heritage.

The proposal is unlikely to impact the 'borrowed' landscape in which the Yarralumla Woolshed is located. The proposed facility is located on a site that currently has a dilapidated motel. The Yarralumla Woolshed's landscape buffer is unlikely to be affected as significant undeveloped bushland, greenery and river corridor (as part of the National Capital Open Space System) to all sides of the heritage place will be maintained.

8. Perimeter fencing

The proposal includes a mixture of Colourbond fencing and open style metal palisade fencing. Colourbond fencing is proposed to be constructed along the site's eastern boundary which has been requested by the President of the Equestrian Centre. The solid fencing is required adjacent to the equestrian centre as horses use a cross country path on the adjacent land and visually screening the development from the equestrian centre activities is considered desirable.

The remaining site boundary fencing is proposed to be constructed from a metal palisade style fencing which facilitates views into and out of the development. The fencing also provides a cohesive response to the surrounding open spaces and integrates within the landscape. In addition, it is noted that within boundary setback (between the fencing and ring road) soft landscape plantings are proposed this includes trees, shrubs and ground covers which will further improve the cohesive setting of the development on the site and within the locality.

9. Protection of the Bicentennial Campsite

The Bicentennial Campsite is unlikely to be impacted by the proposed development. The works occur wholly within the existing block boundaries. Construction is to be undertaken in accordance with a Construction Environmental Management Plan (CEMP) and ACT Building requirements.

10. Impact to fauna and future conflicts with domestic pets on site, including the location of the dog park adjacent equestrian facilities

The proposed dog park is proposed approximately 8m from the solid colourbond fencing on the eastern edge of the site. The proposed location of the dog park and solid boundary fencing will ensure that dogs are not interacting with users of the equestrian park.

11. Bushfire risk

To address the site's location within a Bushfire Prone Area, the application is accompanied by a Bushfire Assessment (prepared by Blackash Bushfire Consulting).

The Bushfire Assessment and Recommendation have considered the proposed development with regards to the relevant codes, strategies and management plans:

- ACT Planning and Land Authority (ACTPLA) Planning for Bushfire Risk Mitigation General Code (2008);

- ACT Strategic Bushfire Management Plan 2014;
- Australian Standard 3959-2009 Construction of buildings in bushfire-prone areas;
- NSW Planning for Bushfire Protection 2006;
- Special Fire Protection Development or referred to in NSW as a Special Fire Protection Purpose; and
- National Construction Code (20016) – Australian Building Codes Board, Canberra.

Extensive consultation has been undertaken by the proponent with the ACT Emergency Services Agency who have provided in principal support for the modelled asset 6 protection zones associated with the application.

Firefighting will be facilitated by the perimeter roads and resource allocation will be reduced due to the setbacks in the form of Asset Protection Zones from unmanaged vegetation. All future development within the site will be built in accordance with AS3959 and the National Construction Code (NCC) which increase the resilience of buildings to a nationally recognised standard through the Building Code of Australia (BCA).

12. Impacts of external lighting and light pollution (lighting to focus inwards to the site).

The outdoor lighting will be designed to the requirements of the NCA's Outdoor Lighting Policy. The external lighting to the proposed development has been designed by WSP. The detailed lighting drawings include lighting types, locations and technical drawings to facilitate installation. The lighting has been designed in accordance with Australian Standards. Pole mounted lights (4-6m in height) are located to the boundary road (full cut off no light spill/pollution) with bollard lighting to laneways and pedestrian connections.

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.


Following the NCA's consultation, the proponent also undertook targeted consultation with the ACT Equestrian community and adjacent land holders.

The NCA requested further information from the applicant (traffic assessment, bushfire assessment), and requested changes to the design, primarily in relation to the boundary treatment.

On 12 May 2022 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 27 May 2022 the NCA approved the proposal.

Attachment A – The Canberra Times Public Notice and Site Notice


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WORKS APPROVAL
 Open for Public Consultation
Blocks 1151 and 864 Weston Creek - Construction of Aged Care Facility

On 11 July 2021 the National Capital Authority (NCA) received a works approval application for the construction of an aged care facility and associated works to Blocks 1151 and 864 Weston Creek.



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 17 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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WORKS APPROVAL
BLOCKS 1151 AND 864 WESTON CREEK
CONSTRUCTION OF AGED CARE FACILITY



On 11 July 2021 the National Capital Authority (NCA) received a works approval application for the construction of an aged care facility and associated works to Blocks 1151 and 864 Weston Creek.

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 17 September 2021**. Submissions can be made via email to WAconsultation@nca.gov.au

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





Attachment B – List of Submitters

Submitter
Angus Harker
Cathy Banwell
John Nakkam – ACT Property Group
Ross Burden – Sports and Recreation Facilities TCCS – ACT Government
Christine Lawrence - President ACT Equestrian Association c/- Janet Booth
Weston Creek Community Council
Molonglo Valley Community Forum
Yarralumla Residents Association
Inner South Community Council
Yarralumla Paddock Agistees
Name Withheld
Fiona Mavis