

Submission on Works Approval Applications

WA102975 – Construction of a new commercial office building and associated works

WA102646 – Construction of a mixed-use residential development, including commercial uses on the ground level and associated works.

Reference / Issue	Comments
EPBC Approval 2016/7766	
<p>Planning Report – Portal (page 64)</p>	<p>EPBC Approval was issued on 11 April 2017 with the proposed action being <i>'To sell the ANZAC Park East and West properties, ANZAC Parade Parkes, ACT, with a requirement to demolish and reconstruct the buildings'</i>.</p> <p>The approval had effect until 30 June 2019.</p> <p>The Planning Report notes that the approval was extended in writing however there is no evidence of this in the documentation submitted for the portal building. I've been trying to get advice from Department of Climate Change, Energy, the Environment and Water (DCCEEW) on this matter since before Christmas. Initial advice that I received last week is that the approval has expired. (see attached email). Can the NCA confirm that the EPBC approval is current as I am unclear to whether the Development Conditions can be used to assess the Works Approval application for the Portal Building? The EPBC Approval is quite clear that the action includes the reconstruction of Anzac Park East.</p> <p>If the approval is considered to be current then I consider that there is non-compliance with Condition 7 which states that <i>'to minimise the disruption of the symmetry values of the Parliament House Vista, the approval holder must ensure the trees on those parts of the Properties, which are shaded blue on the plans attached to this approval at Appendix A, are protected and maintained until the Redevelopment of APW and APW is fully complete. Trees may only be removed where necessary for public safety.'</i></p> <p>Page 5 of the Planning Report states that <i>'the proposed works do not impact the existing trees located on the site, however some works are proposed to offsite tree plantings.'</i></p> <p>Page 76 of the Planning Report states that <i>'proposal consistent with this requirement. Refer to the Tree Protection Plan provided with this submission which demonstrate tree protection measure for off-site trees as identified in Appendix A of the EPBC Approval.'</i></p> <p>However, Drawing L-DA-62 Tree Protection Plan clearly indicates the removal of 6 tree in the open space area (the area shaded blue in the EPBC approval) between the site and Parkes Way. It appears from early works that have been undertaken that these trees have in fact already been removed and as advised I have received advice that I have received from</p>

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	<p>DCCEEW that 'there is no current EPBC approval for the action, EPBC 2016/7766 expired on 30 June 2019'. (advice provided by Simon Barber – Environment Compliance Branch dated 12 Jan 2023). Furthermore there was no arborist report provided assessing the conditions of trees proposed to be remove.</p> <p>Page 78 states that <i>'this proposal has not been referred to the Commonwealth Department of Environment and Energy under the EPBC Act based on compliance of the above considerations.'</i></p> <p>Based on the removal of trees, I'd suggest that the proposal does not comply with the above considerations and should be referred to DCCEEW for advice.</p>
Master Plan and Implementation Strategy	
<p>Planning Report – Portal (page 13)</p>	<p>The planning report states that a <i>'The preparation of a Master Plan Implementation Strategy and Master Plan for development of the site (previously prepared and endorsed by the National Capital Authority, from which this proposal has been designed).'</i></p> <p>Given that according to the planning report the proposal has been designed from the master plan, this information should have been made publicly available. How do people know what the design requirements are and what to assess against if this information is not available? I can only use information from the EPBC approval and the National Capital Plan.</p> <p>What are the requirements of the master plan implementation strategy?</p>
Design of portal building	
<p>Planning Report – Portal (page 42) Elevation Sheet 1 WA.03-03 (14)</p>	<p>The planning report states <i>'buildings are to have a predominantly vertical expression of articulation elements and not include transparent elements. Curtain wall glazing and predominantly glass facades will not be accepted.'</i></p> <p>The south east elevation of the portal building looks to me to be a predominantly glass façade (7 levels) which is not acceptable. Can you confirm that DCCEEW is satisfied with this design?</p>
<p>3D Model</p>	<p>I noted that the check list for a major development indicates that a 3D Design Model is required for any major development and/or proposed in a prominent location.</p>

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	<p>I was advised by Ilse Wurst that the NCA did not believe a 3D model was warranted and that the perspective were sufficient.</p> <p>I would contend that this is a major development in one of the most prominent locations in Canberra and it is disappointing that the NCA did not require a model. The Parkes Way perspective does not even include my building The Parade, rather you can see straight through to the mountains. This is misleading and I was particularly interested in a perspective that showed the new Portal building in relation to my building. 3D modelling would have assisted in being able to visualise the new development in relation to the existing.</p>
Consultation	
<p>Planning Report – Residential (pages 4 & 9)</p>	<p>Page 9 of planning report (residential) states that <i>'the proponent has further consulted with the Department of Finance and neighbouring stakeholders in relation to the proposal and associated works. Targeted community engagement was also undertaken regarding the proposal in August-September 2021.'</i></p> <p>The report also states that <i>'A summary of engagement activities are included in a separate Consultation Summary document included in this Works Approval submission.'</i></p> <p>Page 4 states that a consultation report has been previously provided.</p> <p>There is no consultation summary provided in the Works Approval submission. It is unclear to me who was involved in the targeted community engagement. Owners of apartments in C5 that I have spoken had not been involved in any direct consultation. I am aware that the Campbell Residents Association was consulted.</p> <p>Page 4 of planning report (portal) again refers to summary documentation provided for consultation. This information wasn't publicly available.</p> <p>I'm also curious about the nature of the consultation taken in August-September 2021 given we were all in lock down. How did this occur?</p> <p>The NCA would also be aware that The Parade was only completed mid 2021 with residents only starting to move in from this time. The Parade and its residents being directly across from the site should be considered key stakeholders and should have been engaged in a more meaningful way.</p>

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	<p>The first I heard about the Works Approval application was through seeing something on The Canberra Times. No notices have been erected on site, no letters to adjoining neighbours issued.</p> <p>The NCA ‘Commitment to Community Engagement’ August 2015 states in Section 2.7 that the protocol for applications for work which require consultation under the National Capital Plan is set out in Attachment B: Protocol for application for works which require consultation under the National Capital Plan.</p> <p>The Attachment B is a typo. It is actual Attachment C.</p> <ul style="list-style-type: none"> • <i>An advertisement is published in media relevant to the context of the proposal (eg.: The Canberra Times, national print or electronic media. Note: NCA publish newspaper advertisements at expense of applicant</i> <p>I couldn’t find a copy of the public notice. I assume a notice was placed given the Canberra Times ran an article about the proposal. Please confirm a notice was published in accordance with the NCA engagement guidelines.</p> <ul style="list-style-type: none"> • <i>For developments other than telecommunications facilities, throughout the entire consultation period a notice on a sign may be required (at the discretion of the NCA). If necessary, a sign will be: » placed on all road frontages of the site; » positioned so that is it clearly visible from a public place; » displayed on a signpost or board; and » photos taken of signs on road frontages submitted to NCA.</i> <p>There are no notices on the frontages on the site and there should be one at least on the Constitution Avenue and Wendouree Drive frontages where there is high pedestrian activity. If you walked past the site today, you’d think approval for the residential apartments/portal building had already been granted given there is early works activities going on which I understand has been approved.</p> <ul style="list-style-type: none"> • <i>Notice is given to the lessees of all adjoining land (where adjoining land has been strata-titled a copy of the notice is to be given to the body corporate).</i>

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	<p>The Chair of our Body Corporate has confirmed that no notice was given to the Body Corporate of The Parade.</p> <p>The Commitment to Engagement document states that the NCA believes meaningful community engagement and the opportunity for third party contribution is essential to its decision-making process. I agree however several key documents and plans were not initially available for viewing by the public until I requested that they be uploaded. The Traffic Assessment Report was only available with a week to go in the formal consultation period. This is a detailed and critical piece of information about the proposal. Whilst I and other residents of The Parade were given an extension in which to make a submission, the formal consultation period was not extended for all which was very disappointing given all the commitments to engagement that the NCA states it will make in its 'Commitment to Engagement' document.</p> <p>It is my view that the works approval applications should be readvertised to give the community including key stakeholders an opportunity to properly consider the proposals in their entirety and make meaningful submissions.</p>
Parking and Traffic	
<p>Planning Report – Residential (page 33)</p> <p>Planning Report – Portal (page 30)</p> <p>Planning Report – Residential (page 36)</p>	<p>The Planning Report provides the following requirements in relation to parking and traffic:</p> <ul style="list-style-type: none"> • <i>Proponents must demonstrate the access and parking capacity of the proposed development, and its impacts on the transport network and surrounding area.</i> • <i>A higher on-site and/or off-site parking provision for any use may be required by the National Capital Authority after taking into account the relationship between on-site parking, off-site parking opportunities, the capacity of public transport in the area at the time of development, and anticipated future levels of public transport.</i> • <i>Traffic is to be managed to ensure the continued effective function of the Main Avenues and Approach Routes. The Main Avenues will provide access to fronting buildings where practicable, and where traffic safety and flows are not adversely affected. (page 36)</i> <p>As noted above the Traffic Impact Assessment (TIA) Report was not made available until 17 Dec 2022, one week before the public consultation period closed.</p>

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	<p>I have reviewed the report and have noted that the planning report notes that the proposed development does not significantly alter existing traffic arrangements to Constitution Avenue.</p> <p>However Tables 11 and 12 indicate that with the development the level of services (LOS) for peak AM & PM by 2024 for the following intersections Constitution Avenue/Anzac Parade, Constitution Avenue/Wendouree Drive/Kalma Way and Constitution Avenue/Russell Drive/Blamey Crescent in 2024 will be majority LOS D and LOS E.</p> <p>The TIA Report (page 49) concludes that <i>‘the proposed development will increase the traffic on the surrounding roads and have an impact on associated intersections. Drivers using the surrounding road network will experience marginal increases in delays and queuing to that currently experienced or experienced in 2024 through natural increase in traffic volumes without the development.’</i></p> <p>When reading the definitions (see below) of both these levels, I am not convinced that the proposed development will not have a significant impact on traffic. This needs to be reviewed by a suitably qualified engineer and recommendations for mitigation measures provided.</p> <p><i>Definitions</i></p> <p><i>Level of Service D: high density flow in which speed and freedom to manoeuvre are severely restricted and comfort and convenience have declined even though flow remains stable.</i></p> <p><i>Level of Service E: unstable flow at or near capacity with poor levels of comfort and convenience.</i></p> <p>It is noted in Section 2.3 of the TIA Report that SCATS data was requested from Transport Canberra and City Services Directorate for period 2-8 August 2021. This period request was for a week prior to the ACT COVID lockdown. The report notes that emails were exchanged with TCC and it was agreed that the 2019 SCATS data should form the base case for the report. The version control table for the report indicates that the Final Report for the DA submission was finalised on 8/12/21. And there was one more revision for End of Trip facility increase on 12 September 2022.</p>

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	<p>My question why has the report not been updated to use 2022 data given that 12 months has passed since the report was first been completed? Several development along Constitution Avenue have been completed in this time.</p> <p>Can the NCA confirm that the applications have been referred to TCCS and advise what feedback has been provided?</p> <p>I understand that RD Gossip will be making a separate submission on the traffic report and as experts in this field, I defer to their submission on a number of traffic and parking issues.</p>
Setbacks for residential buildings	
<p>Planning Report - Residential (page 61)</p>	<p>The Planning Report states that there is a requirement for: <i>'A 6 metre setback is requirement for development along the Wendouree Drive frontage. This area shall be integrated with the offsite works required along the Wendouree Drive frontage.'</i></p> <p>Part of Building D and the basement encroaches into this setback. The provision does not provide for any encroachments and the building setback requirement of 6 metres is to be maintained.</p>
Deep planting zones	
<p>Planning Report – residential (Page 65)</p>	<p>The Planning Report states that there is a requirement for: <i>A plan shall be provided which identifies areas of deep-rooted planting which is integrated with the open spaces and public realm design of each site.</i></p> <p>Drawing L-DA-15 identifies 1062m2 of deep planting zones area. Is this sufficient for a site of 18 061m2? If so, why?</p>
Car parking for construction workers	
<p>Planning Report – Residential (page 74)</p>	<p>The report states that detailed conditions require that the: <i>'Proponent must provide the NCA a long term parking strategy for construction staging which minimises disruption to parking. The parking strategy must be adopted in the first stage of development.'</i></p> <p><i>Response in Planning report:</i> A long term parking strategy was supplied as part of the endorsed Master Plan for the site and this will be adopted in the first stage of and for the duration of construction at the site.</p>

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	<p>What are the details of the parking strategy? Construction traffic will have an impact on neighbouring properties and residents and this information should have been included with the applications. The Traffic Impact Assessment report provides no details on how construction traffic will be managed. Details should be provided to the residents of C5, ASIO, and other properties in the vicinity who may be impacted by construction car parking.</p> <p>The Construction Management Plan provides no details of construction car parking.</p>
Location of Site offices	
<p>Construction Management Concept Plan</p>	<p>The Construction Management Concept Plan indicates that the temporary buildings for site office accommodation and work place site accommodation are proposed to be located adjacent to Anzac Parade on National Land.</p> <p>This location being located on Anzac Parade is highly visible and the location of the site offices in this location will have a significant visual impact on a part of Canberra which is of national significance. I recognise that this will be for a temporary period however the period will be for a number of years and in this time there will be a number of events commemorated on the parade eg Anzac Day. The site offices should be located on the actual development site or is a less visible location.</p>
Car parking - residential	
<p>Car parking spaces</p>	<p>Drawings A-DA_PM-2-401 (C) & A-DA_PM-2-402 (B) which provide details of car parking spaces for the residential and commercial units are insufficient. No dimensions are provided. It is not clear what the little rectangles are within the spaces. Some spaces do not look sufficient wide. What are the green areas in the Drawing A-DA_PM-2-402 (B)? Parking spaces should be numbered to indicate numbers and allocation.</p> <p>The TIA Report on page 48 notes that based on preliminary architectural drawings, the layouts of the two levels of carpark appears to be functional and is to be designed in accordance with AS/NZ2890 Parking Facilities. Given the NCA does not have a traffic engineer on staff, can you please confirm that the application has been checked by a suitably qualified engineer to confirm that the design does comply? This is critical as basements car parking within C5 buildings have functional design issues and this should be avoided again.</p>

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	<p>What is the plan to regulate the parking the commercial and visitor car parking to ensure it is not used for long term parking? Will this become paid parking? If so I do not think this fair for residential visitors as it will be cost if they are staying for a period of time. I recently visited a friend in a residential block in Brisbane and was issued a visitor's pass for the duration of my stay.</p>
Storage facilities	
Storage facilities for residential apartments	<p>Drawings A-DA-PM-2-401 (C) & A-DA_PM-2-402 (B) do not clearly indicate the storage facilities to be provided for the apartments in the basements. There are some boxes which appear to have been included as an afterthought as these are not shown in the same drawings shown in Figures 62 and 63 in the Traffic Impact Assessment Report. Some storage areas are in locations are not accessible – see southern boundary of basement on Drawing A-DA_PM-2-402 (B).</p> <p>Adequate and secure storage is critical to apartment living. I am aware that the NCA does not have a standard for storage facilities. Given this is lacking storage facilities should at least be consistent with Section 6.7 of the ACT Government's Multi Unit Housing Development Code. (page 37)</p> <p>New drawings should be provided which clear indicate storage facilities with dimensions and numbered to ensure there is a storage area allocated to each unit.</p>
Parking location for delivery and removalist vans	
Parking location for delivery and removalist vans	<p>A dedicated space for delivery trucks such as furniture delivery and removalist vans should be provided. The very nature of apartment buildings is that people are moving in and out often and the lack of spaces for these truck around C5 is an ongoing issue. Section 7.7 of the ACT Government's Multi Unit Housing Development Code requires a dedicated space for developments with 40 or more dwellings. (page 44)</p>
Solar panels	
Solar panels	<p>It is great to see the inclusion of areas for solar panels on both buildings.</p>