



Australian Government
National Capital Authority

Consultation Report

Works Approval No 102762 and 102651

Works Associated with the demolition of the existing building, tree removals and construction of three mixed use buildings and associated landscaping works

(Block 16 Section 10 CITY – 70 Allara Street)

Date: November 2023

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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 (the Plan) 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.

On 17 December 2021 an application for works approval was received by the NCA from Purdon Planning, on behalf of Geocon, for demolition of the existing building, tree removal and associated works located on Block 16 Section 10 CITY, 70 Allara Street.

The proposed works will include the following elements for approval by NCA as the consent authority:

- Demolition of the existing single-storey building
- Removal of 13 non-protected trees on site
- Landscape reinstatement
- Services disconnection.

On 30 March 2022 the NCA received a Works Approval application from Purdon Planning, on behalf of Geocon, for the construction of three mixed use buildings and associated landscaping works located at Block 16 Section 10 CITY, with further required information for the assessment of the application submitted by Purdon on 10 April 2022, 11 April 2022, 1 May 2022, 16 May 2022, 17 May 2022, 15 August 2022, 11 October 2022, 24 October 2022, 2 November 2022, 30 November 2022, 15 March 2023, 28 March 2023, 24 April 2023, 1 May 2023, 11 July 2023, 6 September 2023 and 14 September 2023.

This Consultation Report outlines the NCA's review of the key issues raised during the consultation period and consideration of the Works Approval application.

Under the *Australian Capital Territory (Planning and Land Management) Act 1988*, the NCA prepares and administers the National Capital Plan (the Plan) 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.

Context

The proponent seeks to develop the site for a residential mixed-use development with ground level commercial uses fronting London Circuit.

The purpose clause of the Crown Lease permits the proposed residential use but does not specify the maximum number of dwellings permitted on site.

For the purpose of unit titling, if a unit title application relates to a lease located within a prescribed zone, the planning and land authority may approve the application only if the lease states the number of units permitted on the land and the application is for not more than the permitted number of units (*Unit Title Act 2001*).

As stipulated in the Unit Title Regulation 2001 (Effective: 18/11/21), the following zones are prescribed:

- a) RZ1 Suburban Zone;
- b) RZ2 Suburban Core Zone;
- c) RZ3 Urban Residential Zone;
- d) RZ4 Medium Density Residential Zone;
- e) RZ5 High Density Residential Zone;
- f) IZ1 General Industrial Zone;
- g) IZ2 Mixed Use Industrial Zone.

Given Block 16 Section 10 City is identified as 'Designated Land', where no Territory Plan land use zone applies, the site is not deemed as being located within a prescribed zone as defined above. As such, the lease does not need to state the number of units permitted on the land for the purpose of unit titling. Therefore, an amendment to the Crown Lease is not required to specify the maximum number of units permitted on site.

National Capital Authority

The NCA is established by the *Australian Capital Territory (Planning and Land Management) Act 1988* (PALM Act).

The NCA's role is to ensure that Canberra is planned and designed in accordance with its role as the national capital and is a place for all Australians.

National Capital Plan

The NCA prepares and administers the National Capital Plan (the Plan). The Plan sets out the broad planning framework for the Australian Capital Territory (ACT). Key objectives of the Plan are to:

1. Recognise the pre-eminence of the role of Canberra and the Territory as Australia's National Capital.
2. Further develop and enhance a Central National Area which includes the National Triangle and its setting, Lake Burley Griffin and its foreshores and the diplomatic sites and national institutions, as the heart of the National Capital.
3. Emphasise the national significance of the main approach avenues and routes.
4. Respect the geometry and intent of the Griffin's formally adopted plan for Canberra.

5. Maintain and enhance the landscape character of Canberra and the Territory as the setting for the National Capital.
6. Protect the undeveloped hill tops and the open spaces which divide and form Canberra's urban areas.
7. Provide a plan offering flexibility and choice to enable the Territory Government properly to fulfil its functions.
8. Support and promote environmentally responsible urban development practices.

The NCA assesses Works Approval applications and determines the consistency of the proposed works against the Plan.

All works applications in Designated Areas are assessed against the Plan pursuant to Section 12 of the PALM Act. The Works Approval application includes works that are located in Designated Areas and are therefore assessed against the relevant provisions of the Plan.

The Plan requires that any proposed activities defined as 'works' must be submitted to the NCA for works approval. Under the *PALM Act*, 'works' include:

- a) *the construction, alteration, extension or demolition of buildings or structures;*
- b) *landscaping;*
- c) *tree-felling; or*
- d) *excavations*

but excludes anything done inside buildings or structures.

Implementation of the Plan ensures that Canberra is a city worthy of its status as the national capital.

Public Consultation requirements

National Capital Plan

Under the Plan, 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.

None of these requirements are applicable to the Works Approval application. The NCA determined that the Works Approval application required public consultation due to the site's prominent location and the scale of development proposed on the site.

Commitment to Community Engagement

The NCA's *Commitment to Community Engagement* guides the way in which the agency engages with the community to keep people informed about decisions that have already been made and to offer opportunities for input to decision-making. The NCA considers how best to approach public

participation processes having regard to the training curriculum delivered by the International Association for Public Participation.

The *Commitment to Community Engagement* sets out the following engagement principles:

Intentional

- Be clear about what we are trying to achieve.
- Be clear about the scope for people to influence outcomes and where other processes have made recommendations and decisions.
- Be clear about limitations and constraints for community comment and involvement.

Inclusive

- Use a variety of methods allowing as many Australians as possible to participate if they wish.
- Proactively seek appropriate participants where there are missing voices.

Timely

- Allow sufficient time for the community to participate in consultation processes.
- Begin engagement at the earliest appropriate stage in the life of a project.

Feedback

- Let people know how their input and feedback was used.
- Meet or exceed all statutory engagement requirements.

The NCA assesses whether a proposal is consistent with the National Capital Plan and if it requires public consultation. An assessment is made in relation to 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 approval is lodged and consultation is required, consultation with the community and stakeholders may 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.

Matters the NCA is not considering in this consultation

Loss of views and property values

The NCA received submissions that expressed opposition to the proposed development on the basis that the scale of the development will result in a loss of views from the adjoining The Forum building and subsequently a loss in property values.

A number of these submissions requested that the building heights be reduced in order to maintain views and property values.

Issues around the loss of views and decreases in property values are not matters that are addressed in the National Capital Plan and do not form part of the NCA's assessment.

The NCA has assessed the proposed development against the provisions in the National Capital Plan.

Structural Damage to the Forum apartment building.

The Forum Executive committee raised concerns regarding the current Forum apartments being located close to the boundary with Geocon's proposal incorporating two levels of basement car parking located along the shared boundary and potential structural issues this may cause to the Forum apartment building.

Issues around potential construction methods and structural damage are not matters that are addressed in the National Capital Plan and do not form part of the NCA's assessment.

The builder will be responsible for ensuring that the proposed works are constructed in accordance with the relevant industry standards.

The NCA has assessed the proposed development against the provisions in the National Capital Plan.

Summary of Public Consultation

The public consultation process

Public consultation was undertaken by the NCA between Saturday 28 May 2022 and 5 July 2022 in the following manner:

- On Saturday 28 May 2022, publishing 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 May 2022 and 5 July 2022, publishing details of the proposal on the NCA's website
- Between 28 May 2022 and 5 July 2022, placing two A1 size signs on the London Circuit and Allara Street frontages on the site
- The NCA writing to adjoining lessees, neighbours and interested stakeholders advising of the consultation process and inviting comments

On 28 May 2022 an article was published in the Canberra Times in relation to the proposal. The article outlined that the application was currently under consideration by the NCA and that submissions were due by COB on 21 June 2022.

Submissions Received, Comments and Response

The NCA received a total of 12 submissions on the proposal. 12 submissions raised issues or objections in relation to elements of the proposal or the whole proposal. 3 submissions noted general support for the proposal, subject to further information and amendments to the proposal.

Acknowledgement emails were sent to all submitters advising them that their submissions will be taken into consideration before a decision is made on the application.

Key themes

Key issues raised in the submissions were:

- Loss of solar access, overshadowing, privacy and outlook
- Building Heights
- Poor building design and dwelling diversity
- Lack of landscaping, deep route planting and canopy cover
- Tree Protection
- Noise impacts on adjoining properties
- Traffic and car parking congestion and waste management
- Pedestrian and cyclist safety.

Matters for consideration

Loss of solar access, overshadowing, privacy and outlook

“Units on the west side of the Forum currently enjoy ample sunlight and views to west. The proposed development at twice the height of the Forum will completely block all views. Despite some vague references to screening etc it seems clear that there will be very little privacy from the new development if it goes ahead. The shadow diagrams provided are inadequate because they are only in plan view and do not show the full extent of shadow for each level on the Forum.”

“The distance between the Forum’s western boundary and the proposed buildings would be about 15 metres although this reduces to 13 metres at one point. The effect of this proximity would be that the proposed buildings loom over the west and south-west facing Forum apartments, blocking views to Black Mountain and the Brindabella hills and overshadowing several west-facing Forum apartments for much of the day. Many of these apartments were purchased for their outlook and for their access to winter sun. With the certain loss of these benefits – which would involve the denial of a recognised right to light – residents’ quality of life will be degraded, and property values will fall.”

“The scale of the proposed development would create a situation in which the privacy of the residents of the Forum and for that matter, the residents of 70 Allara Street, would be severely impacted. Residents of the proposed buildings of 70 Allara Street on the east and north facing sides would be able to look directly into the Forum apartments on the west and south facing sides. The roof entertainment area would become a fishbowl.”

“With a view to increasing sustainability in design and looking forward, the sheer lack of consideration that has actually been given to the importance of solar access is very outdated. The overshadowing of the Forum apartments would be reduced significantly with a reduction in height, or step down of the three proposed buildings to the three - four storey height suggested in the National Capital Plan. While the plan does allow for 25m buildings in this site, it also stipulates that the development should be sympathetic to the surrounding buildings. By surrounding the Forum with three apartment buildings on the sides where there is currently substantial solar access, shows a complete lack of sympathy or desire to work to create equally amenable residential facilities in the city centre.

Further, their current design severely limits a large portion of their own proposed apartments solar access. We believe that more could be done to create a sustainable development that is sympathetic to the neighbouring residential building.”

182 units will receive over 3 hours sunlight to daytime living areas between the hours of 9am to 3pm during the Winter Solstice, which is 51% of the total number of units. Others will received 1-2 hours of solar access during the Winter Solstice.

The proposed buildings are orientated to maximise solar access, together with appropriate façade selection to promote sustainability.

The NCA worked closely with the applicant to increase the setbacks of the buildings to minimise solar access and overshadowing of adjoining buildings. The proposed buildings have been setback 16-17m from the boundaries adjoining the Forum apartment building, which increased from 12.65m in the original proposal (from Building 3), affording the proposed and existing adjoining buildings increased solar access and privacy.

The shadow diagrams submitted with the application show that from 12pm – 4pm on 21 June (Winter solstice) the buildings will create overshadowing, at varying levels, on the Forum apartment building. At 4pm on 22 December (Summer solstice) the Forum apartment building will experience the most shadowing, predominantly on the lower levels of the building.

On 21 March (Autumn equinox) and on 21 September (Spring equinox) the proposed development will cause most shadowing on the Forum apartment building from 2-4pm.

The shadow diagrams also show the existing shadowing caused by the Forum and DFAT buildings on both sites, as a comparison of the existing and proposed shadowing on these sites.

The façade of the building facing the adjoining building at 255 London Circuit has high level windows and no balconies on the façade facing this building, to ensure privacy is afforded to current and future tenants.

The proposed development will create elements of overshadowing on adjoining buildings, which is challenging to avoid in high-density inner-city developments that comply with the National Capital Plan.

The NCA considers the proposed works are not inconsistent with the provisions of the National Capital Plan.

Building Heights

A large number of the submission raised concerns regarding building heights. Some of the comments received noted:

“The proposed buildings have an elevation of up to 9 stories, with ground level measured from the new raised elevation of the separate London Circuit development. This is in comparison to our pre-existing building of 4 levels, with ground level measured from the lower Allara Street level. There would be significant overshadowing to our building should the 70 Allara Street development go ahead as per the existing plans.”

NCA Considerations

have a maximum building height of 25m measured from kerb levels of adjacent streets. The buildings vary in height as a result, with Building 1 at RL585.2m, Building 2 at RL590.85m and Building 3 at RL588.7m.

The proposed buildings are not in excess of the permitted building height of 25m and are sympathetic to the height of the surrounding buildings.

Part of the buildings exceed 25m in height where plant equipment is located on the roof. The plant equipment is recessed on the roof, screened and will not be visible from the street.

A Wind Impact Design Review prepared by Vipac Engineers & Scientists Ltd was submitted with the application. The Wind Assessment confirmed that the publicly accessible areas, main building entrances and the alfresco dining areas at the café are expected to be within the recommended comfort criterion. In terms of roof terraces proposed on Building 1, the assessment confirmed that this area is expected to meet the more stringent standing comfort criterion which is suitable for outdoor recreation.

The proposed development has been designed to achieve the ceiling heights specified for the relevant uses and areas of buildings.

Commercial use levels and building entries fronting London Circuit and roads where 'Indicative Active Frontages' are located are a minimum of 6.5 metres in height.

Residential floor to ceiling heights spaces are generally 2950mm in height to meet the floor-to-ceiling heights at upper levels and 3350mm-3650mm at lower ground and ground levels for residential, as specified in the NCP. Mezzanines are proposed above the commercial tenancies.

The NCA considers the proposed works are not inconsistent with the provisions of the National Capital Plan.

Building design and dwelling diversity

A large number of the submission raised concerns regarding the proposed building design and sustainability. Some of the comments received noted:

"The proposed development fails to meet these standards and so falls far short of the "design excellence" expected of the Precinct. The height and bulk of the proposed buildings and their overbearing proximity to the Forum appear to be driven by a profit maximisation motive that's indifferent to the surrounding context rather than a desire to achieve an "integrated design" of the "highest quality". The proposed development imposes rather than integrates. While it will doubtless bring benefits to people who buy into the new buildings – vistas to the west and south, sunlight penetration - it is precisely those benefits that will come to a permanent end for many existing residents of the Forum. Some gain what others lose in what appears to be a zero-sum approach to development. This is not the careful balancing of benefits that characterises design excellence and urbanism of the highest quality".

"This proposal is extremely disappointing in terms of urban design for the very important City Hill precinct, an apex of the National Triangle; as well as for the amenity, outlook, privacy, solar access, etc of the existing neighbouring residents, and the prospective ones in the new development.

Without doubt, the development should consist of a single curvilinear tower, redolent of the existing symmetrically placed Capital Tower on the south-west corner of London Circuit, formerly The Quadrant, designed by Michael Dysart, in association with the former National Capital Development Commission."

"We note that one of the objectives of the precinct is to develop a built environment that demonstrates design excellence. We do not believe that this proposal currently meets that objective and it requires further review by the National Capital Authority"

"Development on this site needs to be much better planned to provide benefits to all the community and have less impact on the surrounding area."

"The current scheme lacks dwelling diversity, with 1 and 2 bedroom units appearing to comprise the vast majority of the development, and only three 3 bedroom units identified out of 356 units. The number of apartments with 3 or more bedrooms should be increased, to support social diversity and make city living a more viable option for families. The Authority recommends aiming for a minimum of 20 per cent, in line with our Sustainably Strategy 2021-2025."

NCA Considerations

The NCA has worked with the applicant since the application was submitted to improve the proposed building designs and material palettes. The proposed works have been designed in a manner to complement and enrich the site and its surrounds. In the opinion of the NCA, the proposed works have been designed to contribute positively to the overall composition, symbolism and dignity of the National Capital.

The design of the buildings considers the interface between the proposed buildings and surrounding developments through scale, massing, spatial separation, setbacks, materials and the landscaped setting to reflect the prestigious character of the area.

The bulk and scale of the development has been reduced and broken up into three buildings to reduce the bulk and scale and deliver an improved proposal which responds to the context of the area.

The siting of the buildings has also been considered to minimise impacts to existing buildings, as far as practicable.

The proposed materials provide an emphasis to the primary grid of each building using a metal cladding, with darkened terrace backgrounds and a mid-grey colour to the verticals providing a recessive contrast. Off-white horizontal bands combined with bronze accessory elements provide visual interest and tie the buildings together.

The three buildings represent individual design through incorporating varying levels of articulation and layering and complementary material palettes.

The proposed building design includes ground level framing elements and articulation that breaks down the building mass and creates a human scale experience at the lower levels of the buildings.

The materiality and form of the proposed development incorporates sun shading elements, including vertical fin elements, that provide articulation to the façade of proposed buildings, whilst the design of balconies and covered awnings considers amenity from the effects of wind.

The proposed dwelling diversity is considered to be suitable for inner city apartment living in this location.

The NCA considers the proposed works are not inconsistent with the provisions of the National Capital Plan.

Landscaping, deep route planting and canopy cover

A large number of the submission raised concerns regarding the proposed landscaping strategy. Some of the comments received noted:

“The scheme is deficient in several key areas crucial to the sustainably and liveability of the city. Canopy and permeable surfaces coverage is only 15.4 per cent and 20.8 per cent respectively, well below the Territory's target of 30 per cent. Medium-to-large canopy trees have been almost entirely eliminated from the scheme. Deep soil zones are confined to the remnant edges of the site, affecting drainage and ground water recharge. This development needs to improve its performance in line with the Territory's and the community's expectations for sustainable development. This includes achieving canopy and permeable surface coverage of at least 30 per cent and revising the basement design to allow for larger areas of deep soil in conjunction with planting of large trees. Given the site is in walking distance to employment and public transport, a reduction in car parking from the proposed 409 spaces should be considered.”

“The proposed landscape rests almost entirely on a basement podium. Detailed sections should be provided to demonstrate that soil depths will be sufficient to allow tree roots to develop properly so the trees are stable and healthy. The plans also show landscaping that extends past the site boundary onto the London Circuit verge. The proponent will need to confirm their intention to cover landscaping construction costs and agree on ongoing management. arrangements with Transport Canberra and City Services as soon as possible.”

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NCA Considerations

The landscape design aims to incorporate activated edges that feature direct visual and physical pedestrian permeability. These edges will be activated by the combination of ground floor commercial tenancies fronting London Circuit and a new 17m wide pedestrian walkway through the site, connecting London Circuit to Allara Street. The connection mitigates the level changes across the site and connects to the external upgrade works along London Circuit.

The landscaping design comprises of a variety of outdoor spaces, including:

1. Upgrade works to London Circuit
2. Driveway crossover on Allara Street
3. Internal roadway/shared pedestrian zone

4. Green stair linking Allara Street and London Circuit
5. Central Plaza and outdoor dining and seating areas
6. Outdoor lounge for residents to recreate
7. Workers corner for residents to work outdoors
8. Resident's communal recreation spaces & landscaping
9. Activated pedestrian laneways
10. Deep planting to screen the proposed development from The Forum building.

The landscape design integrates the development within Canberra Civic, creating a unified and accessible ground plane that responded to the civic nature of London Circuit and the residential nature of Allara Street. The selected material palette is simple, allowing the planting and architecture to become the focus on the space.

The landscape design materials palette will incorporate stone paving, off-form concrete and timber seating elements that will complement the materials palette for the overall development.

The proposed landscape design and tree selection incorporates mature stock trees to provide canopy cover across the site and to provide amenity buffers between the proposed development and adjoining properties. Understorey landscaping is incorporated into planting areas, along with soft landscaping, to reduce hard surfaces across the site.

The NCA considers the proposed works are not inconsistent with the provisions of the National Capital Plan.

Tree Protection

A large number of the submission raised concerns regarding tree protection and removal of trees on site. Some of the comments received noted:

“There is a clear lack of consideration for the retention of trees on site. 28 trees have been identified for removal including several on public land. The Authority considers the retention and protection of trees of good health and structure, where possible, as essential. This would include revising the boundary of the basement structure. Advice should be directly sought from the ACT Conservator of Flora and Fauna.”

NCA Considerations

Non-protected trees are proposed to be removed to the north east of the existing building. A Tree Assessment has been undertaken for regulated trees that are identified on site. All works associated with regulated trees will be undertaken with appropriate protection measures in accordance with the *Tree Protection Act 2005*.

The eastern of the site contains Golden Sun Moth which is listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act* (EPBC). A field and desktop study undertaken by Capital Ecology confirmed that study area is not considered to be characteristically suitable habitat for Golden Sun Moth, and it is unlikely to impact upon habitat for the Golden Sun Moth.

The site assessment undertaken by the proponent for this Works Approval concludes that there are no environmental values of significance to be considered under the EPBC Act.

As discussed above, the proposed landscape design and tree selection incorporates mature stock trees to replace the tree removals on site and to provide canopy cover across the site and to provide amenity buffers between the proposed development and adjoining properties.

The NCA considers the proposed works are not inconsistent with the provisions of the National Capital Plan.

Noise impacts on adjoining properties

Pulse White Noise Acoustics were engaged by Geocon to undertake a Noise Management Plan for the proposed development, which was submitted with the Works Approval application.

Acoustic noise level measurements of noise levels impacting the site were conducted at the site, with the exiting noise level findings at the site being predominantly as a result of traffic noise within the vicinity of the site.

Waste collection for the proposed development will be undertaken in accordance with the relevant waste collection codes and practices. The collection of waste is not considered to result in unacceptable noise impacts, providing the requirements of the codes of practice, which includes the following mitigation measures:

- *Any contractor who receives a complaint relating to the noise from its operations shall attempt to resolve the complaint to the complainant's satisfaction in accordance with the following procedures.*
- *Where possible, the business shall reschedule the collection or take other appropriate action to resolve the problem, taking into account:*
 - *The impact any rescheduling may have on other persons. In any rescheduling, priority should be given to minimising noise impacts on residential premises.*
 - *Access problems which may prevent collection at other times.*
 - *Any other measures, such as relocating garbage hoppers, which may reduce noise impacts.*

It is noted that TCCS will be collecting waste from the site and will operate in accordance with the relevant codes and industry standards.

The proposed development includes a communal area that is located on level 7 of Building 1, which may have the potential to cause noise impacts on adjoining buildings. It is noted that the existing acoustic environment within the vicinity of the communal open space includes noise resulting from traffic and the light rail on surrounding roadways.

The Pulse White Noise Acoustics assessment recommends that to mitigate noise levels from the proposed common area the following acoustic mitigations are recommended:

- External common areas are only to be used during the daytime and evening Monday to Saturday between 7:00 am to 10:00 pm and Sundays and Public Holidays between 8:00 am to 10:00 pm.
- Use of the common area is permitted for communal activities. The area is not to be used for high noise generating activities such as large gatherings, playing of loud music or parties.
- Amplified music is not permitted in the external communal areas.
- Signs must be installed within the area outlining the recommendations above.

- All communal rooms are to include constructions including the following: a) All external glazing including 10.38mm laminated with an acoustic performance of Rw 35.
- Solid external walls and roof/ceilings with an acoustic performance of Rw 50.

Providing the recommended acoustic mitigations detailed in the points above are included in the design and operation of the proposed communal area, it will comply with the noise emission criteria detailed in the Pulse White Noise Acoustics assessment and will be acoustically acceptable.

It is acknowledged that noise will be generated during the construction of the development, which is unavoidable on construction sites.

The development will however be required to comply with the Noise Environment Protection Policy (EPP) under the *Environment Protection Act 1997* and Environment Protection Regulation 2005 for noise. This EPP provides guidance on meeting these legislative requirements, including the need to adopt the general environmental duty as specified in the Act to prevent or minimise environmental harm, including noise impacts.

Traffic and car parking congestion and waste collection

A large number of the submission raised concerns regarding traffic congestion being increased as a result of the development. Some of the comments received noted:

The traffic management aspects of the proposed development are woefully inadequate to meet to the proposal's additional traffic load.

"As traffic access from London Circuit has not been permitted for the proposed construction, all traffic to and from the development would be required to use the existing narrow lane that currently serves the needs of the Forum, a public car park and the ACT works depot to the south. At 356 apartments and 409 parking spaces, the development would bring about a fourfold increase of the load. This means four times the number of cars entering and leaving the lane each day, and four times the number of service vehicles, including early morning garbage trucks and removal and delivery trucks, as well as pedestrian and cycle traffic."

"The proponent's Traffic Impact Assessment (TIA) estimates that the proposal will generate an additional load of 145 morning peak hour trips of which 116 are outgoing and 29 are incoming.1 The 116 outgoing cars will inevitably increase the frequency and severity of Allara Street backups, especially when local conditions on Constitution Avenue and Parkes Way are such that the backup stretches all the way down to the side laneway. When that occurs, cars leaving the Geocon development will queue back down the laneway possibly as far as the property boundary (50 metres or 6 car lengths), causing gridlock outside the Forum apartments where morning peak departures of cars from the Forum and utes and 7 metre trucks from the ACT work depot meet at the same point. The TIA fails to consider these potential impacts even though a few days of careful observation would have raised concerns."

"The traffic queuing at the Allara Street intersection is predicted to be up to 21 vehicles long (more than double the current 9 vehicles). This would equate to over 100 metres of queued cars which will block access to driveways along Allara Street, leading to further traffic congestion that is not accounted for in the model. This would include blocking the driveway that services 255 London

Circuit (and 2 Constitution Avenue and 64 Allara Street) and causing significant issues for the occupiers of those buildings. This is viewed as unacceptable.”

“Although the proposal describes the general arrangements for waste management, it is recommended a compliance assessment against the mandatory requirements (in accordance with 2019 Development Control Code for Best Practice Waste Management). For example Table 3.8 of the Code provides the submission requirements for on-site collection for multi-unit residential developments including mandatory supporting documentation to enable developments to be designed and constructed to accommodate the appropriate levels of waste and recyclable material and meet standardised servicing requirements.”

NCA Considerations

A Traffic Impact Assessment, and Addendum, based on the development proposal, has been prepared by Stantec (27 March 2023) and includes a SIDRA traffic modelling analysis. The report was provided to Transport Canberra and City Services (TCCSS) by the NCA for review and comment.

Access to the development is to be from Allara Street, via the laneway to the site.

The development proposals include provisions for two levels of basement carparking, and a mezzanine level of carparking, for the development. A total parking provision of 409 car parking spaces are proposed, including:

- 332 residential
- 70 visitor, including 1 PWD parking bays
- 7 Office.

The proposed on-site parking facilities will support the proposed residential and commercial uses, as well as visitors. The balance of the visitor parking is proposed to be accommodated off site, within the surrounding Allara Street and London Circuit area, and on road public car parks. A parking utilisation analysis was undertaken for the surrounding carparks with the results from this analysis indicating sufficient availability to accommodate the outstanding parking demands.

Given the reduction in parking requirements, the provision of 409 car parking spaces within the proposed development is adequate to accommodate the proposed parking demands.

The proposal includes 90 bicycle spaces in the lower ground floor. The proposed development also has provisions for 342 storage cages across the lower ground floor and basements, which can accommodate bicycle parking, with additional visitor bicycle parking located within a central bike hub upon ground floor.

The submitted TIA selected the following intersections to be analysed, based on the proximity and significant redevelopment works likely to occur in the local network over the coming years:

1. Parkes Way / Commonwealth Ave Free left turn
2. Parkes Way / Allara Street Free left turn
3. London Circuit / Constitution Avenue Signalised Intersection
4. Allara Street / Constitution Avenue Signalised Intersection
5. Coranderrk Street / Constitution Avenue Signalised Intersection.

The assessment concluded that the proposed development does not pose a significant impact to the local traffic and parking network. Across all intersections, the key performance metrics remains

below capacity and within the requirements set out within the TCCS Guidelines for Transport Impact Assessment.

The proposed development is not anticipated to increase the parking or traffic generation characteristics of the site.

Waste collection will be undertaken from the waste collection area, located in the basement, with access from Allara Street. The design of the proposed development incorporates a boom gate that will close to allow waste collection vehicles past the basement ramp, for both ingress and egress.

The proposed green waste bins will be stored in the basement and be required to be collected on site. The applicant proposed that the green waste bins be stored in the basement and that the Body Corporate would be responsible for moving the bins to the Allara Street kerb for weekly collection. Kerb side collection of the green waste bins is not supported, and the following condition has been included in the Decision Notice requiring approval from the NCA and TCCS for onsite collection only.

“A Waste Management Plan for green waste bin collection endorsed by ACT Transport Canberra and City Services is to be submitted to the NCA prior to works commencing on site. Green waste bins are to be collected site and no kerb side collection is permitted on Allara Street, in accordance with the Development Control Code for Best Practice Waste Management in the Act 2019.”

The NCA considers the proposed works are not inconsistent with the provisions of the National Capital Plan.

Pedestrian and cyclist safety

A large number of the submission raised concerns regarding pedestrian and cyclist safety, particularly along the Allara Street laneway and intersection. Some of the comments received noted:

“Allara St, which sees considerable pedestrian and cycle traffic from the Commonwealth Park footbridge, has recently been burdened with additional motor traffic from the Parkes Way egress ramp, a sharp increase in cycle traffic and the sudden arrival of electric scooter traffic. This burden will increase again by traffic associated with the Geocon development, with a consequent impact on peaceful occupation, pedestrian amenity and property value. Indeed, it is reasonable to expect that the streetscape, which is currently a frequently used pedestrian-friendly connection between the city and the lake, will become noisy, polluted and possibly dangerous for users.”

“We are very concerned that the increase in foot traffic, the new exit/entrance for the proposed development and the blind corner leading out of the Forum apartments basement, could lead to accidents. This would be particularly true during key ACT events such as concerts, Canberra Day, Floriade and the many other major events that occur in Commonwealth Park. We would like to see a more considered design that prioritises safety over monetary gains.”

NCA Considerations

The NCA has taken the concerns regarding active travel and pedestrian and cyclist safety into consideration in the assessment of this Works Approval application, in consultation with TCCS, particularly regarding the two-trunk community paths located to the east and west of the site.

Active travel is predominantly located along Allara Street and in the future will also be located along London Circuit.

The following condition has been included in the Decision Notice, requiring the proponent to undertake a Road Safety Audit (RSA) Analysis, to be endorsed by TCCS and submitted to the NCA prior to works commencing on site, to ensure the safety of pedestrians and cyclists has been sufficiently assessed and appropriate mitigation measures are implemented:

“A Road Safety Audit (RSA) Analysis endorsed by ACT Transport Canberra and City Services is to be submitted to the NCA prior to works commencing on site. The Road Safety Audit Report must be prepared by a qualified Road Safety Auditor in accordance with the Austroads Guidelines.

The geographical extent of the RSA should encompass the entire stretch of the Allara Street roadway and pedestrian paths between Parkes Way and Constitution Avenue with specific reference to the driveway entrance to enhance road safety for all users entering and exiting the new development. The proponent may be requested to implement some or all of the mitigation measures depending on impact caused by the proposed development.”

Conclusion

The NCA’s consultation process was carried out in accordance with the National Capital Plan and the NCA’s *Commitment to Community Engagement*.

As noted above, there were a number of objections in the public submissions that raised matters beyond the legislative reach of the NCA, such as the obstruction of views and impacts on property values. These matters do not form part of the NCA’s consideration of the proposal.

The NCA considered all issues raised and concluded the proposal is not inconsistent with the National Capital Plan.

On 9 November 2023, the NCA approved the Works Approval application.

Attachment A

The Canberra Times Public Notice and onsite signs



Australian Government
National Capital Authority

WORKS APPROVAL

Public Consultation

Block 16 Section 10 CITY - Demolition and removal of trees and construction of three mixed use buildings and associated landscape works.

The NCA has received two separate Works Approval applications for demolition of the existing building and tree removal and construction of three, 9-storey mixed use buildings and basement car parking.



The plans and supporting documentation for the application can be viewed at the NCA's website. The NCA welcomes feedback on this application by **5.00pm 21 June 2022**.

Submissions can be made via email to WAconsultation@nca.gov.au



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HAVE YOUR SAY



Australian Government
National Capital Authority

WORKS APPROVAL BLOCK 16 SECTION 10 CITY

DEMOLITION AND REMOVAL OF TREES AND CONSTRUCTION OF THREE MIXED USE BUILDINGS AND ASSOCIATED LANDSCAPE WORKS.



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

www.nca.gov.au



