



**Australian Government**  
**National Capital Authority**

# Consultation Report

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Works Approval No. WA-001129

Block 17 Section 2 Deakin

Demolition of existing dwelling and construction of a new single detached dwelling

*March 2026*

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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.

On 10 October 2024 an application for works approval was received by the NCA from Hyperspace Designs. The application is for the demolition of an existing residential dwelling and construction of a new single detached residential dwelling located on Block 17 Section 2 Deakin.

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.

## Public Consultation requirements

### National Capital Plan (NCP)

Public consultation is mandatory under the National Capital Plan for all residential proposals within the Deakin/Forrest Residential Area Precinct. In addition, public consultation was undertaken on the application as significant community interest has been demonstrated in recent developments in the precinct and in planning policy proposals for the Deakin Forrest Residential Area Precinct.

### 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.

## Summary of Public Consultation

### 2.1 The Public Consultation Process

The NCA undertook two rounds of public consultation of this application as a result of amendments made to the proposal.

Public consultation was undertaken on the proposal by the NCA between 8 February 2025 and 28 February 2025 in the following manner:

- Between 8 February and 28 February 2025, publishing details of the Works Approval application on the NCA's website.
- On 8 February 2025 a public notice was published in The Canberra Times. The notice outlined the scope of the proposed works and details on how to make a submission to the NCA in relation to the proposal ([Attachment A](#)).
- The applicant installed one A1 sized colour sign on site for the period of the public consultation ([Attachment A](#)).
- The NCA wrote to all adjoining neighbours and hand delivered letters on 10 February 2025 to 64, 66, 75, 1/79 and 2/79 National Circuit and 2, 4 and 6 Daley Street. Email notifications were sent to the following local community groups:

- Deakin Residents Association
- Forrest Residents Group
- Inner South Canberra Community Council.

A second round of public consultation was undertaken on the amended proposal by the NCA between 3 May and 23 May 2025 in the following manner:

- Between 3 May and 23 May 2025, publishing details of the Works Approval application on the NCA's website.
- On 3 May 2025 a public notice was published in The Canberra Times. The notice outlined the scope of the proposed works and details on how to make a submission to the NCA in relation to the proposal ([Attachment B](#)).
- The applicant installed one A1 sized colour sign on site for the period of the public consultation ([Attachment B](#)).
- The NCA wrote to all adjoining neighbours and hand delivered letters on 5 May 2025 to 64, 66, 75, 1/79 and 2/79 National Circuit, 2, 4 and 6 Daley Street. Email notifications were sent to the following local community groups:
  - Deakin Residents Association
  - Forrest Residents Group
  - Inner South Canberra Community Council.

## 2.2 Submissions Received, Comments and Response

The NCA received a total of nine submissions in the first round of public consultation and five submissions were received in the second round of public consultation. The submissions raised support, issues and objections in relation to elements of the proposal.

Emails of acknowledgment were sent to submitters advising them their submission would be taken into consideration before a decision was made on the application.

## Key Themes

Key issues raised in the submissions relate to:

1. plot ratio
2. setbacks
3. number of storeys
4. privacy
5. solar access
6. building height
7. basement level height
8. design character of the area.

## Consultation Process

The Works Approval community consultation process has been designed with reference to the IAP2 Spectrum and in accordance with the NCA's principles. Under prescribed functions in the *Australian Capital Territory (Planning and Land Management) Act 1988*.

The NCA will assess whether a proposal is consistent with the National Capital Plan and if it requires public consultation. An assessment will be 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
- consistency with an existing Heritage Management Plan.

All submissions are considered based on their merits and compliance with the National Capital Plan in the assessment of Works Approval applications.

## Matters for consideration

### 1. Plot Ratio

Some comments received related to plot ratio of the proposed dwelling, noting:

*“Plot ratio exceeds the NCP by 0.12.”*

*“Plot ratio (by the applicant’s own admission 0.52 when the maximum permissible under the NCP is 0.4) A maximum of 626m<sup>2</sup> is permitted but the applicant states the house is 814m<sup>2</sup>.”*

*“We believe that the proposed residence is significantly larger than the allowable mandatory maximum plot ratio threshold under the National Capital Plan...”*

*“The applicant acknowledges a plot ratio of 0.52, whereas the National Capital Plan (NCP) permits a maximum of 0.4. The permitted maximum floor area is 626m<sup>2</sup>, yet the applicant states the proposed house is 814m<sup>2</sup>.”*

*“It would appear that the plot ratio does not comply with the current maximum permissible by the NCA.”*

#### NCA Considerations

All submitters expressed concerns regarding the plot ratio. The original proposal included a plot ratio of 0.64, exceeding the maximum permitted plot ratio of 0.4 for single dwellings by 0.24.

The NCA requested the applicant to amend the proposed design, however there was no change to the plot ratio. The scale and bulk of the new dwelling is considered excessive for the site and given it exceeds the maximum plot ratio, the NCA is unable to support the proposal.

### 2. Setbacks

Some of the comments received in relation to the proposed setbacks noted:

*“The setback on the south-east boundary does not adhere to the NCP.”*

*“The house breaches the minimum setback on its south-east side boundary.”*

*“In this case the performance standard has clearly not been met as the side setback, and location of the alfresco area has a significant impact on privacy as it is unscreened and looks directly into the adjacent residence”*

*“The house breaches the minimum setback on its south-east side boundary.”*

*“In this case the performance standard has clearly not been met as the side setback, and location of the alfresco area has a significant impact on privacy as it is unscreened and looks directly into the adjacent residence”.*

*“Given the bulk of the proposed building, it is particularly that setbacks from boundaries should not be less than the NCP minima.”*

### **NCA Considerations**

The side setbacks requirements were calculated using the following method as indicated in the Plan:

- Total effective building frontage =  $30.48 - 23\text{m} = 7.2$  metres
- Proposed building height =  $7.835\text{m} / 2 = 3.917\text{m}$
- Frontage over 23m = 7.48m
- Additional frontage = 0.5 over 3m = 1.44m
- Side setbacks =  $3.9175\text{m} + 1.44\text{m} = 5.35\text{m}$ .

The side setbacks are a minimum 4.63m on the northwest side and 4.77m on the southeast side. The proposed setbacks are a maximum of 0.72m and 0.58m less than the required setback, incorporating reduced side setbacks.

The majority of the house is setback a minimum 4.99m away from the side boundaries. Minor variations to setbacks may be permissible. The original submission proposed a 4.0m setback on the southeast side, which has since been amended. The setbacks are considered acceptable.

### **3. Number of storeys**

Some of the comments received in relation to the proposed number of storeys noted:

*“3 stories at the back also exceeds the 2-storey development limit of the NCP.”*

*“Storeys - the proposed residence is clearly three storeys at the rear.”*

*“The proposed residence is clearly three stories at the rear, while the NCA stipulates that development “should not be more than two stories in height.”*

*“...despite the 2 storey limitation on detached dwellings - the lodged plans indicate that at the rear of the dwelling - the living areas will in part be 3 stories high.”*

*“The building also exceeds the two-storey height limit.”*

*“Height - the proposal exceeds the maximum permissible height”*

*“The proposed third storey should not be accepted.”*

*“The building height limit has two components: it limits development to 2 stories **and** no more than 8 metres above NGL. While the revised proposal does not exceed 8m above NGL, it remains 3 stories.”*

### **NCA Considerations**

The original design included a basement that extended more than 1 metre above natural ground level, which is considered to be a storey. However, the basement level was reduced in height, and the overall height of the dwelling was reduced. The amended design included the basement being 985mm above the natural ground level, which is not considered to be a storey.

The height in storeys of the dwelling is not discordant with the surrounding locality, existing developments and the streetscape.

#### 4. Building Height

Some of the comments received in relation to the proposed building height noted:

*"Height application exceeds the NCP by 188m2"*

*"Height - by the applicant's own admission the proposal exceeds the maximum permissible height"*

*"..exceeds the maximum permitted height under the NCP, all of which mean that it will utterly dominate the streetscape, directly across the road from our residence."*

*"The applicant concedes that the proposal exceeds the maximum permissible height."*

*"As the height of this building appears to exceed the normal limitations and guidelines for this precinct."*

*"The applicant's submission states the proposal exceeds the maximum permissible height of 8m from the NGL."*

*"..part of the basement of the development is considered to be a storey and therefore the building is in part three storeys and exceeds both the permitted storey and height limit."*

*"Height - the proposal exceeds the maximum permissible height."*

#### **NCA Considerations**

The original design had a maximum building height of 8.340 metres. The maximum permitted height is 8 metres. Following a request from the NCA to reduce the height of the building, the design was amended to include a maximum building height of 7.835 metres above natural ground level. The amended design is considered acceptable and not discordant with the surrounding locality, existing developments and the streetscape.

## 5. Privacy

Some of the comments received in relation to privacy noted:

*“..it will potentially create privacy issues. The NCA guidelines for the Deakin/Forrest Residential Area Precinct Code state that “New development should be located and orientated to maximise visual privacy between buildings on site and for neighbouring properties.”*

*“The Southeast elevation presents as a large wall with limited articulation to break up its mass. This wall is sited at less than the minimum setback with only a single break provided in the form of the alfresco area between the first and third storeys. The alfresco area is positioned directly opposite and at approximately the same level as the large living room windows to the residence on Block 16. This area of private open space will directly overlook the living room of the adjacent residence. No screening has been provided to minimise this impact to the privacy of adjacent residents. Given the location of these windows to the existing residence was known, the privacy impact could easily have been avoided. The visual privacy for the adjacent residence has certainly not been maximised. The alfresco area should be screened or relocated so that it does not impede on the privacy of the neighbour.”*

*“This is partially addressed in the revised proposal by raising the height of the screening in the alfresco area. The application proposes to remove very mature attractive hedging between the properties that currently enhance privacy.”*

### **NCA Considerations**

Two submitters raised concerns about privacy due to the height of the building and its proximity to the boundaries.

The original design incorporated privacy measures, including minimising full-length windows on the second floor, except where there was a void or a screening wall. The design was further amended to increase the side setback to the southeast boundary, and the height of the alfresco wall was increased to 1.8 metres in height. The amended design is considered to be acceptable.

## 6. Solar Access

Some of the comments received in relation to solar access noted:

*“Contrary to the applicant’s assertion that “The shadow diagrams clearly demonstrates that the shorter setback for the last 4.3m length of the building does not adversely affect the neighbours open space or main living areas”, the proposed residence would completely overshadow the adjacent residence at 3pm on the winter solstice.”*

*“There is still very significant impact on solar amenity...proposed residence would completely overshadow the adjacent residence at 3pm on the winter solstice. There is currently no material overshadowing.”*

### **NCA Considerations**

The proposed design has been amended to include a larger side setback to the southeast boundary and a reduction in the maximum building height. These changes have improved solar access to the neighbouring sites.

While some overshadowing may occur at 3:00 PM on the winter solstice, the neighbouring property is expected to receive sufficient sunlight throughout the remainder of the day, meeting the intent of the solar access provisions. As such, the proposed design is considered acceptable.

## 7. Basement Level Height

Some of the comments received in relation to the basement level height noted:

*“The finished floor level of the floor above the basement should not exceed one metre above natural ground level.”*

### **NCA Considerations**

In addition to concerns regarding the building height, one submitter raised concerns regarding the basement level exceeding the allowable 1 metre above natural ground level. This elevation classified the dwelling as three storeys, which is not permissible under current planning controls.

The applicant subsequently amended the design by reducing the basement’s maximum height above natural ground level to 985mm. As a result, the basement is no longer considered to be a storey. See also Item 3 above.

The amended design is considered to be acceptable.

## 8. Design and Character of the Area

Some of the comments received in relation to the design and character of the area noted:

*“We are also very concerned that the design of the residence is clearly contrary to the design character of homes in this historic part of Old Deakin, which is in close vicinity to the Lodge.”*

*“There is little room or planning for vegetation to help soften the streetscape, but even if there were, it would remain totally out of kilter with the character of the residences in this part of National Circuit.”*

*“...does not respect the character of adjacent buildings in terms of scale and massing in particular.”*  
*“This house is in very close proximity to the lodge and does not reflect the dominant urban design character of the locality.”*

*“It is a large dominant box structure that will dominate the surrounding houses which are of a high architectural pedigree (Tony Trobe, Cox, Collins Pennington)”*

*“The circular driveway does not allow adequate planting to soften the dominant structure at the front of the block.”*

*“..consider that the proposed development fails to reflect the dominant design character of the locality.”*

## **NCA Considerations**

The proposal, designed by Hyperspace, features a contemporary aesthetic and incorporates environmentally sustainable design elements where feasible. A variety of neutral and minimalist materials and finishes are proposed.

The NCA considers the proposed contemporary design to be appropriate for the block and its setting near The Lodge, Parliament House, State Circle, and the broader precinct. While architecture and design are inherently subjective, the NCA considers the proposal to be responsive to the site context.

The proposed landscaping design is not considered to be consistent with the surrounding area, with the site lacking the defining features of the Deakin/Forrest Area. The proposed works undermine the established rhythm of the tree-lined boundaries and layered vegetation that characterise the area. While the current proposal includes new trees, none are close to the required minimum crown diameter of 8m. The proposal also includes walls on the boundary of the site that exceed the 1.8m permitted height. The NCA is unable to support the proposal.

## **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 has assessed the proposal as being inconsistent with the provisions of the National Capital Plan.

On 30 January 2026 the NCA made the decision to **not approve** the application.

# Attachment A

## The Canberra Times Public Notice and Site Notice – Round 1


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### WORKS APPROVAL

Open for Public Consultation  
**Demolition of existing dwelling and construction of a new detached dwelling (Block 17 Section 2 Deakin)**  
 The National Capital Authority (NCA) has received a works approval application for the demolition of the existing dwelling and the construction of a new detached dwelling, with basement car parking and associated landscaping.

The plans and supporting documentation for the application can be viewed on the NCA's website at <https://www.nca.gov.au/planning/works-approval/wa-under-consultation>.

Submissions are to be made by email to: [WAconsultation@nca.gov.au](mailto:WAconsultation@nca.gov.au).

The NCA welcomes feedback on this application by **5:00pm Friday 28 February 2025**.

For further information, contact the NCA on (02) 6271 2888.



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 Find out more at: [www.nca.gov.au](http://www.nca.gov.au)


 Australian Government  
 National Capital Authority

## HAVE YOUR SAY

### BLOCK 17 SECTION 2, DEAKIN

#### 77 NATIONAL CIRCUIT - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A NEW DETACHED DWELLING

The National Capital Authority (NCA) has received a works approval application for the demolition of the existing dwelling and the construction of a new detached dwelling, with basement car parking and associated landscaping.



The plans and supporting documentation can be viewed on the NCA's website at <https://www.nca.gov.au/planning/works-approval/wa-under-consultation>

The NCA welcomes feedback on this application by **5:00pm Friday 28 February 2025** via email to: [WAconsultation@nca.gov.au](mailto:WAconsultation@nca.gov.au).

Please contact the NCA for further information on (02) 6271 2888  
[www.nca.gov.au](http://www.nca.gov.au)



# Attachment B

## The Canberra Times Public Notice and Site Notice – Round 2


**Australian Government**  
**National Capital Authority**

### WORKS APPROVAL

Open for Public Consultation

**Demolition of existing dwelling and construction of a new detached dwelling (Block 17 Section 2 Deakin)**

The National Capital Authority (NCA) has received a works approval application for the demolition of the existing dwelling and the construction of a new detached dwelling, with basement car parking and associated landscaping at 77 National Circuit, Deakin. A second round of public consultation is now being undertaken on an amended proposal.

The plans and supporting documentation for the application can be viewed at the NCA's website at <https://www.nca.gov.au/planning/worksapproval/wa-under-consultation>.

Submissions can be made by:

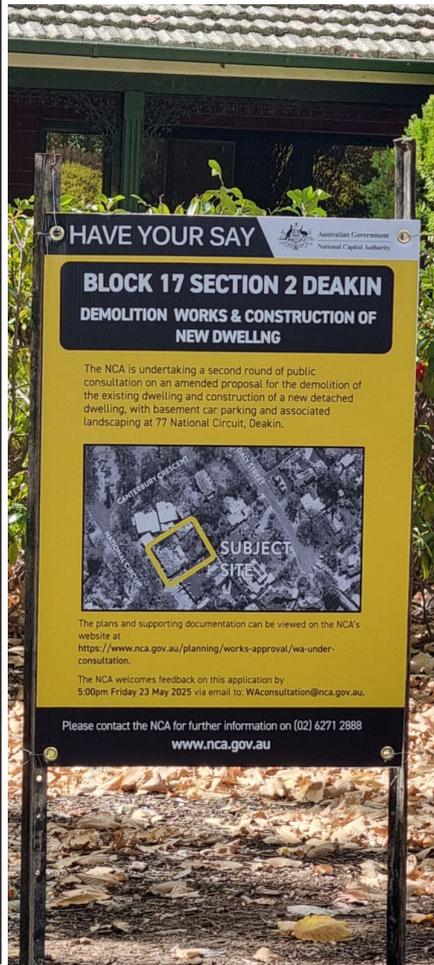
- Email to [waconsultation@nca.gov.au](mailto:waconsultation@nca.gov.au)
- Writing to  
GPO Box 373  
Canberra ACT 2601

The NCA welcomes feedback on this application by **5:00pm, Friday 23 May 2025**



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 [nca\\_gov\\_au](https://twitter.com/nca_gov_au)
 [nca\\_media](https://www.instagram.com/nca_media)  
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### HAVE YOUR SAY

## BLOCK 17 SECTION 2 DEAKIN

### DEMOLITION WORKS & CONSTRUCTION OF NEW DWELLING

The NCA is undertaking a second round of public consultation on an amended proposal for the demolition of the existing dwelling and construction of a new detached dwelling, with basement car parking and associated landscaping at 77 National Circuit, Deakin.



The plans and supporting documentation can be viewed on the NCA's website at <https://www.nca.gov.au/planning/works-approval/wa-under-consultation>.

The NCA welcomes feedback on this application by **5:00pm Friday 23 May 2025** via email to: [WAconsultation@nca.gov.au](mailto:WAconsultation@nca.gov.au).

Please contact the NCA for further information on (02) 6271 2888  
[www.nca.gov.au](http://www.nca.gov.au)