



26 September 2013

National Capital Authority
GPO Box 373
Canberra ACT 2601

ATTENTION: Natalie Broughton

Dear Natalie

**Works Approval and Master Plan Implementation Strategy
Block 9 Section 13 Barton – Submissions**

The proponent has written a formal response on the submissions by members of the public, provided by the NCA, in relation to the publicly advertised MPIS and Works Approval. For ease of reference we have numbered the issues and responded below.

1. Ms Catherine Wallace submitted the following on the 14th June:

Parking: *The strategy outlined in the works approval application fails to make sufficient provision for the accommodation of all parking spaces displaced by the development. As someone who has both worked and lived in this area in the past, I am well aware of the parking pressures existent in this precinct even with the parking spaces that are currently available.*

I note that the plans for the development specify space for only 401 vehicles during Stage 1, which is 30% less than the spaces currently available and does not even meet the NCA's own requirement that a proponent's long term parking strategy must adopt in the first stage of development a minimum of 470 displaced car parking spaces. Although 238 car spaces are nominated for Stage 2, if one takes into account the need for spaces to accommodate construction workers' and subcontractors' vehicles, even this allocation looks to be inadequate and therefore leaves a significant shortfall in available parking spaces from Stage 1 right through to Stage 3 of the development (with the shortfall being particularly severe during Stage 1).

Even with the availability of the more than 600 car spaces in the area that is the subject of the development application, parking pressure in this precinct is acute, and has detrimental impact on parking amenity in the Landmark complex, with workers often parking their cars in spaces reserved for Landmark visitors (leaving genuine Landmark visitors with nowhere to park) or on grass verges fronting the complex causing lawn damage and resultant extra expense to owners, not to mention the increased worker pedestrian traffic through and consequent damage to the complex's landscaped gardens by those parking in Bowen Park in order to avoid pay parking.

This works approval application as it currently stands, with its inadequate provision of car parking spaces from Stage 1 though to Stage 3, is only likely to exacerbate these problems.



The proponent responds that the Holding Lease provides:

<p>MASTER PLAN IMPLEMENTATION STRATEGY</p>	<p>(b) That the Lessee must prepare and submit to the National Capital Authority for its approval a master plan implementation strategy for the Land that provides a strategy and plan for the development of the Land that is in accordance with the provisions of the National Capital plan and must include:</p> <p>(i) a plan of subdivision of the land;</p> <p>(ii) a long term car parking strategy for the Land that includes:</p> <p>(A) Details of the means by which the relevant conditions of the National Capital Plan will be satisfied;</p> <p>(B) Details of the construction staging and other measures to minimise disruption to and reduction of publicly available car parking on the Land during development of the Land to satisfy the relevant conditions of the National Capital Plan; and</p> <p>(C) The location or locations of car parking to be provided on the Land by reference the plan of subdivision of the Land;</p>
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Additionally, Appendix U of the National capital plan requires the proponent to *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 to accommodate a minimum of 470 displaced car parking spaces.* There is no express obligation to maintain a capacity of 470 displaced car parking spaces during every stage of development as suggested by the submitter.

We note that Appendix U has undergone extensive public consultation, including with the residents of Landmark, prior to being put into effect within the National Capital Plan.

The proposal complies fully with the proponent’s Holding Lease and the requirements of Appendix U, demonstrates a strategy to minimise disruption whilst developing the site and the proponent has adopted the strategy in Stage 1.

The alleged misuse of car parks within the boundaries of the Landmark development are a matter for the body corporate of that complex to resolve, not the proponent.

2. Ms Wallace further submits as follows:

Noise: *When the Landmark complex was completed in 2004, it transformed this part of Barton into a residential area. The Master Plan Implementation Strategy for the proposed development does not include any details about intended working/construction hours; I assume these would need to be discussed with and agreed to by NCA. As an owner in the Landmark complex whose property is currently tenanted by a shift worker, it is important to me that there are very firm rules on permissible working/construction hours prior to any development proceeding, as noise*



emanating from this work may have a significant impact on quality of life for tenants in my apartment and in turn my ability to keep my property tenanted during the construction of the development which could run to three years or even longer.

The proponent and its contractors will comply with the requirements of the Environmental Protection Unit and the Construction Occupations Registrar relating to construction activity, including maximum noise levels and hours of work. In particular, the current *Noise Environment Protection Policy* permits building work to be carried out between 7am and 6pm Monday-Saturday. Outside of these hours, comprehensive noise restrictions apply. Compliance with this policy and other codes are normally set out within the Building Approval.

3. Ms Wallace further submits as follows:

It is my strong request that NCA approval of this development application be granted only once the developer has amended the plan to make provision for an adequate number of parking spaces throughout all stages of the development. I also request that rules and requirements governing the construction operations and protecting the amenity of local residents be laid down in clear, unambiguous terms prior to any granting of works approval.

The MPIS sets out an appropriate response to 'Minimising disruption' during the staging of the works and is compliant with Appendix U. Please refer to **Item 1**.

4. Peter Salapatas submitted the following on 15th June:

The granting of development of this property prior to a clearly considered long-term policy on parking from the two governments – Commonwealth and ACT adds to the current problems faced by residents and visitors to the Barton/Kingston precinct. I will not go into the pros and cons of paid parking within the parliamentary triangle, but I expected that the parking issues in the precinct would have been resolved prior to having another parking area removed.

The matters of policy between the Commonwealth and the ACT Government do not affect or diminish the proponent's right, and its obligation, to undertake the development in accordance with the Holding Lease and Appendix U. The proposal is consistent with the requirements of both documents.

5. Mr Sapatas further submits as follows:

The lack of planning for access to apartment blocks for removalist/delivery trucks is also an issue given that the matter does not appear to have been addressed in planning for this development. As the Building Manager for Landmark Apartments I have had first-hand experience of the difficulties removalists and delivers have in accessing the Landmark property and this lack of planning will exacerbate traffic flow



problems in the area. This will be of greater concern as stage 1 is completed, stage 2 is commenced and residents start moving into the two stage 1 buildings, with parking spaces on the development site further decreasing.

The development proposes to use the existing designated loading zones on Blackall Street for removalists & deliveries. This approach is supported by the traffic report.

6. Mr Sapatas further submits as follows:

The issue of parking in the precinct will not go away and the NCA/Commonwealth Government and the ACT Government need to be proactive in deciding what the plans for parking are prior to removing more parking areas.

Please refer to **Item 1**.

7. A member of the public who requested not to be named submitted on 18 June 2013:

I am opposing approval of the development application for "SECTION 9 DEVELOPMENT IN BLACKALL STREET" based on the following grounds:

1. Reduction of available parking in Barton precinct:

The proposed development would drastically reduce the already limited parking currently available in the Barton precinct. There is barely enough parking available for the office staff in the area with many overflowing down to parking on the lake foreshore and in surrounding streets such as around Telopea park. Being a resident of Landmark we already have issues with others utilising the visitor parking spaces at the Landmark. The proposed development would exacerbate the issue.

Please refer to **Item 1**.

8. The submission further states:

2. Non residential staff using Landmark apartment as a thorough fare

Already there are a number of persons who park down on Bowen drive in the car parks surrounding Lake Burley Griffin. With the decrease in parking available as a result of the proposed development this would increase as staff in the surrounding office buildings are forced to seek parking further afield.

Please refer **Item 1**. The proponent further notes that one of its joint venture participants was the developer of Landmark. It was a condition of the development of the Landmark site that the pathway within the property boundary providing access from Bowen Drive to Blackall Street remained open and publicly available as a pedestrian access way. The appropriate use by members of the public of this pedestrian access way does not affect the compliance of this proposed development with the relevant planning requirements.

9. The submission further states:



3. Blocking out of light & views from the Landmark apartments

With the height of the proposed development it will block out views to Black Mountain and further reduce views to other key sights. During winter it would reduce natural light into the Landmark apartments.

A perceived loss of view is not grounds for the NCA to reject an approval. The development is fully compliant with Appendix U. We also note that the proponent has provided (at the NCA's recent request) a large verge to Blackall Street creating a greater separation and more appropriate interface with Landmark.

10. The submission further states:

4. Change in street outlook

Taking into account the existing street frontage in Blackall street the proposed development would close in the street thereby transforming it further into a tunnel lined by buildings. The existing car park allows the area to feel open and airy, as opposed to a concrete jungle of medium height buildings.

The building height and setback is compliant with Appendix U.

11. The submission further states:

5. Increase in traffic

Although Barton is already a mixed use suburb the proposed development would increase traffic along Blackall St to unacceptable levels. It is difficult enough already to negotiate the street which is lined by cars Monday to Friday.

The Works Approval is supported by a traffic report indicating that the resultant changes to traffic conditions can be accommodated within the capacity of the street network. Blackall Street is classified as a local road and within the vicinity of the site and is configured with one travel lane in each direction. The report concludes that: *"Blackall Street is not anticipated to carry high traffic volumes throughout the day such that the increased traffic will not have any adverse impact on the road's notional capacity."*

12. The submission further states:

6. Noise

The increase in traffic would raise the noise level considerably not only by the increase of traffic volume but also the reverberation of sound between buildings.

Please refer to **Item 11**.

13. The submission further states:

There needs to be a balance between development and existing amenities. I strongly



feel that this is no longer a criterion for development within the ACT.

This is an opinion of the submitter and does not affect the compliance of the proposal with the provisions of the National Capital Plan or the Holding Lease (as appropriate).

14. A submission was received from the Landmark Body Corporate on 12th June, as follows:

This submission by the Executive Committee of the Owner's Corporation, Landmark Apartments (Units Plan 2413) represents the interests of its 282 apartment owners and over 500 residents. Landmark being the first residential development in the area has experienced, at first hand, some of the growing pains and neighbourhood problems of being proximate to the construction and extensive refurbishment of other large buildings. Landmark welcomes the development of the site and the opportunity provided to comment on the project.

The architectural plans appear attractive but difficulties are foreseen in the management of the site and environs during and after construction.

STAGING

It is difficult to envisage the over-all result of the complete complex given the lack of detail of Stages 2 & 3 and the possibility of amendment as the development proceeds but the Master Implementation Strategy (MPIS) is a useful guide.

The staging outlined in the MPIS adequately demonstrates a master plan implementation strategy for the Land that provides a strategy and plan for the development of the Land that is in accordance with the provisions of the National Capital Plan. Future stages will be subject to individual Works Approvals and therefore subject to further public consultation once the detail of that stage is determined. This is consistent with the Stage 1 Works Approval approach.

15. Landmark further submits as follows:

PARKING STRATEGY

NCP Amendment 57 categorically states that "the 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 to accommodate a minimum of 470 displaced car parking spaces." Further, in a statement by the NCA Chief Executive in his press release, it was stated that "DA57 as amended, requires provision of 470 displaced car parking spaces as part of the first stage of development, with these being maintained in addition to any further parking required as part of the development". The nomination of 470 formalised car parking spaces as the standard adopted for NCP Amendment 57 has always been somewhat of a mystery to outsiders because previous surveys have assessed the existing car park's capacity at 645 spaces (NCA 2000) and 630 (Maunsell 2005). The car park was partially resurfaced and re-marked in during 2011 and the current plans provided by the architects show that 621 car parking spaces are presently available.



Please refer to **Item 1**.

16. Landmark further submits as follows, in several parts:

The plans even paraphrase the NCA requirement for 470 car parking spaces yet fail to meet that requirement by nominating only 401 spaces during Stage 1 and only 248 spaces during stage 2; the fact that the car park currently offers 621 spaces exacerbates the shortfalls shown for parking spaces available from the start of Stage 1 until the completion of Stage 3.

Please refer **Item 1**. Since the acquisition of the site by the proponent, the NCA would be aware (having granted Works Approval) that the carpark capacity has been formally increased by 32% (at the proponent's discretion and capital outlay) to the 621 spaces currently available. This was in effect the first step in the implementation of a long term strategy to minimise disruption to parking. We again state that the planning requirements and Holding Lease do not require the proponent to provide a minimum of 470 spaces throughout the course of developing the land, but only to *minimise disruption*.

Further, the forecast availability is most likely over-optimistic because:

a) No figures have been provided for construction workers' or subcontractors' vehicles even though the MPIS states that their provision will be considered in each Works Approval submission.

Construction workers are entitled to use an existing street network and parking infrastructure just as much as any other motorist or commuter working in Barton. There is no express requirement in the Holding Lease or the National Capital Plan to accommodate construction workers as an additional or separate matter. Should construction workers choose to park in the balance of the spaces (and pay for parking) then that is their prerogative.

b) The 20 (?) car parking spaces in the Ottoman's Right of Way will not be available until a later date.

The car parking on Block 13 Section 9, adjacent the Right of Way, will be available at the completion of Stage 1 as detailed in the MPIS. The redevelopment of Block 12 Section 9 (the Ottoman site) and any parking adjacent to that right of way is a matter for the Crown Lessee of that land, not the proponent, and must be redeveloped in accordance with Appendix U.

c) There is a strong possibility that mobile cranes will be employed during construction and that they will have to utilise areas identified for car parking in the car park to the west of Stage 1 and in either side street.

The construction of the works is anticipated to use a tower crane and will work within the



defined boundaries of the site. Any temporary works or equipment outside the site establishment (if required) will be subject to discussions and approval by the NCA and constructed with the appropriate temporary traffic management plan approved by Territory & Municipal Services.

d) No provision appears to have been made for future access to the Stage 1 building by large removal vans nor for household goods delivery vehicles which will be incessant visitors to the site. The utilisation of Blackall St access appears to have been denied, in accordance with NCP Amendment 57, and that would probably be impracticable given the street width available with loading zones already in place on the eastern side of Blackall Street. As a guide to future removalist requirements alone Landmark management facilitates over 250 known full removals each year for its total 282 apartments, while there are an unknown number of DIY removals conducted against House Rules at weekends; extrapolation shows that the new Stage 1 building will experience about 125 removals for its 138 apartments each year, with even more delivery vans on a near-daily basis.

Please refer to **Item 5**.

17. Landmark further submits as follows:

Landmark's concerns about future parking availability are not necessarily altruistic ones, in fact, local office workers are often the worst offenders at taking up the 9 visitors' parking and 3 disabled parking spots situated on our won property facing Blackall Street. Additionally, there is already a procession of pedestrian traffic through our gardens each weekday from workers parking at Bowen Park to avoid pay parking and this incidence is bound to increase as workers park their vehicles wherever they can, even illegally, once the current parking spaces are made unavailable. There have always been problems with vehicles utilising the Blackall Street verge with subsequent damage to the lawns which we maintain; Landmark has installed approved bollards but despite that expenditure we have had to put lawn renovation (costing \$14000) on hold pending assurance about future enforcement by NCA and/or the ACT Government. Stages 1, 2 & 3 could well run for at least three years, or longer, depending upon the developers' commercial decisions in the future. This timeframe is not a transient one to be grudgingly accepted in the short term and a firm plan needs to be put in place to meet the NCP Amendment 57 requirements before NCA approves the Works Application. Regular and firm enforcement by NCA will be necessary if parking anarchy throughout Barton is to be avoided during the construction phases.

Please refer to **Item 8**.

18. Landmark further submits as follows:

ALTERNATIVE PARKING SITE PROVISION
It is suggested that the developer be required to examine other possible options to maintain at least 470 displaced parking sites (even then the local workers will have lost



access to 151 spots presently available), alternative parking might be found in:

- a) The grounds of St Marks or the Australian Centre for Christianity and Culture.
- b) Nearby commercial buildings with spare parking capacity.
- c) The car park situated behind the Glassworks, with shuttle bus services as previously provided by the developer during the resurfacing of the car park in question.

Please refer to **Item 1**. The proponent is not required to provide alternative parking site and similarly is not obligated to undertake a precinct parking study for Barton. The proposal complies with Appendix U and the Holding Lease.

19. Landmark further submits as follows:

STRUCTURED CAR PARK – STAGE 2

Given the existing demand for parking, even pay parking, in the Section 9 Barton area there would appear to be a need to reconsider the developers' current plan to accommodate only 311 cars in their planned structured parking; with development of the commercial precinct and active frontages in Stages 2 & 3 many of the 470 displaced car parking spaces will later have to be encumbered by quote short available time limitations. There is a current parking planning shortfall of 151 spaces, already mentioned, and long term NCA planning appears to intend building on the large surface car park on the northern side of Kings Avenue opposite the northern side of the Edmund Barton Building; both car parks are extensively used by workers in the Edmund Barton Building. If a full and detailed study of parking needs in Barton were to be conducted there would be ample evidence of the need for more parking spaces and the potential commercial opportunities available to the developers to increase the structured car parking capacity in Stage 2.

There is no shortfall of 151 spaces at the completion of the development. The completed development provides the required 470 car parks on the Land.

20. Landmark further submits as follows:

CONSTRUCTION WORKING HOURS

Landmark has already experienced inconvenience from permissible working hours at the Edmund Barton Building. There seems to be widespread ignorance in many organisations that Landmark's development in 2004 has transformed the precinct into a residential area. This matter was raised with NCA in a meeting with the Chief Executive, Gary Rake, and Andrew Smith on 29 June 2010. In his reply on 10 September 2010 (Your Ref:79735, File:08/319 refers) the Chief Executive stated that "Development on Section 9 will also require a works approval from NCA, and the NCA would typically seek information about hours and days on which work is proposed to be undertaken on site. These arrangements normally allow early morning work on weekdays, but not on weekends, and normally require cessation of construction activities by early evening." The MPIS provides no detail about intend working hours



but they will obviously be discussed and agreed with NCA. Such an issue provides a good example as to why Landmark's residents seek firmly set rules because once the building operations commence any complaints of inconvenience to residents may well have to be referred to ACT Government agencies, such as the Environment Protection area.

Please refer to **Item 2.**

21. Landmark further submits as follows:

OVER-ALL SUPERVISORY MANAGEMENT

Landmark is very comfortable with the idea of NCA being responsible for supervision of the project and its impact within the Barton precinct. Past experience has highlighted communication difficulties between federal and local government agencies where there is necessarily a degree of overlap of authority and responsibilities, some of these areas are:

- a) Access and use of verges by utility providers.*
- b) Damage to verges and necessary restoration.*
- c) Street parking/loading zone establishment and enforcement.*
- d) Provision o Ranger services and protection.*
- e) Traffic control and driveway access.*
- f) Working hours and noise amelioration.*

Landmark would trust that interdepartmental benchmarks could be put in place so as to remove the frustrations associated with dealing with government agencies with shared responsibilities. A checklist of the pertinent provision together with list of contact numbers and email addresses, right from the outset, would be of immense assistance to building managers in the Barton precinct and even to the government agencies themselves.

This is a matter for NCA to consider. The proponent is prepared to nominate a key point of contact during the construction of the works, as requested, to facilitate good communication between the authorities and builder.

22. Landmark further submits as follows:

CONCLUSION

Obviously Landmark's greatest concerns relate to the provision of adequate parking, both displaced parking and future provision of structured parking to be provided during Stage 2. Strict and frequent policing of parking and minimising the impact of building operations on the immediate and nearby neighbourhoods will be essential if severe parking problems in the precinct are to be avoided.

It is strongly requested that restrictions governing the building operations and protecting the amenity of local residents and workers be laid down unambiguously before works approval is granted.



All points are addressed above.

23. A submission from another member of the public who requested not be named states as follows:

I would like to lodge an objection to the works approval application for Block 13 (Part) Section 9 BARTON Blackall Street, based on the unsuitability of the parking space issues.

Under the proposal the current 470 parking spots would be replaced with 311 parking spots in a 'car park' plus 159 car parking spots being converted to on-street parking.

In effect this means there will be a loss of 159 all day car spots.

In addition, there is nothing within the works approval application that guarantees a parking site for the 311 car spots with a designated price for parking. As the parking site would become privately operated this means the price for parking could be unregulated.

There is already a lack of all-day parking for people who work in Barton.

This proposal reduces the already inadequate parking.

This proposal does not provide any consideration or detail on the 'proposed' parking site of just 311 car spaces.

In consideration of the proposal the Authority needs to look at not just the total number of car spots being replaced it needs to at least ensure that the 470 all-day car spots are maintained and not reduced.

Consideration needs to be taken for those people who work within the Barton area and providing suitable and adequate all day parking.

Please refer to **Items 1 & 19**. Further neither the Holding Lease nor Appendix U prescribes that the car spaces provided be "all day" parking.

The proponent wishes to note further the issues raised by submitters in relation to car parking arrangements during and following construction on the site and makes the following further comments:

Details of the stage 2 development of the MPIS indicate that the proposed structured parking will provide 311 spaces in a structured carpark arrangement. Statistics collected by the developer on the current surface car park indicate that there is demand for a mixture of short term and long term car parks. Parking mix (basement or surface) and durations (long and short stay) will be determined by the demand for types of parking within the precinct.

There is no scope within the Holding Lease or Appendix U for the NCA to mandate that all



470 parks are for a particular duration, eg “all day” or to determine the payment arrangements for the use of these parks.

Since this lodgement we also note that there has been an NCA public submission on the 3rd June 2013 into the Joint Standing Committee on the National Capital and External Territories and Inquiry into provision of amenity within the Parliamentary Triangle. The NCA made the following comments but in particular says *“it is important to ensure that Government, as land manager and planning regulator, does not unduly fetter the private sector’s ability to deliver these amenities”*:

Evidence given by the NCA and the Doma Group at the Joint Standing Committee hearing (refer Hansard) suggested that retail (under Stage 2) can be further explored when the MPIS is approved and the developer can talk to providers with some certainty about the allowable development. We also welcome and support paid parking being implemented in the Parliamentary triangle (as do the NCA) and believes this will alleviate a lot of the precinct parking issues alluded to by some of the submissions, but out of our control.

In conclusion, the MPIS and the Works Approval have been prepared and are compliant with Appendix U and the Holding Lease. Both the NCA and the proponent have had numerous consultations prior to submitting and have accommodated all feedback and directions by the NCA to date. Additionally the proponent has had multiple consultation meetings with the land manager (DOFD) whom we note has not submitted.

As demonstrated above we submit that the MPIS and the proposal within the Stage 1 Works Approval are capable of immediate approval. We would be happy for the NCA to refer the above responses when liaising with the submitters at any future time.

Thank you for the opportunity to respond to these submissions.

Yours sincerely

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