



Australian Government
National Capital Authority

CONSULTATION REPORT

**WORKS APPROVAL 19065 – BLOCK 28 SECTION
19 CAMPBELL REDEVELOPMENT OF 81 CONSTITUTION
AVENUE, CURRENT RSL NATIONAL HEADQUARTERS**

DECEMBER 2013

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PART 1 - 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 that 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.

The NCA received an application from Hindmarsh Development Australia for the redevelopment of Block 28 Section 19 Campbell. The application comprises the demolition of the existing Returned and Services League (RSL) national headquarters building and construction of a residential complex comprising two buildings with ground level commercial fronting Constitution Avenue and a building for the RSL and office use. A map detailing the location of the application is at [Attachment A](#).

PART 2 - PUBLIC CONSULTATION REQUIREMENTS

2.1 National Capital Plan

Under the Plan, the requirements for public consultation apply, but are not limited to, certain residential developments, telecommunications facilities (that are not considered low impact) and amending or issuing an instrument under the Plan (including Development Control Plans).

2.2 Commitment to Community Engagement

The NCA's 'Commitment to Community Engagement (August 2011)' details how the NCA conducts consultation. The purpose is to achieve a greater level of consistency and transparency in the NCA's decision making process.

The Commitment to Community Engagement describes:

- the minimum requirements for consultation
- the timeframes for amendments to the Plan
- what is involved in preparing a new Development Control Plan
- the process for amending or issuing an instrument under the Plan
- the process by which WA applications, which are released for public consultation, will be assessed.

Part 2 (Consultation Protocol) of the NCA's 'Commitment to Community Engagement (August 2011)' describes the consultation process for WA applications. The consultation protocol includes criteria for which an application will be assessed, in order to determine whether the application should be released for public notification or full public consultation.

For development applications, the NCA undertakes a risk assessment of each proposal against the assessment criteria set out in the Consultation Protocol. The public notification process will include information about the NCA's risk assessment of the proposal against the assessment criteria below.

1. What is the likelihood that the proposal will adversely affect existing public space and / or community amenity?
2. What is the likelihood that the proposal will adversely affect existing environmental, heritage or landscape values?
3. What is the likelihood that the proposal is discordant with the general development and amenity of the locality in terms of materials, finishes, scale, massing, design and quality?
4. What is the likelihood that the proposal is inconsistent with an existing Heritage Management Plan (HMP)? (If there is no HMP, this question is not applicable).

The combination of the likelihood and consequence from the criteria described in the above categorises an overall perceived risk into five ratings being 'negligible', 'low', 'significant', 'high' or 'extreme'. Works assessed as having an 'extreme' risk will be rejected.

Full public consultation for WAs will be required where the NCA's perceived risk rating is 'significant' or 'high', and also for any development where consultation is a mandatory requirement under the Plan.

When a WA application is lodged and consultation is required, the applicant is required to consult with the community and stakeholders. The NCA may stipulate specific requirements for consultation and, for higher perceived risk proposals, may undertake the consultation process itself.

The NCA may set aside the requirement to undertake full public consultation where:

- (a) previous consultation has been undertaken
- (b) for minor amendments to previously approved works
- (c) proposals are exempt, as demonstrated in the 'Commitment to Community Engagement (August 2011)'
- (d) the NCA determines it unnecessary and no stakeholders will be affected.

The Plan has specific requirements in relation to consultation for telecommunications facilities, in relation to any new towers, masts or monopoles.

As the application for the redevelopment of Block 28 Section 19 Campbell was assessed as having a level of risk greater than 'low', the application was subject to full public consultation.

PART 3 – SUMMARY OF PUBLIC CONSULTATION

3.1 The public consultation process

Public consultation on the application was undertaken between 9 and 29 November 2013.

The consultation took the form of:

- On Saturday 9 November 2013, 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 B](#)).
- Between 9 and 29 November, publishing details of the proposal, including the applicant's plans and planning report on the NCA's website.
- Between 9 and 29 November 2013, two signs were installed on site, one fronting Constitution Avenue and one fronting Blamey Crescent.
- On 8 November 2013, the NCA delivered a notification letter to properties surrounding the site including nearby neighbours in Getting, Jacka and Blamey Crescents, Watt Street, and to the two building owners on Constitution Avenue between Creswell Street and Blamey Crescent.
- The NCA referred the proposal to the ACT Environment Protection Agency (EPA), ACT Heritage, ACT Conservator and ACT General Leasing.

In addition to the NCA's consultation activities, Hindmarsh undertook a community consultation process prior to the Works Approval application being submitted. This included meeting with Campbell residents and the three adjoining rear neighbours in Getting Crescent (14, 16 and 18 Getting) and occupants of 11 Getting Crescent.

3.2 Submissions received, comments and responses

The NCA received a total of nine public submissions on the development during the consultation process. Eight public submissions raised issues or objections in relation to elements of the development. Of those, one submission was on behalf of four individuals and was supported by 22 other individuals. One submission was of thanks to NCA staff for attending to the submitters concerns during the consultation process.

Emails of acknowledgment were sent to the submitters advising them that their submissions will be taken into consideration before a decision is made on the application.

The key issues raised by the community during the consultation process were:

1. Concerns about traffic and parking on the surrounding street network.
2. Impact of construction activity on residential amenity.
3. Details of balconies, lighting, fencing and powerlines.
4. Building height.
5. Tree removal.

In addition to the public submissions, the NCA received responses from the ACT Government agencies referred to above. See [Attachment C](#) for a summary of their responses.

PART 4 - COMMENT AND RESPONSE

A summary of the key themes raised and NCA response is provided below. A summary of each submission is provided at [Attachment D](#).

4.1 Traffic and parking impact on the surrounding street network

Submitter's issues

A number of submitters raised concern that the development would increase the vehicle traffic and parking in the residential streets, in particular excess cars at the intersection of Blamey Crescent and Constitution Avenue.

NCA comment

The application included a Traffic Impact Assessment by AECOM that concluded that the *'Intersection capacity analysis indicates that the traffic generated by the proposed development will have little impact on the Constitution Avenue/Blamey Crescent intersection performance in its existing configuration'*.

Parking generation for the development is provided on site and is in accordance with the requirements set out in the National Capital Plan.

4.2 Impact of construction activity on residential amenity

Submitter's issues

Concerns were raised regarding the impact of construction activity on the residential amenity of the area. Concerns were around hours of operation, impact on adjacent footpaths, contractors parking and the potential of a crane moving over nearby houses.

NCA comment

Hours of operation are set out and enforced by the ACT EPA. The ACT EPA have advised that this site is within Zone C of the 'Environment Protection Regulation 2005' and is therefore exempted from construction noise during the hours of 7.00am and 6.00pm Mon to Sat excluding Sundays and public holidays. Outside of these hours noise emissions must comply with the noise standard for Zone C which is 55 dB(A) from 6.00 pm to 10.00 pm and 45 dB(A) from 10.00 pm to 7.00 am.

Detailed construction management plans (including any crane use) will be subject to further works approval applications.

4.3 Details of balconies, lighting, fencing and powerlines

Submitter's issues

Some submitters sought information on detailed design matters including the design of the balcony balustrades, rear fencing to 14-16 Getting Crescent, light spill and undergrounding of powerlines.

There was some concern that the balconies to the northern elevation facing the residential area should be all solid and not include glass to minimise noise and overlooking.

NCA comment

The balconies on Building B, the low rise building, closest to the rear neighbours, has all concrete balcony balustrades.

The balconies on Building A alternate vertically between a frosted glass balustrade and then a concrete balustrade with a glass section on top.

Light spill has been minimised, no floodlights are provided.

Rear fencing has been agreed with 14 and 16 Getting Crescent to be 2.1 metre pre-coloured metal fencing with lattice to 2.4 metre height.

The applicant have subsequently discussed the undergrounding of the powerlines with 14 and 16 Getting Crescent and determined not to underground the powerlines. They will be retained above ground.

4.4 Building height

Submitter's issues

Some submitters were concerned that the 25 metre height limit was exceeded and that there were minor encroachments of lift and plant above the 25 metres.

NCA comment

Consistent with the National Capital Plan, the buildings fronting Constitution Avenue are generally up to 25 metres. Due to the slope of the land along Constitution Avenue a very minor element of the western end of Building A is above 25 metres by approximately 0.600 metres. Minor building elements including lift over run and air-conditioning plant platform extend above the 25 metres as permitted by the National Capital Plan.

4.5 Tree removal

Submitter's issues

Some submitters were concerned with tree removal on the block and on the adjacent RSL Park, which would increase overlooking and privacy issues.

NCA comment

A number of trees on the site require removal for the development. The existing street trees adjacent to the site on Constitution Avenue and Blamey Crescent are also to be removed and replacement with advanced stock is proposed.

The Tree Management Plan TMP01 shows trees 39, 40, 42-53 be retained. The NCA will require the fencing of these trees prior to works commencing.

A detailed landscape plan is included with the application showing the planting of deep rooted trees to the north and north western boundary.

Seven trees in RSL Park near the boundary with the development site are proposed for removal to provide a retaining wall and battered ground along the edge to divert the overland flow path, currently cutting across the site. RSL Park is not located within a Designated Area under the National

Capital Plan. All works to RSL Park require the approval of ACT Territory and Municipal Services (TaMS). Consultation has been undertaken by the applicant with the relevant areas within TaMS.

Conclusion

The NCA's consultation process was carried out in accordance with the Plan and the NCA's 'Commitment to Community Engagement (August 2011)'.

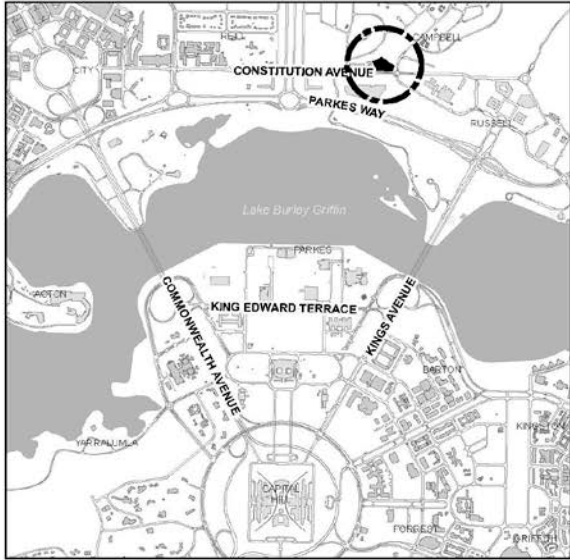
A total of nine public submissions were received. One submission was on behalf of four others and was supported by 22 names. One submission thanked NCA staff for attending to the submitters concerns during the consultation process.

The NCA sought further clarification from the applicant on a number of the matters raised during the consultation process as noted above.

These matters have now been addressed consistent with the provisions of the National Capital Plan and to the satisfaction of the NCA.

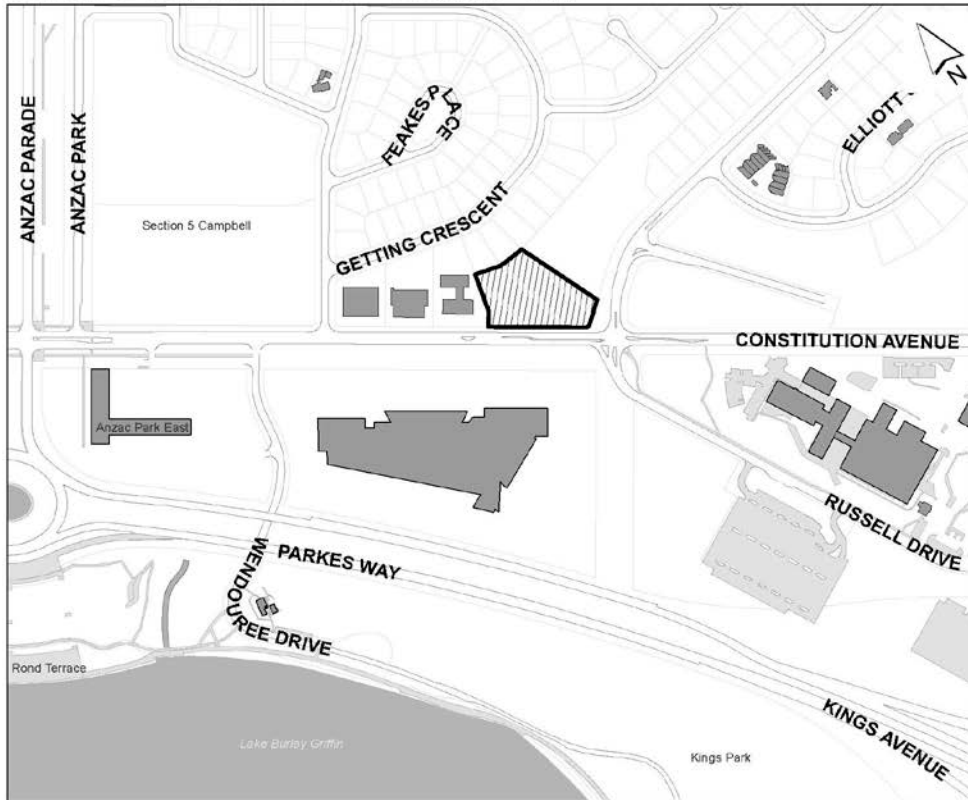
Attachments

Attachment A: Location plan



RSL HEADQUARTERS AND MIXED USE RE-DEVELOPMENT

 BLOCK 28 SECTION 19 CAMPBELL



Attachment B: Canberra Times – public notice



Australian Government
National Capital Authority

Block 28 Section 19 Campbell – Redevelopment of RSL National Office – Proposed office, residential and retail development



The National Capital Authority has received a works approval application from Hindmarsh Development Australia for the demolition of the existing building and construction of a mixed use, office, residential and retail development on Block 28 Section 19 Campbell.

Comments close on Friday 29 November 2013.

For comments and more information, visit the NCA's website or contact Natalie Broughton on [02] 6271 2867. Write to us at GPO Box 373 Canberra ACT 2601.

ALL SUBMISSIONS, INCLUDING NAMES AND ADDRESSES WILL BE MADE PUBLICLY AVAILABLE AT THE NCA OFFICE AND ON THE WEBSITE, SUBJECT TO APPROVAL IN WRITING BY THE SUBMITTER, IN ACCORDANCE WITH THE NCA'S COMMITMENT TO COMMUNITY

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Attachment C – Summary of submissions

Note: The National Capital Authority (NCA) undertakes an open and transparent works application process. Works Approval documentation advised that the NCA would prepare a Consultation Report for publication on the NCA website, and that this Consultation Report would include a summary of each submission, along with the name of each person making the submission. Names of submitters have been omitted where a submitter requested confidentiality.

| Issue | NCA response |
|---|---|
| Submission 1 – Rowan Wyborn | |
| Disappointed that there is not more of a mix of bedroom types than the one and two bedrooms proposed. A greater mix of units might suit people down sizing from nearby suburbs. | The proponent has determined to provide one and two bedroom units. There will be 84 one bedroom and 90 two bedroom units. |
| Submission 2 – Jim Castrission | |
| <p>Opposes residential development on the site. Concerned with increased traffic and parking on Blamey Crescent. In conjunction with the ASIO development concerned about traffic using Blamey Crescent. ASIO should enter from Parkes Way.</p> <p>Property rates should be reduced to reflect damage done to property values.</p> | <p>The Traffic Impact Assessment prepared by AECOM for the proposal identifies that there will be minimal impact on traffic conditions from the development. The Assessment concluded that the <i>'Intersection capacity analysis indicates that the traffic generated by the proposed development will have little impact on the Constitution Avenue/Blamey Crescent intersection performance in its existing configuration'</i>.</p> <p>Rates are determined by the relevant ACT Government Directorate based on land valuations.</p> |
| Submission 3 - HIA | |
| <p>The Plans appear to be generally consistent with the requirements of the National Capital Plan. From HIA's perspective, the key matters for consideration relate to the potential impacts the development may have on HIA's property, both in its current operation, and for any future development.</p> <p>The development plans show 14 residential units along the common boundary between 79 and 81 Constitution Avenue with windows and balconies facing the north western boundary. The wall setback 3.7m from boundary. The current low scale and orientation of the HIA building is unlikely to impact on the amenity of the units and the units are unlikely to have a significant impact on the ongoing operation of HIA's site.</p> <p>The HIA is likely to be developed in the future and would have similar development rights to the subject property. As part of the assessment of this application the NCA should have regard to future maximum building envelope for the HIA.</p> | <p>Noted.</p> <p>Noted.</p> <p>Any redevelopment of the Housing Industry Association (HIA) site would be subject to the National Capital Plan requirements that are in place at that time.</p> <p>The current development proposal for 81 Constitution Avenue has limited balconies to the boundary with the HIA.</p> |
| Submission 4 - Julie Doyle (also on behalf of Mr and Mrs B Rankin and Mr and Mrs B Caggiano) and supported by 22 Campbell Residents. | |
| There were separate meetings held with NCA and Ms Doyle and Mrs Bakas and NCA with Mr and Mrs Rankin and Mrs Caggiano | |

| Issue | NCA response |
|--|--|
| Below is a summary of the matters discussed with NCA and/or Hindmarsh responses below in italics by J. Doyle | |
| <p>DRAWING – LOI F</p> <ul style="list-style-type: none"> ▪ The rear residential building appears to be only 2.2m from the boundary with the adjoining RSL Park on Block 29 Section 19 – <i>confirmed no setback required adjoining the RSL Park. TAMS will undertake landscaping to establish screening.</i> ▪ The SE corner of the development appears to encroach onto public land in the RSL Park – NCA discussing with TAMS – <i>understood there will be a licence agreement between the RSL and ACT regarding the flagpole</i> ▪ No 8 – is this a barbecue area – <i>No</i> ▪ Confirming that all existing trees will be removed on Constitution Avenue. Concerns exist regarding quality of planting – mature stocks planted on Reg Saunders Drive are in fair condition – <i>will be replaced with mature stock.</i> ▪ Confirm that it is proposed to remove mature trees from RSL Park – <i>yes, to be undertaken by TAMS</i> | <p>The applicant will be responsible for planting the landscaping in RSL Park adjacent to the block boundary. Works to RSL Park are subject to ACT Territory and Municipal Services (TaMS) approval.</p> <p>Elements of the proposal (paving, flagpole, walling, are shown on Blamey Crescent verge, subject to approval of TaMS.</p> <p>No barbecue area is provided within the development.</p> <p>Street trees to Constitution Avenue will all be removed and replaced with advanced stock.</p> <p>A number of trees adjacent to the boundary with the site will be removed. Replanting is proposed. All works to RSL Park are subject to the approval of TaMS.</p> |
| <p>DRAWING A003 – DEMOLITION</p> <ul style="list-style-type: none"> ▪ Distance of only 9.8m from rear of residential building to 16 Getting Crescent – <i>confirmed – NCA has required the building height to be reduced</i> ▪ 0m setback on the NE corner of the RSL Building- <i>confirmed that this is at basement level</i> | <p>The rear building is setback 9.810 metres from the boundary fence with 16 Getting Crescent. The rear building is 9.7metres high and its roof is 2.7metres lower than the roof of 16 Getting Crescent.</p> <p>The North East corner of the RSL building is at the basement and upper levels is built to the boundary with RSL Park.</p> |
| <p>DRAWING - A111</p> <ul style="list-style-type: none"> ▪ Indicates that the site is to be subdivided – <i>yes, required for Unit Titling of residential component of the site - subject to further discussion.</i> | <p>Subdivision of the site is subject to a future works approval application to the NCA.</p> |
| <p>DRAWING - A301</p> <ul style="list-style-type: none"> ▪ Confirm that RSL Building will be 6 storeys – <i>yes, with 25 metre height limit</i> ▪ Were roof heights for 14, 16 and 18 Getting Crescent determined by formal survey? <i>These were obtained from the ACT DAD Survey Plans</i> | <p>The buildings fronting Constitution Avenue are generally up to 25 metres. They are measured from the finished footpath level at each corner of the block. Minor building elements including lift over run and airconditioning plant platform extend above the 25 metres as permitted by the National Capital Plan.</p> <p>Getting Crescent roof heights were taken from ACT CAD Survey Plans and site investigation.</p> |

| Issue | NCA response |
|---|--|
| <p>DRAWING– C102</p> <ul style="list-style-type: none"> ▪ Work hours – understood to be 7 am – 6 pm weekdays and Saturday – confirmation required that this is correct as detailed in section marked ‘Hours of Operation’? As this is not an outer urban greenfield site but a major development in an existing residential area. This is considered excessive by local residents and there are concerns regarding management of working times. <i>Proposal complies with ACT EPA requirements</i> | <p>Work hours are based on the ACT Environment Protection Agency (EPA) requirements. The ACT EPA have advised that this site is within Zone C of the ‘Environment Protection Regulation 2005’ and is therefore exempted from construction noise during the hours of 7.00am and 6.00pm Mon to Sat excluding Sundays and public holidays. Outside of these hours noise emissions must comply with the noise standard for Zone C which is 55 dB(A) from 6.00 pm to 10.00 pm and 45 dB(A) from 10.00 pm to 7.00 am.</p> |
| <p>GENERAL</p> <ul style="list-style-type: none"> ▪ Concerns over the size and configuration of the north facing balconies on the multi-storey residential building – <i>NCA seeking detailed design information from Hindmarsh – currently frosted glass with concrete upstand and metal railing</i> ▪ Lighting proposals as required by the ACAT Decision – <i>Hindmarsh advise that the terms of the ACAT decision, which will be incorporated in the Crown Lease have been met to minimise light spill</i> ▪ Proposed location of crane and overhanging on adjoining residential area – <i>This will require a separate Works Approval - NCA looking into this – TAMS and the EPA will also be involved</i> ▪ What are the safety proposals for pedestrians during the construction period – will the developer be permitted to take up the whole site as has happened with the developer be permitted to take up the whole site as has happened with the Jamieson House development? – <i>The pedestrian footpath on Constitution Avenue will be retained except for brief periods when infrastructure works are required</i> ▪ What are the road safety implications for the site at a major intersection? <i>Complex as Blamey Crescent is Territory Road and Constitution Avenue is Commonwealth - NCA to discuss with TAMS</i> ▪ Construction of fencing on rear boundary of Getting Crescent houses – <i>Advice received that 2.4m Colorbond fence with trellis capping will be provided.</i> ▪ Power Lines on residential boundaries – <i>Hindmarsh to liaise directly with adjoining owners.</i> | <p>The balustrades alternate vertically between frosted glass balustrade on one level and concrete balustrade with a 400millimetre glass panel above.</p> <p>The lighting has minimal light spill and no floodlighting is proposed.</p> <p>A separate works approval application will be required for installation of a construction crane.</p> <p>The plans subject to this application show the Constitution Avenue and Blamey Crescent footpath outside the construction fencing. Works affecting the footpath will be subject to a separate application.</p> <p>The application included a Traffic Impact Assessment by AECOM. The assessment concluded that the <i>‘Intersection capacity analysis indicates that the traffic generated by the proposed development will have little impact on the Constitution Avenue/Blamey Crescent intersection performance in its existing configuration’.</i></p> <p>Applicant has confirmed.</p> <p>The applicant will liaise with 14 and 16 Getting Crescent regarding the powerlines. Undertaken – confirmed power lines to remain above ground.</p> |

| Issue | NCA response |
|--|--|
| <ul style="list-style-type: none"> ▪ Construction of fence from NE corner boundary of 16 Getting Crescent to first building on RSL Site – landscaping not considered to be an adequate barrier particularly as this open area could become a pedestrian short cut for residents of 81 Constitution and also following a recent break-in into Getting Crescent properties. <i>More formal barrier required – Hindmarsh view that dense planting would be sufficient, however, plans show that a fence will be erected during the construction period. It is considered reasonable to request that a permanent fence should be provided.</i> ▪ Dilapidations Survey on 14, 16 and 18 Getting Crescent prior to construction and excavation – <i>Hindmarsh to commission in consultation with residents.</i> | <p>Part fencing to RSL boundary (black chainmesh) will be required.</p> <p>The applicant shall have dilapidation surveys prepared for 14, 16 and 18 Getting Crescent.</p> |
| <p>SECTION 5 (LDA) CONSTITUTION AVENUE AND BLOCK 33 SECTION 19 (HINDMARSH) - 65 CONSTITUTION AVENUE, CAMPBELL</p> <p>Local Residents have further safety and other concerns regarding the possible concurrent development of the ACT owned Section 5 Campbell which has been fully fenced to the roadway on Creswell Street. Redevelopment of 65 Constitution Avenue is understood to be in the pipeline.</p> <p>As the sites are under Territory and Federal jurisdictions what is the strategy which is proposed when both sites are being developed to manage public risk and safety? – <i>Complex as Creswell Street is Territory Road and Constitution Avenue is Commonwealth - NCA to discuss with TAMS</i></p> <p>Campbell residents use Getting Crescent and Creswell Street for access for both cars and pedestrians. Are any traffic calming measures proposed – <i>Responsibility of TAMS</i></p> <p>Is there a traffic management plan in place for the area when construction takes place – <i>NCA to check current Traffic Management Plan</i></p> <p>What is the proposed location of any crane and overhanging on adjoining residential area – <i>NCA to investigate as above</i></p> <p>Work hours – understood to be 6 am – 7 pm weekdays and Saturday – <i>Again concerns as above.</i></p> | <p>Redevelopment of 65 Constitution Avenue has been approved. There are no current approvals that require the closure of the Creswell Street footpath adjacent to 65 Constitution Avenue.</p> <p>Infrastructure works to Section 5 Campbell have been approved and commenced. Following sale of the blocks any development proposed will be subject to NCA works approval processes.</p> <p>Any plans for Temporary Traffic Management require the approval of TaMS and the NCA. Pedestrian access and safety is considered in assessing these.</p> <p>TaMS are responsible for any, if required, traffic calming measures to Creswell Street.</p> <p>A Temporary Traffic Management plan has been approved for Section 5 Campbell works affecting Creswell Street, Getting Crescent, Chowne Street and Constitution Avenue until 24 December 2013.</p> <p>Work hours are based on the ACT EPA requirements. The ACT EPA have advised that this site is within Zone C of the 'Environment Protection Regulation 2005' and is therefore exempted from construction noise during the hours of 7.00am and 6.00pm Mon to</p> |

| Issue | NCA response |
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| | Sat excluding Sundays and public holidays. Outside of these hours noise emissions must comply with the noise standard for Zone C which is 55 dB(A) from 6.00 pm to 10.00 pm and 45 dB(A) from 10.00 pm to 7.00 am. |
| Submission 5 – Doug Campbell | |
| Supports J. Doyle’s submission | Noted. |
| Protection of RSL Park and Blamey/Constitution nature strips from parking. Questions parking provision for the development. | <p>Illegal parking on RSL Park or Blamey Crescent should be raised with the TaMS.</p> <p>Parking generated by the development is provided on site for both the residential and commercial uses.</p> |
| Working hours. Who will monitor. | <p>Maximum work hours and noise requirements are based on the ACT EPA requirements. The ACT EPA have advised that this site is within Zone C of the ‘Environment Protection Regulation 2005’ and is therefore exempted from construction noise during the hours of 7.00am and 6.00pm Mon to Sat excluding Sundays and public holidays. Outside of these hours noise emissions must comply with the noise standard for Zone C which is 55 dB(A) from 6.00 pm to 10.00 pm and 45 dB(A) from 10.00 pm to 7.00 am.</p> <p>The ACT EPA is the contact for any breaches of these regulations.</p> |
| Dense plantings for screenings are offered. Questions what species are proposed and recommends native species and removal of weed species. | New plantings to RSL Park include Eucalypts, Casuarina’s and Quercus species. Weed management in the RSL Park is a TaMS responsibility. |
| Submission 6 - Andrew Schuller | |
| Supports Julie Doyle’s submission | Noted. |
| <p>Building Height</p> <ul style="list-style-type: none"> ▪ The 25m measurement seems to be taken from the ground level where the building line starts. Should it not be taken from the kerb? ▪ Figures 3 and 4 in the Planning Statement clearly show the 25m line being exceeded by the main building let alone by the plant etc. ▪ Concerned with the ‘minor elements’ over the 25m limit. Concerned that lift overruns and plant rooms are not appropriate elements to allow over the 25metres. The increase in height will impact on the residents of Campbell adding extra height and mass to the building. | <p>The building height is taken from the current footpath level on Constitution Avenue.</p> <p>The buildings fronting Constitution Avenue are generally up to 25 metres. They are measured from the finished footpath level at each corner of the block. Minor building elements including lift over run and air-conditioning plant platform extend above the 25 metres as permitted by the National Capital Plan.</p> |
| Submission 7 – Fiona and James Cotton and Frank Bradley | |
| <p>25 Metre height limit exceeded. Concerned that consultation on Amendment 74 noted that ‘all’ building work, plant or air-conditioning systems etc will be required to be ‘within’ the 25 metre height limit.</p> <p>Parts of the proposed building are above 25metres. This will set a precedence for other planning applications including on Section 5 Campbell.</p> | <p>Consistent with the National Capital Plan, the buildings fronting Constitution Avenue are generally up to 25 metres. Due to the slope of the land along Constitution Avenue a very minor element of the western end of Building A is above 25 metres by approximately 0.600 metres. Minor building elements including lift over run and air-conditioning plant platform extend above the 25 metres as permitted by the National Capital Plan.</p> |
| Overlooking – concerned with overlooking from the development and loss of amenity to adjacent | As the site is located with residents to the rear, overlooking to a degree will occur. This is mitigated and minimised by the a number |

| Issue | NCA response |
|--|---|
| <p>properties. The tallest building is closest to residents in Getting Crescent particularly Blocks 26 and 27 causing a loss of amenity particularly if the grove of trees is removed.</p> <p>One storey should be removed from the western section of Building A.</p> <p>The balustrade of all balconies should be solid and not glass.</p> | <p>of design factors:</p> <ul style="list-style-type: none"> • Building B to the rear does not have balconies on the northern side facing the neighbours • Building A balconies are alternating frosted glass balustrades on one level and concrete with an upper glass panel on the alternate level • the group of trees to the north western corner which range in height from 13 to 30 metres will be retained. |
| <p>Tree removal. Support retention of grove of trees in north west corner. Drawing 004 notes the trees are to be retained where possible.</p> <p>The developer should fence the row of trees before building work commences to ensure that the trees are not removed.</p> <p>The wording where possible be removed from the plans.</p> | <p>Supported. The Tree Management Plan(TMP01) shows trees 39, 40,42-53 retained. The NCA will require these trees to be fenced prior to works commencing.</p> |
| <p>Hindmarsh Consultation – The current plans do not appear to address the issues raised by the community at the time of the 2012 consultation by Hindmarsh.</p> | <p>The NCA was not involved with the consultation by Hindmarsh and the community. The NCA encourages developers to initiate consultation with nearby residents to inform themselves of areas of concern to the residents.</p> <p>The NCA process is a separate process, the NCA consults on works applications that are lodged for works approval consideration.</p> |
| <p>Working Hours – Would like assistance from the NCA to ensure that works on sites along Constitution Avenue do not start earlier than 7am and end no later than 6pm.</p> | <p>Work hours are based on the ACT EPA requirements. The ACT EPA have advised that this site is within Zone C of the ‘Environment Protection Regulation 2005’ and is therefore exempted from construction noise during the hours of 7.00am and 6.00pm Mon to Sat excluding Sundays and public holidays. Outside of these hours noise emissions must comply with the noise standard for Zone C which is 55 dB(A) from 6.00 pm to 10.00 pm and 45 dB(A) from 10.00 pm to 7.00 am.</p> |
| <p>Submission 8 – Joanna and Tony Bakas</p> | |
| <p>The proposed plans are a huge improvement from those approved by the NCA in November 2008.</p> | <p>Noted.</p> |
| <p>Noise - Amendment 60 notes that ‘the building design, layout and construction should take account of the impacts of noise on surrounding uses’.</p> <p>Frosted glass will not be an effective measure in reducing noise from the proposed apartments to surrounding residents. Prefer solid balconies to northern side of buildings.</p> | <p>A Noise Management Plan was undertaken for the proposed development by Acoustic Logic. This will be updated once an air-conditioning plant is selected and submitted to the ACT EPA for endorsement.</p> |
| <p>Acoustic barrier- consider an acoustic barrier more appropriate than a timber or colorbond fence at the rear of 14 and 16 Getting Crescent.</p> | <p>The type of fence has been selected in consultation with the two rear neighbours.</p> |
| <p>Loss of amenity – Amendment 60 refers to ‘protecting the amenity of adjoining residential areas’. 14, 16 and 18 Getting will be affected by the development, loss of privacy and amenity in rear gardens and rear living spaces. Solid balconies would help alleviate this.</p> | <p>The balconies on Building B, the low rise building, closest to the rear neighbours has all concrete balcony balustrades.</p> <p>The balconies on Building A alternate vertically between a frosted glass balustrade and then a concrete balustrade with a glass section on top.</p> |
| <p>Apartment windows on Building B – unclear from plans the configuration of windows on Building B.</p> | <p>The windows on Building B northern elevation are full height to balconies. The north eastern elevation windows are full height windows.</p> |
| <p>Work Hours – unclear which work hours apply to the development.</p> | <p>Work hours are based on the ACT EPA requirements. The ACT EPA have advised that this site is within Zone C of the ‘Environment Protection Regulation 2005’ and is therefore exempted from</p> |

| Issue | NCA response |
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| | construction noise during the hours of 7.00am and 6.00pm Mon to Sat excluding Sundays and public holidays. Outside of these hours noise emissions must comply with the noise standard for Zone C which is 55 dB(A) from 6.00 pm to 10.00 pm and 45 dB(A) from 10.00 pm to 7.00 am. |
| Overlooking – does the NCA have responsibility to protect the existing residents from overlooking? The main living spaces of 16 and 18 Getting have large windows on living spaces that face the proposed development. The rear gardens of 14, 16 and 18 Getting will be overlooked due to the scale of the development and the removal of vegetation on the site and RSL Park. | The National Capital Plan Amendment 60 and Amendment 74 envisage development of the blocks fronting Constitution Avenue. The land uses proposed are permitted. The development has been designed to minimise overlooking with the retention of the stand of trees in the north west corner, the height and location of balconies to Building B (closest to the neighbours), concrete balustrades to Building B and proposed tree planting around the northern and north eastern boundary. |
| Power lines and overlooking – the plans show the existing overhead power lines relocated underground at the rear boundaries of 14 and 16 Getting. It appears that the pole to the east of 16 Getting will remain. We have put a hedge in our boundary but the power lines limit the height it can grow. Hindmarsh should consider putting our powerlines underground. | The applicant has subsequently raised the undergrounding of the powerlines with 14 and 16 Getting Crescent and they have determined not to underground them. They will be retained above ground. |
| RSL Park – The developer should install a fence on the eastern side of the proposed development to demarcate the land uses and separate the public and private land. | Supported. A condition will be placed requiring the rear half of the property to RSL Park to be fenced (black chain wire mesh or similar). |
| ACT Government Consultation The ACT Government has a responsibility to ensure that RZ-1 blocks are protected from nearby developments. Will the ACT Government be given an opportunity to respond to the proposed plans on residents behalf. | The ACT Government Planning Authority was consulted on Amendment 60 and Amendment 74 that set the planning requirements for the subject site. Areas of the ACT Government were consulted by the NCA in relation to the development, including ACT Heritage, the ACT EPA and ACT Conservator. See advice below. |
| National Capital Uses – Amendment 60 refers to Amendment 60 refers to the desirability of the location of tenants that are suitable for National Capital uses, i.e. ‘Education and High-tech’. Does the NCA feel that it is appropriate to have such a large number of residential apartments in Building A in such a prestigious location? Are apartments a good example of ‘National Capital Uses’? | The land use for the site under the National Capital Plan is Land Use A. Permitted land uses include those proposed, residential and office. |
| Trees – we are concerned with the loss of seven trees from RSL Park and three large trees (95, 97 and 212) on the north eastern boundary of the site which provide privacy to our house. In September 2013 the ACT Government advised that no trees were to be removed from RSL Park. | RSL Park is not located within a Designated Area under the National Capital Plan. Approval of all works to RSL Park are subject to approval from TaMS. The applicant has advised that they have undertaken consultation with the ACT Government in relation to works to the Park. Any tree removal is subject to TaMS approval. |
| Submission 9 – C Bettie | |
| Thanked NCA for helpful and professional attention to concerns around RSL Park. | NCA was pleased to be able to allay concerns in relation to works to RSL Park. |
| ACT Conservator Liaison | |
| The ACT Conservator provided advice from Urban Treescapes that the removal of Trees 26, 32, 96, 103, 104 and 161 (medium to high quality trees) was not supported. | As the site is in a Designated Area this advice is not binding and may be overridden by the NCA if considered appropriate to achieve an urban design or planning outcome. These trees are located within the main development area of the site and would prevent the development of the site as envisaged by the National Capital Plan if |

| Issue | NCA response |
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| The protection of a stand of Casuarina trees (44-49) north east of the site was also recommended. | retained. The Casuarina's are proposed for retention. |
| ACT EPA | |
| ACT EPA advised ' <i>A phase 1 ESA has identified potential areas of environmental concern at Block 28 Section 19 Campbell. Prior to the commencement of new construction works these areas must be assessed and remediated by a suitable qualified environmental consultant and the findings of the assessment into site suitability endorsed by the EPA.</i> ' | This will be a condition of approval. |
| ACT Heritage | |
| The block is not heritage listed. ACT Heritage Council will not be providing advice on this application. | Noted. |
| ACT General Leasing | |
| A lease variation was conditionally approved in 2010 to permit residential use restricted to the first floor and above and a maximum gfa of 14,000. This lease variation has not been registered against the Certificate of Title. | Noted. Works can not commence until lease variation is registered. |