



Australian Government
National Capital Authority

Consultation Report

Works Approval 19729

Block 12 Section 3 Deakin (6 Canterbury Crescent, Deakin)

**Demolition of an existing single storey dwelling and construction
of a new two storey dwelling**

March 2015

Table of Contents

Part 1 - Introduction	3
Part 2 - Public consultation requirements	3
2.1 National Capital Plan	3
2.2 Commitment to community engagement	3
Part 3 - Summary of public consultation	4
3.1 The public consultation process	4
3.2 Consultation by Applicant	5
3.3 Submissions Received, Comments and Response	5
Part 4 - Comments and response	6
Part 5 - Conclusion	7
Attachment A – Location plan	8
Attachment B – Public Notice on site	9
Attachment C – Letter to residents	10
Attachment D – Summary of submissions	11

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 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 27 November 2014, the National Capital Authority (NCA) received a Works Approval application from VR Design on behalf of the Republic of the Union of Myanmar, for the demolition of an existing single storey dwelling and construction of a new two storey single dwelling at Block 12 Section 3, Deakin (6 Canterbury Crescent). The new dwelling is proposed as a house for the Ambassador for the Republic of the Union of Myanmar. The dwelling will be used as a residence only.

The following report details the public consultation process undertaken by the NCA relating to this application.

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 listed will yield an overall perceived risk rating of '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:

- previous consultation has been undertaken.
- for minor amendments to previously approved works.
- proposals are exempt, as demonstrated in 2.3.
- the NCA determines it unnecessary and no stakeholders will be affected.
- The Plan has specific requirements in relation to consultation for telecommunications facility, in relation to any new towers, masts or monopoles.

The National Capital Plan (The Central National Area (Deakin, Forrest and Red Hill)) requires that "all residential development proposed are subject to public notification and consultation with lessees and residents in the Deakin/Forrest Residential Area". Appendix M – Residential of the NCP provides further clarification on the form of notification for single dwelling houses.

'For single dwelling house applications the National Capital Authority will require the application to notify the adjoining neighbours of the proposal in writing and by a sign describing the proposal being prominently displayed at the front boundary of the site. Comments received will need to be provided to the NCA and will be taken into consideration when assessing such applications.'

Part 3 - Summary of public consultation

3.1 The public consultation process

The public consultation was undertaken between 15 December 2014 and 21 January 2015 and took the form of:

- Between 15 December 2014 and 21 January 2015 publishing details of the proposal, including the applicant's plans and planning report on the NCA's website
- Between 15 December 2014 and 21 January 2015 placing an A1 size sign on site on the Canterbury Crescent frontage
- The NCA writing to adjoining neighbours advising of the consultation process and inviting comments.

3.2 Consultation by Applicant

Prior to the lodgement of the application, the applicant consulted with adjoining property owners. This involved a letter box drop informing the neighbours of the proposed development and requesting comments before the formal application was lodged. Issues raised included the maintenance of the common hedge on the northern side boundary, retention of trees, colour of rear fence, undergrounding of ActewAGL services, view to Parliament House will be partially diminished, management of any asbestos and overlooking into backyards.

The applicant provided responses to the issues raised in the Design Response Statement report. Some of the abovementioned issues were not formalised into submissions to the NCA however a response is provided below.

- The undergrounding of ActewAGL services is not a requirement of the NCP.
- The common hedge on the northern side boundary is being replaced with a new colorbond fence and a hedge will be planted on the inner side of the fence.
- The proposed dwelling meets the front, rear and side setback requirements of the NCP, and reasonable privacy will be maintained between adjoining properties.
- Two storey dwellings are permitted in this area, and the partial reduction of a view is not a planning consideration.

The NCA also referred the application to ACT Heritage, the Environment Protection Authority and the Environment and Planning Directorate (Conservator Liaison). Their advice is summarised in [Attachment C](#).

3.3 Submissions Received, Comments and Response

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

The key issues raised in the submissions included:

1. The management of free floating asbestos during the demolition of the existing building.
2. Advice that trees have already been removed and this is contrary to the statement made in the applicant's Design Outcome Statement.
3. A request for mature placement trees to be provided.
4. The Design Outcome Statement states that an adjoining owner offered to pay to repaint the Ambassador's side of the rear fence if need be. In their submission, the owner states that they did not make this comment.
5. The inconsistency between the Deakin Precinct Code (contained within the Territory Plan) & the National Capital Plan with respect to plot ratios and setbacks. The different rules have significant implications to the suburban setting.
6. The NCA's plot ratio requirement of 0.35 limits the opportunity for appropriate landscaping.
7. The lack of evidence that alternatives have been considered with the proposed removal of one tree.

Part 4 - Comments and response

The key issues and the NCA response is provided below.

4.1 The management of any free floating asbestos during the demolition of the existing house.

NCA comment

The removal of asbestos during the demolition of the existing dwelling will be required to comply with the relevant ACT Government laws. The application was referred to the ACT Environment Protection Authority (EPA) who advised of the following requirements:

“All works must be carried out in accordance with Environment and Sustainable Development Information Sheet 1 Prevent Pollution from Residential Building Sites, February 2014 and Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011.

Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.

All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed.”

The applicant has confirmed that the existing dwelling is not a ‘Mr Fluffy’ house. A pre-demolition asbestos report has been prepared by a Class A Asbestos Assessor and the report identifies asbestos and/or asbestos materials and makes recommendations regarding the handling and removal of asbestos from the premises which are consistent with the EPA’s requirements.

4.2 Advice that trees have already been removed and this is contrary to the statement made in the applicant’s Design Outcome Statement.

NCA Comments

The applicant has advised that the builder has removed bamboo and scrub from the north corner of the block some of which were within 1 metre of electrical lines and was done so for safety reasons. The applicant has advised that no trees have been removed.

4.3 Request for mature replacement trees to be provided.

NCA Comments

Eight new trees are indicated on the landscape plan which will have a mature height of between 4 and 7 metres.

4.4 The Design Outcome Statement states that an adjoining owner offered to pay to repaint the Ambassador’s side of the rear fence if need be as. In their submission, the owner states that they did not make this comment.

NCA Comments

Noted. The applicant has been advised of this advice. There is no expectation by applicant for rear fence to be painted and nor will it be a requirement of the NCA given it is an existing fence.

4.5 The inconsistency between the Deakin Precinct Code (contained within the Territory Plan) & the National Capital Plan with respect to plot ratios

and setbacks. The different rules have significant implications to the suburban setting.

NCA Comments

Noted. The Deakin Precinct Code is not applicable to this area. Each site is assessed on its merits, constraints, specific setting and against the relevant provisions of the National Capital Plan. The National Capital Plan requirements ensures the best design outcome can be achieved for any potential development.

4.6 The plot ratio of 0.35 limits the opportunity for appropriate landscaping.

NCA Comments

The proposed development complies with the National Capital Plan's plot ratio requirement of 0.40. The block size is 1732m² and the proposed gross floor area is 605.15m² which provides a plot ratio of 0.35. Approximately 914m² of the site will be open space and substantial landscaping is proposed within this area.

4.7 A tree is to be removed to allow for the new driveway but there is no evidence that alternatives have been considered to its removal.

NCA Comments

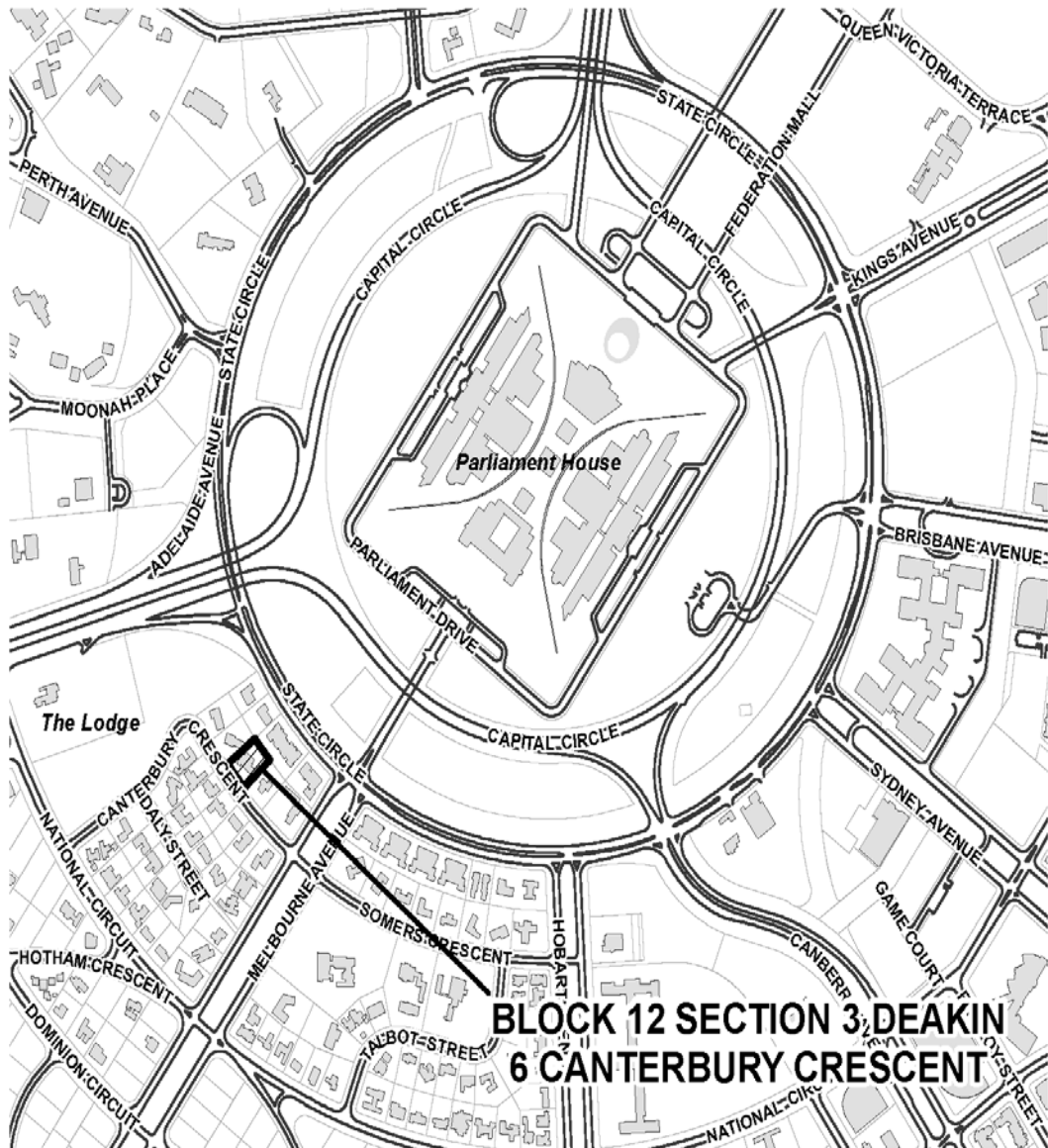
Tree 6 is proposed to be removed to accommodate the new driveway. This tree is the only existing tree proposed to be removed from the site and has been assessed as being in poor condition. The other remaining trees will be incorporated into the landscaping proposed for the site. The applicant has advised that alternative designs were considered however these would have impacted on other trees in good health on the site, and the preference was to retain trees in good health. The removal is supported by the NCA.

Part 5 - Conclusion

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

Three written submissions were received. The NCA is satisfied that the major concerns of the community have been addressed. The proposal is consistent with the provisions of the National Capital Plan.

Attachment A - Location plan



Attachment B – Public Notice on site



Australian Government
National Capital Authority

WORKS APPROVAL

Block 12 Section 3 Deakin 6 Canterbury Crescent Deakin

The National Capital Authority has received a works approval application for the demolition of the existing dwelling and construction of a new two storey detached dwelling.

HAVE YOUR SAY

Plans are available online at www.nationalcapital.gov.au/haveyoursay. Comment on this proposal is invited and should be sent via:

- the NCA's consultation website - www.nationalcapital.gov.au/haveyoursay
- a hardcopy submissions to NCA, GPO Box 373, Canberra ACT 2601
- email at worksapproval@nactcap.gov.au or
- on Twitter using [@nca_media](https://twitter.com/nca_media)

Comments close on COB Wednesday 21 January 2015.

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 Engagement.



For any questions please contact National Capital Authority on (02) 6271 2888.



Attachment C – Letter to residents



Australian Government
National Capital Authority

File No:14/581, Job No: WA19729, Trim: 216227

The Owner
4 Canterbury Crescent
DEAKIN ACT 2603

Dear Sir/Madam,

Block 12 Section 3 Deakin – Redevelopment of 6 Canterbury Crescent, Deakin (WA19729)

I am writing to advise you that the National Capital Authority (NCA) has received a works approval application for the demolition of the existing house and construction of a new two storey detached dwelling at 6 Canterbury Crescent, Deakin.

The plans and supporting documentation on the proposal can be viewed on the NCA's website at <http://www.nationalcapital.gov.au/haveyoursay/index.php/community-consultation/works-approval>

Hard copies of the application are available for viewing between 8.30am and 5pm Monday to Friday at the National Capital Authority, Ground Floor, Treasury Building, King Edward Terrace, PARKES ACT 2600.

The NCA welcomes written comments on the proposal from interested parties as part of the consultation process. Comments can be made by registering on the Have Your Say website or, if you are an existing user, by logging in. Comments can also be sent to worksapproval@natcap.gov.au or GPO Box 373 Canberra ACT 2601 by COB Wednesday 21 January 2015. All responses received will be considered before a decision is made on the proposal.

Please do not hesitate to contact Sarah Treble on (02) 6271 2816 if you have any questions on this matter.

Yours sincerely

A handwritten signature in black ink that reads "N. Broughton" with a flourish at the end.

Natalie Broughton
Director, Development Assessment and Heritage

15 December 2014

Building the National Capital in the hearts of all Australians

T 02 6271 2888 | F 02 6273 4427 | www.nationalcapital.gov.au | email natcap@natcap.gov.au
Couriers & deliveries: Treasury Building, King Edward Terrace, Parkes ACT 2600 | Mailing: GPO Box 373 Canberra ACT 2601
ABN 75 149 374 427

Attachment D – 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 - Mary Baumgarten	
<p>1. Concerned about the management of free floating asbestos (if contained within the existing dwelling) during demolition.</p>	<p>The removal of asbestos during the demolition of the existing dwelling will be required to comply with the relevant ACT laws. The application was referred to the ACT Environment Protection Authority who advised of the following requirements:</p> <p>“All works must be carried out in accordance with Environment and Sustainable Development Information Sheet 1 Prevent Pollution from Residential Building Sites, February 2014 and Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011.</p> <p>Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site.</p> <p>All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed.”</p> <p>The applicant has confirmed that the existing dwelling is not a ‘Mr Fluffy’ house.</p>
<p>2. Dwelling should be enclosed by a tent during demolition to ensure public health safety.</p>	<p>See response above.</p>
<p>3. A written assessment from a qualified independent assessor should be provided confirming there is either asbestos or no asbestos. If there is asbestos it should be removed to meet best internationally established practice standards.</p>	<p>A pre-demolition asbestos report has been prepared by a Class A Asbestos Assessor and the report identifies asbestos and/or asbestos materials and makes recommendations regarding the handling and removal of asbestos from the premises consistent with the EPA’s requirements.</p>
Submission 2 – Jim Bain	
<p>4. It is noted that some of the trees have already been removed.</p>	<p>The applicant has advised that the builder has removed bamboo and scrub from the north corner of the block some of which were within 1 metre of electrical lines and was done so for safety reasons. The applicant has</p>

Issue	NCA response
	advised that no trees have been removed.
<p>5. It is also mentioned in the Design Outcome Statement that we would pay for the Ambassador's side of the rear fence to be painted if need be. We are not aware that this comment was made.</p>	<p>Noted. This advice has been provided to the applicant. There is no expectation by applicant for rear fence to be painted and nor will it be a requirement of the NCA given it is an existing fence.</p>
<p>6. The submitter made an offer to the applicant to visit the submitter's property to better understand the comments mentioned in their letter submitted in response to the applicant's consultation with residents.</p>	<p>Noted. The applicant advised that the builder (Ozmik Constructions) for the proposed development has since met with the submitter. The submitter indicated in a further email that they looked forward to working with the construction company.</p>
<p>Submission 3 – Deakin Residents' Association Inc.</p>	
<p>7. The inconsistencies between the ACT Government Territory Plan are Deakin Precinct Code & the National Capital Plan with respect to plot ratios and setbacks. The different rules have significant implications to the suburban setting. The inconsistency between the requirements needs to be more fully understood before further proposals are advance. It is the association's preference to see the designated areas conform to the requirements contained in the Deakin Precinct Code.</p>	<p>Noted. The Deakin Precinct Code is not applicable to this area. Each site is assessed on its merits, constraints and specific setting and against the relevant provisions of the National Capital Plan. The National Capital Plan provisions ensures the best design outcome can be achieved for any potential development site.</p>
<p>8. The plot ratio of 0.35 limits the opportunity for appropriate landscaping.</p>	<p>The proposed development complies with the National Capital Plan's plot ratio requirement of 0.40. The block size is 1732m² and the proposed GFA is 605.15m² which provides a plot ratio of 0.35. Approximately 914m² of the site will be open space and substantial landscaping is proposed within this area.</p>
<p>9. A tree is to be removed to allow for the new driveway but there is no</p>	<p>Tree 6 is proposed to be removed to accommodate the new driveway. This tree is the only existing tree proposed to be removed from the site and has been</p>

Issue	NCA response
<p>evidence that alternatives have been considered to its removal.</p>	<p>assessed as being in poor condition. The other remaining trees will be incorporated into the landscaping proposed for the site. The applicant has advised that alternative designs were considered however these would have impacted on other trees in good health on the site, and the preference was to retain trees in good health. The removal is supported by the NCA.</p>
<p>Environment and Planning Directorate (Conservator Liaison)</p>	
<p>With regards to the tree report produced by CityScape 24 June 2014, the regulated trees affected are Tree 7 and 9 on the property and possibly Trees 11 & 12 on neighbouring property.</p> <p>Tree 11 - The report states that Tree 11 is a Monterey Cypress (Schedule 2 species). On blocks over 1200m², these trees do indeed suit urban blocks. This tree should not have roots disturbed or branches hacked back for a development.</p> <p>Trees 7, 9 & 12 - According to the report there is nothing wrong with these trees, therefore there is no reason to remove them. Any proposed ground works should be outside the respective drip zones.</p>	<p>Advice is noted. Tree 11 is on a neighbouring property and will not be impacted by the proposed development.</p> <p>Trees 7, 9 & 11 are not proposed to be removed.</p> <p>A small portion of the building is proposed within the drip zone of Tree 7 however the applicant has confirmed that the methodology as proposed by CityScape will be used to minimise the impact on the tree.</p>
<p>ACT Heritage</p>	
<p>Block 12 Section 3 Deakin is neither nominated to or included on the ACT Heritage Register.</p> <p>Consequently, the ACT Heritage Council will not be making any comment on this application</p>	<p>Noted.</p>
<p>Environment Protection Authority</p>	
<p>The standard conditions for a residential knockdown rebuild apply: (If it is a fluffy house you may also want to refer to the taskforce for further advice. Please note the EPA does not have a representative on the taskforce).</p> <p>Conditions:</p> <ol style="list-style-type: none"> 1. All works must be carried out in accordance with 	<p>Conditions noted, and the applicant will be advised on these requirements. The applicant has confirmed that the house is not a 'Mr Fluffy' house.</p>

Issue	NCA response
<p>Environment and Sustainable Development Information Sheet 1 Prevent Pollution from Residential Building Sites, February 2014 and Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011.</p> <ol style="list-style-type: none"> 2. Appropriately ACT licensed contractors must be engaged for the removal, transport and disposal of all hazardous materials found on the site. 3. All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed to accept the waste. 	