



Australian Government
National Capital Authority

CONSULTATION REPORT

WORKS APPROVAL 18699

*BLOCK 14 SECTION 22 BARTON – 21 NATIONAL CIRCUIT
BARTON*

*STAGE 1 WORKS – STRUCTURED CAR PARK, HOTEL AND MINOR
RETAIL USE*

March 2013

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Part 1 Introduction

Under the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act), 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 22 November 2012, the NCA received a Works Approval (WA) application from DOMA Group for a structured car park and mixed use development (hotel) at Block 14 Section 22 Barton – 21 National Circuit.

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.

- What is the likelihood that the proposal will adversely affect existing public space and / or community amenity?

- What is the likelihood that the proposal will adversely affect existing environmental, heritage or landscape values?
- 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?
- 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 above 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/or 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 of the 'Commitment to Community Engagement (August 2011)'
- 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.

As the application was assessed at a level of risk other than 'low' the application was subject to full public consultation.

Part 3 Summary Of Public Consultation

3.1 The public consultation process

Public consultation was undertaken on the application for more than 30 business days.

The consultation took the form of:

- Between 15 December 2012 and 15 February 2013 publishing details of the proposal, including the applicant's plans and planning report on the NCA's website
- On 23 January 2013, publishing a public notice in *The Canberra Times* detailing the proposed works and inviting submissions to be made to the NCA in relation the proposal ([Attachment A](#))
- On 10 December, the NCA writing letters to adjoining neighbours advising that it had received the application and seeking comment.

3.1 Submissions received, Comments and Response

The NCA received seven submissions in response to this public notification. Six submissions raised various concerns about the proposed development. The seventh submission from Environment and Sustainable Development (ESDD) – Lease Administration Division provided leasing advice for the proposal.

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

A summary of the key themes raised and NCA response is provided below.

1. Car parking

Comments received

A number of submissions raised concerns that the proposed development, whilst providing additional car parking, will not alleviate the current car parking shortage in the area.

NCA response

The site currently contains 133 car park spaces. Construction of this structure will increase the number of car parking spaces on site to 595 spaces. This is an overall increase of 462 spaces. This increase will significantly improve parking supply in Barton.

2. Impact on Habitat of Golden Sun Moth

Comments received

A number of submissions stated that the proposed building will impact significantly on the habitat of Golden Sun Moth – located within a dedicated reserve to the south eastern corner of the site. Impacts include, dust, construction disturbance and over shadowing of the site.

NCA response

The proposed development is subject to a current 'Controlled Action' decision under an *Environmental Protection and Biodiversity Conservation Act 1999*(EPBC Act) referral. The Department of Sustainability, Environment, Water, Population and Communities (DSEWPAC) will make the decision on the impact of an EPBC Act listed species.

The NCA will not grant works approval until the EPBC Act process is finalised. Construction management issues, such as noise, vibration, sediment control will be subject to an environmental management plan approved by the NCA and DSEWPAC

3. Building appearance

Comments received

Several submissions stated that the building design was not aesthetically pleasing.

NCA response

The building introduces diversity to the architectural character of the precinct. The design reflects the building's function of a multi-story car park and luxury hotel. It uses a range of materials and architectural features to contribute to visual interest, including; smoky glazing, black perforated mesh, use of highlight panels, precast concrete and glazing to create a 'top' to the building.

The design of the building meets the requirements of the National Capital Plan.

4. Impact on surrounding sites

Comments received

Comment was made that the developers need to consider the impact of the proposed building on the development potential of surrounding, as yet, undeveloped sites.

NCA response

The applicant has designed a building that responds to the site's current opportunities and constraints. It meets current fire safety controls for adjacent sites.

Details of the issues raised in each submission and the NCA's detailed response to each issue raised are provided at [Attachment B](#).


Part 4 Conclusion

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


The NCA received seven submissions in response to this public notification. Six submissions raised various concerns about the proposed development. The seventh submission from ESDD – Lease Administration Division provided leasing advice for the proposal.

Consideration of the WA application will not be undertaken until the referral under the EPBC Act is finalised

Attachment A – Newspaper ad published in the Canberra Times public notices – 23 January 2013.


Australian Government
National Capital Authority

WORKS APPROVAL



BLOCK 14 SECTION 22 BARTON – 21 NATIONAL CIRCUIT
The National Capital Authority (NCA) has received a works approval application from Section 22 Barton Pty Ltd for the development of 21 National Circuit Barton, Stage 1 works.
The development includes construction of a structured car park and mixed use development (hotel).

SECTION 5 CAMPBELL
Section 5 Campbell – Infrastructure works (roads, storm water and services) and site remediation of contaminated areas.
The National Capital Authority has received 2 separate works approval applications from Cardo Pty Ltd relating to the land at Section 5 Campbell, corner of Constitution Avenue and Anzac Park East being:

1. WA18715: infrastructure works (construction of internal roads, stormwater and sewerage upgrades and electrical and telecommunications services); and
2. WA18766: site remediation of contaminated land.

For any questions please contact Natalie Broughton on 6271 2867.
Comments on the proposal are invited and should be sent to: worksapproval@nactcap.gov.au or GPO Box 373 Canberra ACT 2601 by COB 15 February 2013.
Information and plans for both applications can be found at www.nationalcapital.gov.au/haveyoursay
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.

WWW.NATIONALCAPITAL.GOV.AU

WA 187113

Attachment B - Summary of submissions and NCA response

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 and where the NCA agreed to this.

Key points raised in submission	NCA Response
1. Kingston and Barton Residents Group	
In future please ensure the Kingston Barton Residents' group is included in email correspondence relating to development in Barton area	Noted.
Need for a master plan to address: provision of essential services like banks and post offices, car reliance and subsequent traffic issues National Circuit bus stop and Bowen Place - impacts on these areas?	A Barton Master Plan is incorporated in the National Capital Plan (the Plan). The Master Plan provides policies that guide development of Barton. Section 22 has long been identified as a site for a structured car park and makes provision for small scale ancillary uses. Essential services are available in the precinct or nearby in Kingston and Manuka.
Intergovernmental committee on parking in Barton. This committee has not yet agreed on a parking strategy for the area it is premature to go ahead with the proposed parking structure.	The proposed development will not affect the outcome of the committee's findings.
Is a DCP required? A DCP should be prepared.	A Development Control Plan (DCP) is not required. DCPs are not required for land within Designated Areas as defined by the Plan. The Plan sets out the planning and design framework for these sites.

Key points raised in submission	NCA Response
<p>Paid parking – since introduction of paid parking in Barton, people prefer to seek out free-on street parking, worsening car parking issues in the area.</p> <p>The proposed car park will have the same result unless there is an increase in car parking enforcement.</p>	<p>Car parking enforcement is a matter for the ACT Government. The proposal increases the available number of car parks in Barton.</p>
<p>The proposed design is not aesthetically pleasing</p>	<p>The building introduces diversity to the architectural character of the precinct. The design reflects the building’s function of a multi-story car park and luxury hotel. It uses a range of materials and architectural features to contribute to visual interest, including; smoky glazing, black perforated mesh, use of highlight panels, precast concrete and glazing to create a ‘top’ to the building.</p> <p>The design of the building meets the requirements of the National Capital Plan.</p>
<p>The car park needs to be operated as a public car park available for clients of nearby businesses or people attending training sessions (ie, not just for use by public servants)</p>	<p>Short stay parking is available in the precinct. Management of the car park is the responsibility of the owner. The site’s lease states ‘car parking’ must be provided.</p>
<p>Proposal needs to be assessed by Emergency Services. The proposed remote operation from Hotel Realm will not meet access requirements.</p>	<p>The current application is a Works Approval application not a building approval which will be subject to a separate process and be certified in accordance with the Building Code of Australia.</p> <p>The applicant advised in the planning report that emergency event management has been reviewed with ACT Fire and Rescue and the project fire engineering brief has been approved.</p>
<p>It appears only limited facilities have been provided for cycle parking. More cycle parking needs to be provided</p>	<p>An area has been made available for cycle parking and is considered adequate.</p>
<p>2. Department of Finance and Deregulation</p>	
<p>Site management, services and setbacks</p>	
<p>Applicant is maximizing development footprint – shifting construction impacts onto neighbouring land.</p>	<p>The proposal is consistent with design conditions for the area.</p>
<p>Access arrangements will significantly impact on a recently upgraded intersection, government car parking area, pedestrian infrastructure</p>	<p>A traffic impact assessment undertaken for the project determined that adjacent intersections and surrounding road networks were capable of accommodating the increase in traffic resulting from the development.</p>

Key points raised in submission	NCA Response
	Pedestrian access is to be addressed by provision of a paved link from the new driveway connection to National Circuit and an enhanced linkage to Windsor Walk to the north of the site with associated retail frontage.
Tree removal will be required beyond the limits of the development site	There are five small trees proposed to be removed along Windsor Walk and two along Darling Street. A tree replacement plan is included with the application.
Need information on the proposed number of car parks that will be impacted due to the proposed access and truck movements	The existing 133 space surface car park will be modified to enable temporary parking for construction workers. There will be 106 surface car parks making a total of 595 car parking spaces on the site at the completion of construction.
Need clarification on why the existing private DOMA car park cannot be utilised to achieve construction access. NCA and Finance administered National Land will be impacted as a 3m long construction buffer will be required as well as tree removal and relocation of stormwater. Finance is yet to approve the use of a 3m construction zone on block 3	This matter has subsequently been resolved following discussions between the proponent and the Department of Finance and Deregulation (Finance).
Proposal is likely to impact on future development potential of National Land at Block 3 Section 22 with regard to setback requirements and access to sunlight as the development is to be built on the boundary	Assessment of the proposal considers pre-existing approved Master Plans.
The proposed development requires the vacation of the easement for storm water through Block 14 and establishment of a new easement through Block 3, which may limit development opportunities on Block 3.	Discussions between the proponent and Finance have resolved Finance's concerns regarding this matter.
Clarification on why the applicant proposes to build up to the boundary if a construction zone is needed which could be facilitated within Block 14 (there is an EPBC approved Master plan for Block 3)	The building setback is consistent with the principles and policies of the Plan. The extent to which the proponent temporarily uses the adjacent site to facilitate construction is subject to negotiation with the sites property owner.
The applicant needs to consider the cumulative impact of development on the conservation park, if Block 3 were to be developed as per the Masterplan. The main impact would be an increased	The Department of Sustainability, Environment, Water, Population and Communities (DSEWPAC) is currently assessing the environmental impact of the proposal. The NCA will not grant works approval until such time as all matters of environmental concern are resolved in accordance with the

Key points raised in submission	NCA Response
winter shading over a larger area of the conservation area. The design of Block 14 should have full consideration of the approved EPBC compliant Masterplan	<i>Environmental Protection and Biodiversity Conservation Act 1999(EPBC Act) .</i>
Fencing	
Fencing located to the northern boundary of the conservation area should be a decorative style of fencing consistent with the approved master plan for Block 3.	The applicant is following the requirements of the EPBC decision of 2010/5548 being a <i>'1.5 metre galvanised post and rail fence with webbing shall be installed immediately adjacent to the proposed road'</i> .
Soil erosion and sediment control	
Finance request a Construction Environmental Plan, including a Soil Erosion and Sediment Control Plan be prepared for the site and road construction	A comprehensive site management plan, including a soil erosion and sediment control plan was submitted with the Works Approval application.
Potential impacts on the Natural Temperate Grassland	
The proposed construction access road from National Circuit contains high quality and grassland which are habitat to the golden sun moth. The grasslands need to be protected from the impacts of development throughout the project.	DSEWPAC is currently assessing the environmental impact of the proposal. The NCA will not grant works approvals until such time as all matters of environmental concern are resolved.
3. Cromwell Property Group – Representatives for the owner of Block 5, Section 22	
Concern regarding excavation works which are to occur near the south western boundary of Block 5. Concern about structural integrity of basement car park. We request an independent structural consultant be engaged by the owner of Section 5 and paid for by adjoining owner to undertake a dilapidation report before and after the works are completed. Any damage will need to be rectified.	A structural design certificate has since been prepared which confirms that the proposed development will not adversely impact on Centenary House. The developer will prepare a dilapidation report and obtain the agreement of the owners of Centenary House prior to the commencement of construction.
Concerns about dust on their building and staff cars and cost to clean which they should be compensated for. A management plan is requested to reduce dust disturbance.	This detail forms part of the Construction Management Plan Dust control has been adequately addressed.
Request adequate stormwater drainage be installed along the southern driveway off National Circuit and that no	The proposal will require ACTEW approval prior to commencement.

Key points raised in submission	NCA Response
ponding occurs as a result of the reinforced concrete wall proposed along the southern driveway	
Request a copy of a traffic management plan whilst works are being undertaken. Majority of truck movements will occur along National Circuit which may create traffic congestion.	A TaMS endorsed Temporary Traffic Management Plan (TTMP) has been submitted with the application, however a TTMP will be required to be submitted as a separate approval.
4. Friends of Grasslands (FOG) – Supporting native grassy ecosystems	
FOG has made previous submissions on the proposal (EPBC referral – 19 November 2012, and the referral on the proposed access road 5 July 2010). FOG is disappointed to see that the proposal is for a development (albeit different from previous options, will still have an impact on the Golden Sun Moth habitat)	Noted. DSEWPAC will make the decision on the impact of an EPBC Act listed species.
Timing and timeframe of works approval consultation	
FOG believes the timing for consultation is inappropriate as a decision has not been made on the EPBC decision of a controlled action. Is not appropriate for works approval to be requested or given until EPBC is complete	The NCA will not grant works approval until such time as all matters of environmental concern are resolved in accordance with the EPBC Act. There are no legislative requirements preventing works applications from being submitted that are currently under SEWPAC review.
FOG protests the timing and short time frame of the public consultation	The consultation is consistent with the NCA's 'Commitment to Community Consultation (August 2011)'. An extended two month consultation period was undertaken.
Importance of the site	
FOG is very concerned about the development due to the presence of the Golden sun moth in York Park. The GSM is listed as critically endangered and any site where it is present should not be impacted upon.	DSEWPAC will make the decision on the impact of an EPBC listed species.
To preserve some ecosystems for future moth generations some sites must be 'no go'. If a development is essential impacts should be minimized. FOG does not consider it an essential development due to presence of other similar services (retail and hotel) nearby.	DSEWPAC will make the decision on the impact on an EPBC listed species.
York Park is iconic and there is evidence that the site continues to support a GSM population	DSEWPAC will make the decision on the impact on an EPBC listed species.
Impact of shading	
FOG considers impact of shading on the	DSEWPAC will make the decision on the impact on an EPBC

Key points raised in submission	NCA Response
York park site to be significant. Any development that shades the site should not be allowed to proceed. The building size needs to be reduced to the south so it is not directly shading York Park at all.	listed species.
Cumulative impacts	
The cumulative impacts of stage 2 of the development need to be considered as part of this application, as the proposed stage 2 will shade York Park even more.	The applicant has designed a building that responds to the site's current opportunities and constraints. It meets current fire safety controls for adjacent sites. DSEWPAC will make the decision on the impact on a EPBC listed species.
No development that shades York Park at all. Any development should be set back or staggered so as not to over shadow.	DSEWPAC will make the decision on the impact on a EPBC listed species.
5. Deakin Residents' Association	
Concerned that 'car park is to be operator managed with no casual parking' and statements saying there are already good pedestrian and cycling facilities in the area. States that there is only limited provision for cycling facilities on the site	Casual parking refers to 'short stay' parking (ie 1-3 hours). The applicant states that it is intended that the car parking will contribute to eliminating the short fall in public parking in the Barton precinct.
Proposal does not to ameliorate the need for more short term casual/visitor parking	The provision of additional longer term parking, within the multi level parking building will alleviate the demand for on street parking and increase the opportunity to convert these spaces to short term parking.
Need for a master plan for the area. A Master Plan would address access/egress through inner south suburbs. A master plan would clearly articulate the role of the development	A Barton Master plan is incorporated in the Plan. The Master Plan provides policies that guide development of Barton. Section 22 has long been identified as a site for a structured car park and makes provision for small scale ancillary uses. Essential services are available in the precinct or nearby in Kingston and Manuka.
The building's design should be consistent with the garden city concept - more green space and softening of the architecture so it has less impact	It is considered the building has suitable architectural treatments given its main function – car parking. It provides areas of relief in the form of glazing at top and bottom levels, verandas for hotel patrons on the southern façade, a retail/ foyer component and accessibility to Windsor Walk.
6. Mr Austin Lynch	
Concerns for public health in term of car park design – insufficient openings for the dissipation of exhaust fumes – does not appear to be an exhaust ventilation	The building will be designed in accordance with relevant standards.
Absence of grease traps for guest rooms appears to be 'penny pinching'. Dangerous for guests who may want to use electric cooking items in their	The internal operation of the hotel is not a matter for NCA consideration. The building must be constructed in accordance with the Building Code of Australian and relevant ACT Government design and construction codes and

Key points raised in submission	NCA Response
rooms. The rooms are small	ordinances.
Reception will be remotely controlled by nearby Hotel Realm and Burbury	Management of the facility is determined by the proponents. The NCA has been advised that the hotel will be administered on-site with reception open from 6am-11pm. A night-switch connects the hotel to Hotel Realm after hours.
Will present security problems and access problems for emergency vehicles due to the remote operation.	ACT Fire and Rescue has endorsed the project's fire engineering brief.
Building will be 'an ugly black monstrosity	<p>The building introduces diversity to the architectural character of the precinct. The design reflects the building's function of a multi-story car park and luxury hotel. It uses a range of materials and architectural features to contribute to visual interest, including; smoky glazing, black perforated mesh, use of highlight panels, precast concrete and glazing to create a 'top' to the building.</p> <p>The design of the building meets the requirements of the National Capital Plan.</p>