



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

## **REPORT ON PUBLIC CONSULTATION**

# National Capital Plan

Draft Development Control Plan No: 171/09/0003

Block 5 Section 18 Griffith

June 2009

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### Appendix 1 Summary of Issues Raised in Pre-Consultation

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## Glossary of Terms

<b>ACTPLA</b>	The ACT Planning and Land Authority
<b>DCP</b>	Development Control Plan
<b>NCA</b>	National Capital Authority
<b>The Plan</b>	The National Capital Plan (administered by the NCA).
<b>RL</b>	Reduced Level; the height of a point above the Datum Surface.
<b>Stakeholders</b>	“Include but are not limited to:  (a) Commonwealth, State and/or Territory government departments and agencies;  (b) Institutions or professional bodies;  (c) Community and/or resident groups;  (d) Indigenous communities; and  (e) Lessees,  who are directly affected...”
<b>TaMS</b>	ACT Territory and Municipal Services
<b>Territory Plan</b>	The Territory Plan 2008  (administered by the ACT Government).

## 1.0 Introduction

### 1.1 Purpose and Background

The ACT Land Development Agency (LDA) has requested the National Capital Authority (NCA) to prepare a Development Control Plan (DCP) for Block 5 Section 18 Griffith.

The purpose of this report is to summarise the main issues raised during the public consultation process, undertaken by Purdon Associates Pty Ltd on behalf of the National Capital Authority (NCA) on Draft Development Control Plan No. 171/09/0003 for Block 5 Section 18 Griffith.

### 1.2 Existing National Capital Plan Provisions

The NCA is responsible for preparing and administering the National Capital Plan (the Plan). The object of the Plan is “*to ensure that Canberra and the Territory are planned and developed in accordance with their national significance*”.

In accordance with the Plan, development on land adjacent to Canberra Avenue is ‘*to conform to Development Control Plans agreed by the Authority, which seeks to enhance the surrounding predominately rural character and landscape outside urban areas*’.

The subject site has direct frontage to Canberra Avenue, a designated ‘Main Avenue’ under the Plan. Development on this site within 200 metres of the centreline of the Monaro Highway is subject to the provisions established in the DCP.

A DCP is prepared responding to the relevant provisions of the Plan and sets out the requirements to regulate development in the interests of the national capital. Under the Plan, a DCP:

*May be maps, drawings, photographs, specifications and written statements. They should include sufficient detail for the guidance and management of development in the area, and may include design, sitting, scale, purpose, timing and phasing, construction, landscaping and other relevant matters.*

### 1.3 Effect of the Draft Development Control Plan

Draft Development Control Plan No. 171/09/0003 includes the following provisions:

- planning and design objectives for development the site and buildings;
- allowing development to a maximum height of four (4) storeys;
- a 10 metre setback requirement along Canberra Avenue;
- providing for an enhanced landscaped character along the Canberra Avenue frontage;
- controls in relation to site access and parking; and
- controls in relation to roofscape treatment and mechanical plant equipment.

## 2.0 Public Consultation

### 2.1 Draft Development Control Plan Process

The process for making a Development Control Plan is outlined in Figure 1.

**Figure 1: Outline of Development Control Plan Process**



### 2.2 Public Consultation Process

The following stakeholders were identified as having an interest in the future development of Block 5 Section 18 Griffith:

- Canberra Executive Centre;
- Este building;
- Kingston Hotel;
- Kingston Mews; and
- Manuka Serviced Apartments.

Representatives were contacted by telephone during the week of 8 December 2008 to provide information on the Draft DCP, the proposed release of the site and planning approval process, and to gain feedback on issues prior to the public exhibition of the Draft DCP.

The ACT Planning and Land Authority (ACTPLA) and Territory and Municipal Services (TaMS) were consulted prior to the release of the Draft DCP and provided with a copy of the Draft DCP.

The NCA released the Draft DCP for public consultation for the period 21 March 2009 to 21 April 2009. The consultation process included:

- 21 March 2009 – notice published in the Canberra Times;
- 21 March 2009 – Draft DCP and Pre-consultation Report published on the NCA's web site;
- 23 March 2009 – written notice provided to persons who made submissions during the pre-consultation process; and
- 1 April 2009 – public information session held.

### **2.3 Public Information Session**

A public information session was held at the NCA offices, Parkes from 1pm until 3pm on 1 April 2009. Three stakeholders attended and the issues raised included:

**Table: 1 Public Information Session- Issues and Response**

Stakeholder Comment	Provided Feedback
Vehicle access to underground public car parking – will it be split public/ private vehicle access?	To be considered by ACTPLA at the Development Assessment stage.
How will the permanently and publicly accessible, basement car park work?	To be determined by the developer in consultation with ACTPLA.
Traffic Safety on Oxley Street.	To be considered by ACTPLA at the Development Application stage.
Garbage truck access to new development and impact on adjacent residents.	To be considered by ACTPLA at the Development Application stage.
Permitted building height- clarification on the height difference between residential and commercial 'storeys'.	Commercial buildings typically have a 4.5 metre ground level, floor- ceiling height and a 3.8 metre height for other floor levels. In contrast, residential buildings typically have between a 2.7 and 3.3 metre height per floor.
Why is the height prescribed in the Draft DCP in storeys and not as a number?	Noted. The DCP reflects the language used in the Plan. It is recommended that the DCP be amended to prescribe height in terms of Reduced Level (RL).
Overshadowing.	Site is located to south-east of existing residential- details of over-shadowing to be considered by ACTPLA at the Development Application stage.
Purchase of Site.	Not relevant to the DCP.
Is the policy for the site likely to change without notification or consultation?	The DCP is subject to the NCA <i>Consultation Protocol</i> (2007). Under the Protocol, amendments to the DCP will require public consultation. Following the finalisation of the DCP by the NCA, implementation of the DCP and consistency of Development Applications is subject to ACTPLA's planning assessment.
Assessment of Noise Impacts	Depends on the proposed development- to be considered by ACTPLA at the Development Application stage.
Potential for stakeholder feedback on permitted land-uses	The DCP permits land uses that are permitted under the Territory Plan. The DCP has no capacity to specify particular land uses. Specific land uses are determined by ACTPLA as part of the preparation of a lease or by market forces through the land sale.

Overall the development was seen by all three (3) stakeholders at the meeting as a positive and a good outcome for the site and surrounding area. They indicated that most of their concerns had been raised and dealt with at the pre-consultation stage of public consultation.

## 2.4 Submissions

### 2.4.1 Stakeholders

Many of the stakeholders involved with the public consultation also participated in pre-consultation prior to public exhibition of the Draft DCP.

The matters raised during the pre-consultation remain relevant and are summarised in **Appendix 1**. In addition to the submissions received during the pre-consultation process, three further submissions were received during the public exhibition of the Draft DCP.

The key issues raised by stakeholders in submissions made during the public exhibition of the Draft DCP include:

#### Issues Raised:

#### Traffic, Parking and Vehicular Access

- A preference to see the requirement for one hundred (100) public parking spaces in the DCP. Although sixty (60) public parking spaces are acceptable provided that there is a requirement that the spaces be available for public use 24 hours a day and 7 days a week, free of charge. These two matters merely reflect the current status of the parking provision on site.
- The above conditions reflect the original undertakings given to the owner of the Kingston Hotel by the former National Capital Development Commission, and will ensure that the sale of Block 5 Section 18 Griffith does not, by Government action, cause a business which has been operating since the 1920's to fail because of the unavailability of adequate public parking in the adjacent areas.
- Public parking availability in the area is decreasing due to increased residential development. Only the continued provision of permanently available and free parking on the site will ensure the continued operation of the Kingston Hotel.
- It is positive to see the dirt car park being potentially developed for a complementary use to the Manuka Park Apartments.
- There is a chronic shortage of car parking in the area from demand for parking from nearby commercial premises, and the sale of the site will remove approximately 150 car parks from the area. This will aggravate the parking problem, causing illegal street parking, public use of car spaces within residential complexes, local suburban streets being used inappropriately as traffic thoroughfare and chaotic traffic conditions.
- If site access is to be via Oxley Street, it should be limited to residents of the site only, with all other traffic accessing the site via Giles Street.

#### Comment:

It is acknowledged that the key issues raised have been already addressed in the Draft DCP, except for the matter of parking being available free of charge.

The cost of parking is a matter for the operator of the car park. At present the car park is not sealed or linemarked and is available free of charge. However, other fully constructed car parks in the Kingston Manuka area operated by the ACT Government, as well as private car parks, are pay parking. It is not appropriate for the DCP to introduce this level of regulation on a future development. The future method of management of the car park is either determined by the lessee/operator or controlled by ACTPLA through lease provisions. The number of spaces and the time of availability of these spaces may be a matter for inclusion in the lease, however, the cost for parking is not usually a leasing matter, and not a DCP matter.

As part of the investigations undertaken for preparation of the Draft DCP, including Parking Surveys, it was determined that average demand for parking is approximately 60 spaces. The Draft DCP includes provisions to ensure that future development provides at least 60 car spaces above that required by the new development.

Traffic impact will need to be addressed in a future Development Application to ACTPLA for the site by the proponent.

**Recommended Change:**

No further change to the Draft DCP recommended.

**Land-use**

- Object to the proposed use and development of the site for Commercial Accommodation Use, or an after hours Drink Establishment.
- Surplus commercial accommodation use is available in Kingston and Griffith, and in increase in supply would be financially detrimental to the commercial viability of existing establishments.
- After hours 'Drink Establishment' facilities are already well represented in the Griffith, Manuka and Kingston area. Development of the site as an after hours drink establishment would lead to unacceptable social and violent behaviour in the area, negatively impacting on the neighbouring commerce and residents.

**Comment:**

Land-use for Block 5 Section 18 Griffith is determined by the Territory Plan.

The Draft DCP specifies that land use on Block 5 Section 18 shall be consistent with CZ2 – Business Zone of the Territory Plan.

The DCP has no role in specifying land-use for the site further to the Territory Plan processes. Land use consistency and potential impact from development are issues to be resolved at ACTPLA's development assessment stage.

**Recommended Change:**

No further change to the Draft DCP recommended.

**2.4.2 ACT Government Agencies**

ACTPLA reviewed the Draft DCP at the pre-consultation stage and supported its public exhibition. Subsequently ACTPLA undertook a further review of the publicly exhibited Draft DCP and confirmed their support for the provisions of the DCP.

TaMS provided comment prior to the public exhibition of the Draft DCP. No further submission from TaMS was received. The initial comments from TaMS included:

- The Draft DCP needs to recognise that the public purpose (car parking) in supporting adjacent businesses.
- The DCP should indicate future requirements in regard to car parking.
- The LDA should provide an undertaking that conditions of sale will include for all parking for the development to be within their site and in addition to provide for a sufficient number of publicly available parking spaces on the site.

- A minimum of sixty (60) spaces was suggested by TaMS subject to discussion with adjacent lessees.
- Development of the site for land uses such as business agencies or financial establishments could enable the use of parking to be available for new on-site development during normal business hours as well as an overlap where the same spaces are also available for public use out of hours.
- Development for residential use may necessitate more than sixty (60) car parking spaces being publicly available.
- More detailed parking survey covering wider time periods than have been considered to date may be required.
- To maximise health of the better trees, there should only be one vehicular access off Giles Street, and that be the southern of the two accesses shown. The tree (2nd tree from Canberra Avenue) adjacent this access is poorer form/quality so is more suitable for damaging activity. This access is also not opposite the driveway to the Kingston Hotel liquor outlet.
- Street trees should be protected and planted/replanted at the regular interval wherever missing/deficient. Street trees are to equal the nominated species or TaMS approved alternative if the species is deemed no longer appropriate.
- Access directly from Canberra Avenue was not supported by TaMS.

#### **Comment and Changes Incorporated**

The requirement for an additional sixty (60) spaces was included in the publicly exhibited Draft DCP.

The southern access point onto Giles St was deleted from the Draft DCP to result in only one (1) site access point.

Additional parking surveys based on the scale and type of proposed development would be undertaken at ACTPLA's development application stage.

Further tree assessment would be required at the development application stage if tree removal was proposed as part of any new development.

### **3.0 Recommended Changes to Draft DCP**

Based on feedback received from stakeholders during the pre-consultation and further submissions received during the public exhibition of the Draft DCP, it is considered that most relevant issues raised in consultation have been addressed.

It is recommended that one amendment be made to the DCP to describe building height more clearly in terms of Reduced Level (RL) instead of by 'storeys'.

## 4.0 Conclusion

Public consultation on Draft Development Control Plan No: 171/09/0003 – Block 5 Section 18 Griffith has been undertaken by consultants Purdon Associates Pty Ltd for the NCA in accordance with the NCA *Consultation Protocol 2007*.

The community consultation process for the Draft DCP involved individual telephone discussions and email correspondence with representatives of adjacent properties, public notification of the Draft DCP, public information session and publication online of the Draft DCP and Pre-Consultation Report on the NCA web site. In addition, the Draft DCP was discussed with relevant ACT Government departments.

Following public consultation, it was found that one (1) amendment to the DCP is recommended. It is recommended that the DCP describe building height more clearly in terms of Reduced Level (RL) instead of by 'storeys'.

# Appendix 1 Summary of Issues Raised in Pre-Consultation

## Parking

### Issues raised:

- Provision of some public parking on the subject site post-development was supported.
- Alternative sites for car parking may be possible (e.g. Block 6 Section 19).
- Subject site is currently used by hotel patrons during lunchtime and evening trade and at weekends. The site is also used for staff parking by nearby businesses, including Kingston and Manuka traders, and is used for overflow parking during Manuka Oval events.
- Loss of public parking on the site is a major concern to the viability of the hotel.
- Loss of parking will force patrons into use of street parking that has previously been of concern to local residents.
- Commitments have been made by the former NDC that the site would continue to be used as public car parking for the hotel and other users.
- Any Development Control Plan or Lease Conditions should require at least a hundred (100) public car parking spaces on the block which should be available 24 hours.
- Introduction of parking charges for use of new parking spaces will have a detrimental impact on hotel business.
- There is some support for removal of parking in Oxley Street.

### Comment:

The existing area available for parking will accommodate approximately a hundred (100) cars, although potentially 120 cars could be parked if the site was designed, surfaced and line-marked for formalised parking. Parking surveys indicate that, while the car park is regularly used by workers in nearby businesses as well as Manuka and Kingston, the times of peak demand for parking relates to busy periods at the hotel.

ACT Government file searches have been undertaken and have not highlighted any commitment by the former NDC to provide public parking for the hotel. Notwithstanding this, the ACT Government have agreed to include requirements in the lease for provision of some public parking on the site to partially address current parking demands in this area.

Average demand for parking is considered to be approximately sixty (60) spaces and the DCP includes provisions to ensure that future development provides at least sixty (60) car spaces above that required by the new development.

The existing parking is available unrestricted and free which contrasts with other public and private parking within Manuka and Kingston Group Centres. Parking fees and time restrictions would be a matter for the new lessee to address.

No further change to the Draft DCP beyond the provision of the additional sixty (60) car spaces as outlined above is required.

## **Traffic**

### **Issues Raised:**

- Concerns about traffic volumes in Oxley Street.

### **Comment:**

The proposed development will generate additional traffic in the local area. This traffic impact will need to be addressed in a future Development Application to ACTPLA for the site by the proponent.

Additional access points off Giles Street and Canberra Avenue may reduce the overall impact on traffic in Oxley Street.

No change to the Draft DCP required.

## **Existing Land Use**

### **Issues Raised:**

- Concerns were expressed about the poor state of maintenance of the car park, as well as ongoing dust problems, soil erosion during storm events, the unsightly image of the existing car park.
- The existing car park is a venue for anti-social behaviour exhibited by intoxicated pedestrians in the neighbourhood.

### **Comment:**

Some of these issues would be resolved once development of the site was completed.

Management of a public car park on-site would be the responsibility of the new lessee.

No change to the Draft DCP required.

## **Future Site Development**

### **Issues Raised:**

#### ***General***

- It was generally recognised that development of the site was inevitable.
- Development may curtail hotel business activity as a result of the site being occupied by a land use that is potentially incompatible with the hotel.
- Concern that waste vehicles would need to service the site close to residential units.

#### ***Drink Establishment***

- No market demand for another 'drink establishment' on Block 5.
- A drink establishment on the site would have an adverse impact on adjacent permanent residential accommodation.

### **Residential**

- Concerns about scope for development of site for residential apartments that would then be changed to serviced apartments at later stage (unfair advantage to developer).
- Residential apartments (temporary accommodation) would have after hours noise impact on adjacent permanent residents.

### **Noise**

- Concern from permanent residents about use of site for activities that would generate noise.
- Preference for office uses and other activities that were quiet during evenings.

### **Overshadowing / Privacy**

- Concern that future development would result in potential overshadowing of adjoining residential units and serviced apartments.

### **Restaurants**

- Concern that restaurants may generate problems associated with odour, noise, vermin and noise from service and waste vehicles.
- Active retail frontage to Oxley Street was supported as being complementary to commercial activity in the hotel and providing better linkage between Manuka and Kingston.

### **Comment:**

The site is appropriate for a wide range of land uses and is located in a mixed use area. The Draft DCP specifies that land use must be in accordance with the CZ2 Business Zone of the Territory Plan 2008.

The site is located to the south and east of existing residential development and will not create overshadowing problems

Proposed building heights and setbacks from Canberra Ave are consistent with existing development in the area along Canberra Ave. Proposed building heights and setbacks are consistent with the provisions of the National Capital Plan.

Incompatibility with adjacent land uses can be addressed at the Development Application stage to ensure appropriate planning controls are in place.

No change to the Draft DCP required.

## **Building Height**

### **Issues Raised:**

- There was no objection to building height (4 storeys) or proposed site access/egress via Oxley Street.

### **Comment:**

No change to the Draft DCP required.

## Site Access/Egress

### Issues Raised:

- There was no objection to site access/egress via Oxley Street.
- Site access/egress was not seen as important.
- Site access/egress off Canberra Avenue and Giles Street, in addition to Oxley Street, was supported as a means of reducing traffic on Oxley Street as well as providing a better address for the building and opportunities for management of public versus private parking on site.

### Comment:

The Draft DCP has been amended to show a vehicle access/ egress zone along Oxley Street. The DCP shows “No Vehicle Access” from Canberra Avenue and any proposal for access from Canberra Avenue would need to be subject to traffic studies and further tree assessment at detailed design stage.

## Construction Impacts

### Issues Raised:

- Concerned about inconvenience to apartments during construction phase.

### Comment:

Construction activities on site are controlled by relevant ACT legislation.

No change to the Draft DCP required.

## Social Impacts

### Issues Raised:

- There are on-going concerns from some stakeholders about anti-social behaviour from hotel patrons, other late-night drink establishments and street parking.
- There is a need to ensure that design of development does not lead to any detrimental impact on the business viability of the hotel (e.g. a requirement for double glazing of windows to provide sound-proofing).

### Comment:

These are not matters that are required to be addressed by the Draft DCP.

No change to the Draft DCP required.