



Australian Government
National Capital Authority

REPORT ON CONSULTATION

NATIONAL CAPITAL PLAN
DEVELOPMENT CONTROL PLAN 12/02

SECTION 19 GRIFFITH
CANBERRA AVENUE

APRIL 2012

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1 Introduction

1.1 Purpose and Background

This report summarises the main issues raised during the process of consultation undertaken by the National Capital Authority (NCA) on draft Development Control Plan (DCP) 12/02 Section 19 Griffith.

Parsons Brinckerhoff, on behalf of the lessee of Block 3 Section 19 Griffith, requested that the NCA prepare a DCP for Section 19 Griffith. The DCP will guide the future development of the site.

1.2 National Capital Plan Requirements

The National Capital Plan (the Plan) came into effect on 21 January 1990. In accordance with the Plan (Section 2.3), Special Requirements apply to development on land adjacent to Canberra Avenue. Special Requirements state:

Development...is to conform to Development Control Plans (agreed by the Authority) which seek to secure the integrity of the Main Avenues as approaches to the Parliamentary Zone and ensure that the setting, buildings and purposes of development enhance that function.

Draft DCP 12/02 has been prepared in accordance with the Plan.

1.3 Effect of the Draft Development Control Plan

This draft DCP 12/02 has been prepared to establish planning and urban design provisions including building height, landscape character, access and parking for Section 19 Griffith.

Draft DCP 12/02 includes the following provisions:

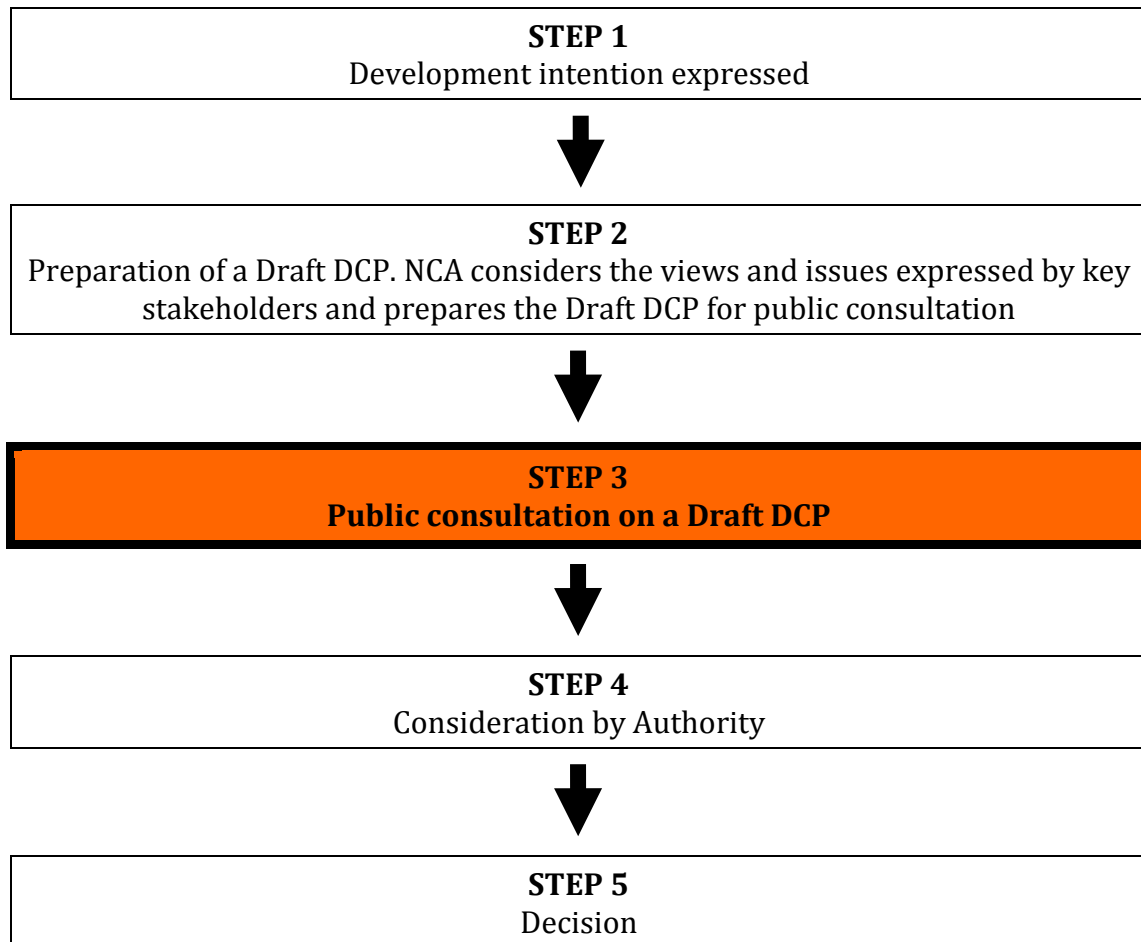
- General planning and urban design objectives for development of the site.
- Providing for an enhanced landscape character along the Canberra Avenue frontage.
- Providing for development of the site for a range of uses permitted by the National Capital Plan and the Territory Plan.
- Requirements for building height and setback, and architectural quality.
- Requirements for access to the site and parking.

2 Public Consultation

2.1 Draft Development Control Plan Process

The NCA has proposed to introduce draft DCP 12 /02 Section 19 Griffith.
The process for making a DCP is outlined in Figure 1.

Figure 1: Outline of the Development Control Plan Process



2.2 Stakeholders

The following stakeholders were identified as having an interest in the future development of the DCP area:

- ACT Department of Planning and Land Authority
- ACT Department of Territory and Municipal Services
- Parsons Brinckerhoff (for Waldren Land Company)
- BP Australia (represented by Walsh Consulting)
- El Rancho Pty Ltd (Kingston Hotel Owners)
- East Lake Football Club
- Residents in the immediate vicinity of the site.

The above stakeholders were advised by letter about the release of the draft DCP for public comment and provided with a copy of the draft DCP. Where a multiple dwelling complex adjoined the site, the Body Corporate was advised in writing of the release of the draft DCP for public comment.

2.3 Release of Draft DCP for Public Comment

On Friday 27 January 2012, the NCA released the draft DCP for public consultation. The consultation period was held from Friday 27 January 2012 to Thursday 8 March 2012 for a period of 30 business days in accordance with the NCA's Commitment to Community Engagement (August 2011). The consultation process included:

- Friday 27 January 2012 – draft DCP published on the NCA's web site and a NCA media release on release of draft
- Saturday 28 January 2012 – notice published in *The Canberra Times*
- Monday 30 January 2012 – written notices sent to identified key stakeholders inviting comments on the draft DCP
- Thursday 9 February 2012 – public information session held at the NCA offices between 12 noon and 2pm
- Friday 9 March 2012 – Period for written submissions concluded.

Public Information Session

On Thursday 9 February 2012 a public information session was held at the NCA offices between 12 noon and 2pm. Representatives from Parsons Brinckerhoff on behalf of the Waldren Land Company attended the information session, as well as two members of the public.

Written Submissions

The NCA received three written submissions in response to the draft DCP. All submissions were acknowledged by the NCA.

An analysis of submissions is at [Appendix A](#).

3 Issues

Issues that were raised during the public consultation process are outlined below.

3.1 Traffic, parking and access to Section 19 Griffith

Issue

Vehicular access and parking to Section 19 Griffith, as well as traffic generated by potential development, were identified as key issues. Concern was raised as to the number of access points from Canberra Avenue and that the draft DCP did not actively minimise this number. It was argued that, in keeping with Canberra Avenue's importance as a main avenue, access to the site from Canberra Avenue should be kept to a minimum.

The importance of maintaining ACT Government ownership of Block 6 was raised, so that Block 6 could act as an access point to Section 19 if the site is developed.

The DCP Drawing showed 'indicative planting' in place of a bus stop.

The DCP Drawing did not indicate a second access point to Block 2 from Eyre Street.

NCA Response

Development of the site may 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. To protect the integrity of Canberra Avenue, the DCP does not allow an increase in access points from Canberra Avenue.

The issue of land ownership is not a matter to be addressed in the DCP.

The two bus stops that border the site and the omitted access from Eyre Street will be shown on the DCP Drawing.

3.2 Compatibility of use between development and noise mitigation

Issue

There are current land uses on the site that may not be compatible with medium density residential. These include the Kingston Hotel, Eastlake Football Club and the BP Service Station. There was concern that if adjacent blocks were developed, a situation may arise where the new residential community are opposed to the presence or operations of these businesses.

NCA Response

The DCP describes the form and character of development. The timing of any approval and consequential impact of development is a matter for the ACT Government.

3.3 Heritage significance of the Kingston Hotel

Issue

It was suggested that a heritage assessment of the Kingston Hotel would need to be undertaken prior to a DCP being finalised for the site.

Independent media published two newspaper stories over the course of the public consultation which focussed on this issue. The Chief Planner of the NCA also conducted a radio interview on the subject.

NCA Response

The Kingston Hotel is not listed on the Commonwealth or ACT Heritage Registers. The ACT Government will ultimately be responsible for making a determination on the heritage impact of any development proposal within Section 19 on the Kingston Hotel. Under the structure of the ACT Government any proposal will be referred to the ACT Heritage Council. The Heritage Council may recommend that an assessment of the cultural and historic values of the hotel. The draft DCP was referred to the ACT Government Heritage unit who had no objections.

3.4 Building height and articulation

Issue

The draft DCP proposes a maximum building height of RL591. This represents a maximum height of approximately 18 metres. RL591 was questioned as an appropriate maximum height especially if the site were to be fully developed. Clarification was requested as to whether rooftop plant could extend past RL591 and as to where the articulation zone extended.

NCA Response

The planning and urban design objectives for Canberra Avenue aspire for a formal boulevard with well landscaped building setbacks. There is also an objective for a scale of built form that allows 'prominent' buildings to be located adjacent to the Main Avenue. This height is necessary to accommodate the required built form and formal boulevard character.

A maximum building height of approximately 18 metres is consistent with other DCPs approved for Canberra Avenue.

No encroachment is allowed above the maximum building height (RL591). It is considered unnecessary to state that plant rooms must be contained within this height limit when the maximum permissible height for development is clearly articulated. The articulation zone extends from RL580 to the maximum building height and the DCP makes this sufficiently clear.

3.5 Building setbacks

Issue

There are a number of structures which currently exist in the 10 metre setback zone proposed in the Draft DCP. In addition, there is on-grade parking (Blocks 2 and 3) and an existing building on Block 3. There was concern that future development applications would not allow these elements due to a setback control imposed after the construction.

There was concern that imposing a larger setback on Canberra Avenue was unfair to blocks adjacent to Canberra Avenue. Also, there was concern that this would restrict the ability of businesses to operate.

The zero setbacks to Giles, Eyre and Oxley Streets could be detrimental to the health of street trees.

It was suggested that Clause 5.4, which disallowed on-grade parking in the setback area, and Clause 9.4 which specifies screening of on-grade car parking from Canberra Avenue were contradictory.

NCA Response

The planning and urban design objectives for Canberra Avenue aspire for a formal boulevard with 10 metre well landscaped building setbacks. Future development on the sites adjacent to Canberra Avenue must take these long term objectives into account.

Maintenance of existing structures that currently encroach in the 10 metre setback is permitted, however new development will need to comply with the requirements of the DCP.

It is proposed that setbacks to Giles, Eyre and Oxley Streets are increased to four metres.

Clauses 5.4 and 9.4 are not contradictory. Clause 5.4 disallows on-grade parking in the 10 metre setback area thus allowing on-grade parking outside of this area. This may be visible from Canberra Avenue. Clause 9.4 ensures that on-grade car parking outside the setback will be screened.

3.6 Protection of street trees

Issue

There was concern that street trees on Canberra Avenue, Giles Street and Oxley Street had not been sufficiently protected in the past. The construction phase was raised as particularly detrimental to tree health.

There was concern that a zero setback to Giles, Oxley and Eyre streets would adversely affect street trees. Also, it was suggested that landscape design provisions be extended to Giles Street, Eyre Street and Oxley Street.

NCA Response

The draft DCP contains sufficient provisions to ensure a quality landscape to the Canberra Avenue frontage, including the retention of mature trees and requirements for replacement plantings. Also, there are provisions for tree protection measures to be submitted as part of any development proposal on the site. The tree protection measures proposed as part of any development will be assessed by the ACT Government.

It is proposed that setbacks to Giles, Eyre and Oxley Streets are increased to four metres. The purpose of the DCP is to provide for a form and character of development that enhances the significance of Canberra Avenue as a Main Avenue and an approach to the Parliamentary zone. Where the significance of Canberra Avenue is not compromised the suggested landscape provisions have been extended to include the adjacent streets.

4 Proposed Changes

As a result of comments received during the public consultation period, and internal review of the document, five changes have been proposed to the draft DCP as follows:

- Clause 5.2 be amended to read as follows:

*Buildings are to be setback a minimum of ten metres from Canberra Avenue.
Encroachment of minor articulation elements may be permitted within a 2.5 metre 'articulation zone' as defined by DCP Drawing No. 12/02...*

This confirms the dimensions of the 'articulation zone'.

- Clause 5.3 be amended to read as follows:

Setbacks to Oxley, Giles and Eyre Street frontages are to be four metres as shown in DCP Drawing 12/02. Internal setbacks to side and rear boundaries shall be a minimum of one metre.

This increases setbacks on Giles, Eyre and Oxley Streets allowing for the root zone of street trees.

- Clause 8.2 has been amended to read as follows:

The existing avenue planting pattern along Canberra Avenue shall be maintained and reinforced. All mature street trees adjacent to Section 19 Griffith should be retained to the maximum extent practicable and integrated into the landscape design.

This change ensures that all street trees adjacent to Section 19 Griffith are integrated into the landscape design of any development proposal.

- DCP Drawing 12/02 to be amended to show bus stop locations adjacent to Section 19.

These changes better illustrate and preserve access to the site via alternative modes of transport and accurately represent the current site.

- DCP Drawing 12/02 to be amended to illustrate a second Eyre Street access point to Block 2.

To accurately represent the site as it currently operates.

5 Conclusion

Draft Development Control Plan 12/02 Section 19 Griffith was released for public consultation in January 2012 in accordance with the NCA's Commitment to Community Engagement (2011).

Following a review of the submissions received during the period of public consultation, five changes to the draft DCP as publicly advertised have been proposed.

Appendix A - Summary of Submissions

Note: Details of each submitter have only been reproduced in this table where a submitter has granted permission for their name and/or address to be used by the National Capital Authority for the purposes of the Report on Consultation for draft DCP 12/02.

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
1.	National Trust of Australia (ACT)	Submit that there may be sites of heritage value within the boundaries proposed, including the Kingston Hotel. Before the plan is finalised, it was strongly proposed that a heritage significance assessment be undertaken for Section 19 Griffith, in particular for the Kingston Hotel.	There are no sites within Section 19 Griffith listed on the Commonwealth or ACT Heritage Registers.
		Wish to note that the suburb of Kingston was integral to the formation of the National Capital and that the Kingston Hotel was established in the late 1930s. Although not currently on the heritage register, the Kingston Hotel is seen by the National Trust to have cultural heritage value.	Noted.
		The DCP should not be finalised until the heritage value of Section 19 is investigated. If the Kingston Hotel be found to have heritage significance it is vital that it is acknowledged accordingly and reflected in the plan.	The ACT Government will be responsible for making a determination of any development proposals and their heritage impact on the Kingston Hotel or any other sites of heritage significance. The ACT Heritage Council may recommend that an assessment of the cultural and historic values of the hotel be undertaken as part of an application
2.	Walsh Consulting (on behalf of BP Australia Pty Ltd)	There would not be great risk of the increased development potential adversely affecting the service station operation if the development were used for <i>offices</i> and/or <i>business</i> purposes, in accordance with the primary purpose of this CZ2 zone. However, if a higher density residential or hotel development was to be built to BP site's boundaries.	CZ2 zone of the Territory Plan allows 'Residential Use' subject to Merit Track Assessment. It is noted that the objectives of CZ2 imply a preference for office development and that high density residential may cause land use compatibility issues.

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		There could be direct land use compatibility problems. There is considerable evidence of incoming residential development forcing out long term, legitimate, non-residential uses over time with noise and other complaints and sometimes to the detriment of the wider community.	There may be need to ensure that the design of development does not lead to any detrimental impact on current lessees business viability (e.g. a requirement for double glazing of windows to provide sound-proofing). However, these are issues to be dealt with at the development application stage of any proposal.
		Provisions could be added that require DAs to demonstrate how design solutions will address the existing noise sources from the premises considering sleep disturbance criteria as well as amenity criteria.	The Territory Plan Multi Unit Housing Development Code requires that any residential development in a commercial zone or adjacent to a major road requires that building design and construction complies with the relevant Australian Standards for noise intrusion, building siting and construction and proposed design sound levels for building interiors. A report demonstrating compliance is also required.
		The general provisions to reduce setback to zero are questionable in terms of potential compatibility of land use. For example residential development with inappropriate fenestration, closer to a late night trading premises, is not a good scenario for those involved in the longer term activities on either of the sites.	Provision for zero setbacks apply only to street frontages and were included in the draft as some existing buildings were built to the property line. These have been increased to four metres to protect adjacent street trees. In terms of internal block boundaries there is a minimum setback of one metre to the property line.
		The existing BP canopy is an established feature in the streetscape. It would seem reasonable if some recognition of this be given in the DCP by way of a note, reinforcing the legitimacy of the continued use of this building form. It would be inappropriate if over time any pressure were applied to the operation to relocate a long established canopy due to a setback control imposed after construction.	Maintenance on existing structures within the mandatory setback is permitted. New structures must comply with the DCP.
		Note that the plan accompanying the draft DCP only indicates a single access point from the BP operation to Eyre St. There is another adjacent to Block 4 Section 19.	The DCP Drawing has been amended to show this additional access/egress point.

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		<p>While BP is very appreciative of the contacts from Parson Brinckerhoff, agent of another lessee of Section 19, BP wish it to be noted that (and certainly through no fault of PB) it did not attend a "pre-consultation" meeting of lessees and in that sense it would not be correct to assume a "consensus" among all lessees on any positions, were there to be any suggestion of this.</p> <p>BP's main intent is to continue the current 24 hour operation and is only concerned to the extent that any increased development within the Section may impinge on this continued operation.</p>	Noted.
3a.	ACT Government - Environment and Sustainable Development Directorate (ESDD)	<p>Required clarification as to whether height restrictions included any allowance for rooftop plant.</p> <p>Required clarification on the articulation zone and if the clause means that the articulation element will not be able to extend to the ground.</p> <p>Submit that Clause 5.4 and 9.4 are contradictory. As 9.4 requires screening to on grade parking from Canberra Avenue and 5.4 prohibits on grade parking in the 10 metre setback area.</p>	<p>The DCP states a maximum building height for development. All parts of future buildings are required to be within this stated limit, including plant rooms (if required). It is considered unnecessary to state that plant rooms must be contained within this height limit when the maximum permissible height for development is clearly articulated. This approach is consistent with other DCP's.</p> <p>The DCP states that articulations elements may be at or above RL580.</p> <p>Clauses 5.4 and 9.4 are not contradictory. Clause 5.4 disallows on-grade parking in the 10 metre setback area. Parking is permissible beyond this area but Clause 9.4 makes it clear that on-grade car parking outside the setback must be screened from view. This is consistent with earlier DCP's.</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
3b.	ACT Government -Territory and Municipal Services Directorate (TAMSD)	Do not support the proposed zero setbacks to the Giles, Oxley and Eyre Street boundaries. Mature street trees, in particular the mature cedar trees in Giles Street and those nearer the Giles Street end of Oxley Street. Preference is for a minimum setback of 4 metres to match the existing minimum setbacks in the area. Further, the encroachment of basement parking into this minimum 4 metres setback should not be permitted where it will affect the root zone of existing street trees.	The suggestion to increase setbacks to 4 metres on adjacent street frontages has been incorporated into the proposed DCP. The level of encroachment on setbacks by basement parking must ensure that the root zone of adjacent street trees is not impacted upon.
		Submit that DCP Drawing No. 12/02 should reflect Section 8 "Landscape Design" to ensure that the existing streetscape character and pattern of street tree planting is maintained. This applies to all streets adjoining Section 19 Griffith.	The number of trees shown in DCP Drawing 12/02 is indicative only.
		Suggests that clauses 8.1, 8.2, 8.3 and 8.4 should also apply to Giles, Oxley and Eyre Streets.	Clause 8.1 highlights the importance of the landscape character on Canberra Avenue. This character should be distinct from the adjacent streets. The NCA has no objection to Clause 8.2 applying to all adjacent streets. Clause 8.3 and 8.4 already apply to the adjacent streets.
		Suggest that the symbol for 'Indicative Planting' should not be an 'X', as this usually indicates a tree to be removed.	The symbol for indicative planting has been altered in DCP Drawing 12/02.