



Australian Government  
National Capital Authority

# Report on Consultation

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## Draft Development Control Plan 15/02

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*Blocks 2-4 Section 27 Forrest  
Canberra Avenue*

*May 2015*

## Contents

1	Introduction.....	3
1.1	Purpose and background.....	3
1.2	National Capital Plan requirements .....	3
1.3	Effect of the Development Control Plan .....	3
2	Public consultation .....	4
2.1	Development Control Plan process.....	4
2.2	Stakeholders.....	5
2.3	Release of the draft Development Control Plan for public comment.....	5
3	Issues .....	6
3.1	Building height & form .....	6
3.2	Rooftop plant.....	7
3.3	Overlooking and privacy.....	7
3.4	Solar access.....	7
3.5	Building setbacks .....	8
3.6	Vehicular Access .....	8
3.7	Trees.....	8
3.8	Setback and articulation for courtyard walls .....	9
3.9	Inconsistency with the National Capital Plan .....	9
4	Internal review .....	10
4.1	Parking visible from Canberra Avenue .....	10
4.2	Front setbacks .....	11
5	Recommended changes .....	12
6	Conclusion .....	12
	Appendix A – Summary of submissions .....	13

# **1 Introduction**

## **1.1 Purpose and background**

This report summarises the issues raised during the public consultation process undertaken by the National Capital Authority (NCA) on draft Development Control Plan (DCP) 15/02 for blocks 2-4 Section 27 Forrest.

In December 2014, the NCA received a request from Spacelab to establish a DCP for the subject site. The DCP will guide future development on the site.

## **1.2 National Capital Plan requirements**

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 a Development Control Plan (agreed by the National Capital Authority) which seeks to secure the integrity of the Main Avenues as approaches to the Parliamentary Zone and ensure that the setting, buildings and purpose of development enhance that function.'*

Draft DCP 15/02 has been prepared in accordance with the Plan.

## **1.3 Effect of the Development Control Plan**

DCP 15/02 will guide development of Blocks 2-4 Section 27 Forrest and includes provisions for:

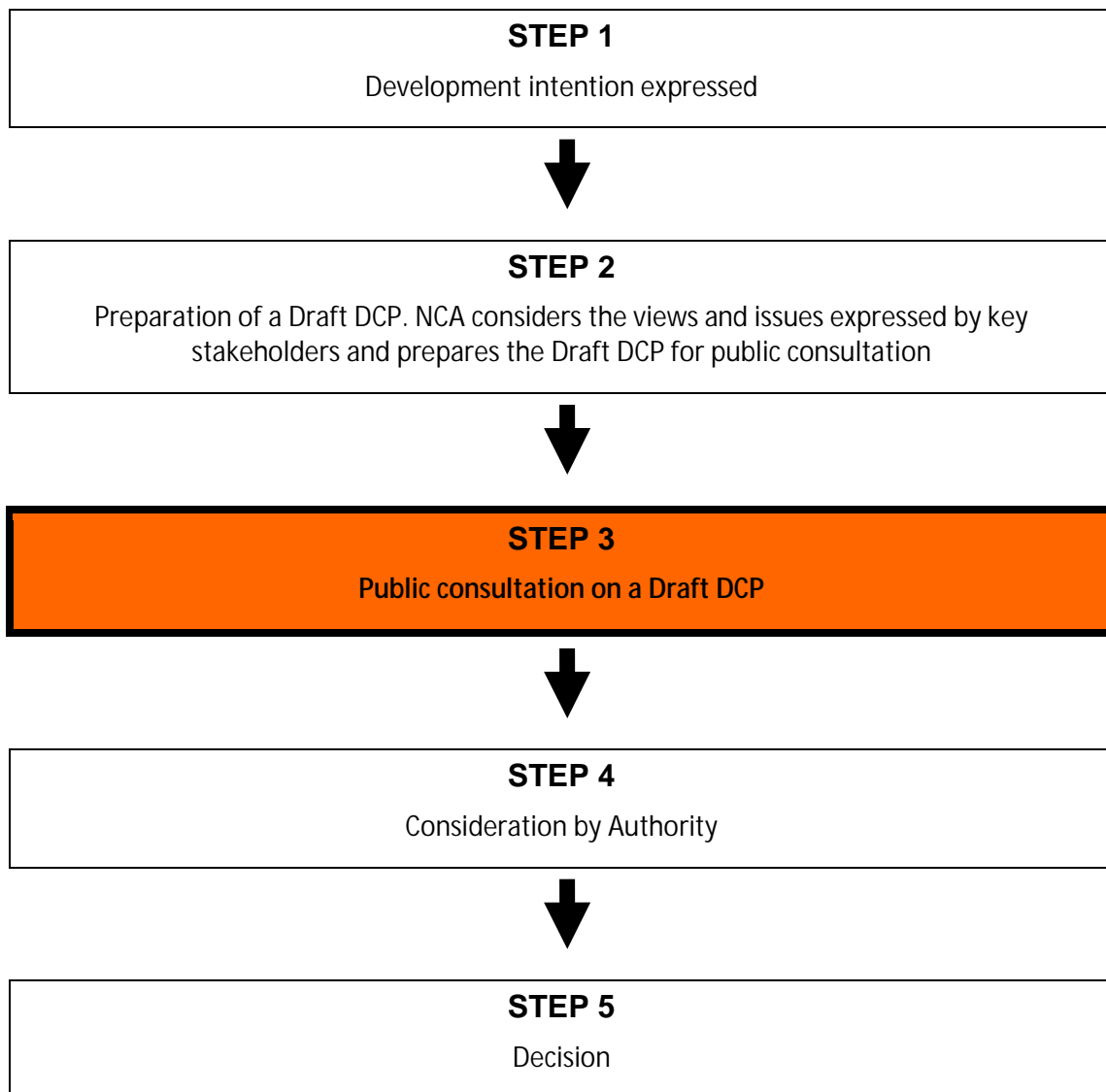
- general planning and urban design objectives
- building height and setback, and architectural quality in built form
- requirements for access to the site and parking
- providing for an enhanced landscape character along the Canberra Avenue frontage.

## 2 Public consultation

### 2.1 Development Control Plan process

The process for making a DCP is outlined in Figure 1.

Figure 1: Outline of the Development Control Plan process



## **2.2 Stakeholders**

On 21 January 2015, the NCA released draft DCP 15/02 for public consultation. The following stakeholders were identified as having an interest in the future development of the site:

- ACT Government Environment and Planning Directorate
- ACT Government Territory and Municipal Services Directorate
- Inner South Canberra Community Council
- Local residents.

All identified stakeholders were advised by letter and/or electronic mail about the release of the draft DCP for public comment.

## **2.3 Release of the draft Development Control Plan for public comment**

In accordance with the NCA's 'Commitment to Community Engagement (August 2011)' the consultation period ran for six weeks, concluding on 5 March 2015. The consultation process included:

- 21 January 2015, draft DCP 15/02 was published on the NCA's web site and a media release was provided to national media outlets. Written notices were sent to key stakeholders.
- 21 January 2015, a notice was published in *The Canberra Times*.
- 4 February 2015, a public information session was held at the NCA offices.
- 5 March 2015, the period for written submissions concluded.

### **3 Issues**

The NCA received nine written submissions in response to the draft DCP. These submissions were acknowledged by the NCA.

The key issues raised are discussed below. A summary of each submission, together with a detailed response, is at [Attachment A](#).

#### **3.1 Building height & form**

##### **Comments received**

Submissions regarding building height raised concerns over the proposed maximum RL for the site. These concerns included the development being out of character with developments along Canberra Avenue, the height being 50% higher than developments south of the DCP site, and that the proposal may negatively impact the amenity of residents adjacent to the DCP site.

Submissions also stated that the Doris Blackburn building (Section 18 Forrest) should not be used as a precedent for the proposed built form on Section 27 Forrest as an office building has been constructed, not a residential building. Proposed built form on Section 27 Forrest should be comparable to Empire Apartments to the south of the site.

It was suggested that a two to four storey building could satisfy the objectives for Main Avenues.

##### **NCA response**

The draft DCP permits development to a maximum height of RL588, stepping up to RL594 heading north along the Canberra Avenue frontage towards Dominion Circuit. Further along the Main Avenue at Section 18 Forrest the maximum permissible building height is RL601. The reduced building height to the rear and side boundary has been designed to minimise the impact of overshadowing from the proposed development.

Blocks 2-4 Section 27 Forrest are situated on a Main Avenue on the final approach to the Central National Area and Parliament House. An objective of the Main Avenues is the establishment of a clear and identifiable route to the city centre by providing a visual and strong structural link to the final approach to the Central National Area. This will be achieved through the formalisation of built form and by addressing the height transition between the Empire Apartments and the Doris Blackburn Building. A two or four storey development would not adequately contribute to this experience. The proposed built form in the DCP better achieves the intent for the formal approach along Canberra Avenue.

The 'stepping up' also contributes to the gateway to Dominion Circuit by providing built form sympathetic to the height of the Doris Blackburn building.

Additional commentary on building height and form is provided in 3.9.

No change to the DCP is recommended.

## **3.2 Rooftop plant**

### **Comments received**

Submissions received stated that there is ambiguity with the provisions for rooftop plant in the DCP. There was concern raised that rooftop plant could be built additional to the maximum permissible height allowed in the DCP.

### **NCA response**

The draft DCP specified that:

*Roof top plant and equipment, if required, must be fully enclosed and the enclosures are to be carefully integrated with the roof form and design of the building. All such plant and equipment shall be totally concealed from view from Canberra Avenue and Parliament House.*

This approach is not inconsistent with DCPs previously approved by the Authority. The definition of building height is sufficiently covered by the Territory and National Capital Plans.

No change to the DCP is recommended.

## **3.3 Overlooking and privacy**

### **Comments received**

Concerns were raised regarding the absence of provisions regarding overlooking and privacy for residents adjacent to the DCP site along Franklin Street and Dominion Circuit. Issue was also raised regarding privacy for residents of the Empire Apartments.

Of particular concern was whether clause 4.4 of the draft DCP seeks to override privacy provisions in the Territory Plan.

### **NCA response**

In the absence of provisions in the DCP to the contrary, the Territory Plan applies. This includes provisions regarding overlooking and privacy. The DCP does not override privacy provisions in the Territory Plan.

No change to the DCP is recommended.

## **3.4 Solar access**

### **Comments received**

Concern was raised regarding overshadowing of adjacent residences.

### **NCA response**

The provisions in the DCP regarding building height are designed to minimise negative impacts of overshadowing from development through reduction of height towards the rear of the site.

Indicative shadow modelling for the prescribed maximum built height was conducted in the planning phase of draft DCP 15/02. The NCA is satisfied that the built form prescribed in the DCP is consistent with solar access provisions of the Territory Plan, in allowing a notional minimum two metre high north west – south east oriented solar fence at the rear boundary at noon of the winter solstice (June 21).

No change to the DCP is recommended.

### **3.5 Building setbacks**

#### **Comments received**

Comments received suggested that building setbacks to rear and side boundaries should be stated as a minimum setback rather than as absolute values.

#### **NCA response**

Clause 5.5 of the DCP has been changed to refer to minimum setbacks in the DCP drawing. The revised clause is as follows:

*All minimum setbacks to rear and side boundaries are as defined in DCP drawing 15/02.*

### **3.6 Vehicular Access**

#### **Comments received**

Concerns were raised regarding the ingress/egress point indicated on DCP drawing 15/02. These concerns centred on the increased risk of accidents, traffic congestion along Canberra Avenue and the location of the entry point so close to the Empire Apartments main driveway.

It was suggested that consideration should be given to the use of both Canberra Avenue and Dominion Circuit as ingress/egress points.

The Territory requested that clause 8.1 be amended to state that the indicative access arrangements do not reflect the ACT Government's final position.

#### **NCA response**

The DCP has been changed with the indicative ingress/egress point removed from DCP drawing 15/02. Reference to indicative site entry points in Clause 8.1 has also been removed. The amended Clause is as follows:

*Access point location(s) will be determined and agreed by the relevant approval authorities.*

### **3.7 Trees**

#### **Comments received**

Concern was raised regarding existing trees at the rear of the subject site, and the absence of provisions for their protection. Comments also suggested that the DCP should be updated to reflect the protected status of large deep rooted trees along the rear fence line.

The following points were also raised:

- The indicative tree plantings shown in DCP 15/02 are inaccurate
- Suggestions on appropriate tree stock for replacement of existing trees.
- The term 200mm spring ring stock should be used for native replacement trees as opposed to the term semi-mature stock in line with NATSPEC guidelines.

#### **NCA response**

The NCA's primary concern is with the Canberra Avenue frontage and areas of the site clearly visible from Canberra Avenue (such as the Dominion Circuit frontage). In the absence of a provision to the contrary, such as the case for trees to the rear of the site, the Territory Plan applies. Protection or removal of existing trees to the rear of the site is subject to Territory assessment.



Section 9.5 of the DCP states the requirement for a tree assessment for the removal and replacement of all verge trees. The tree assessment is required to propose tree plantings consistent with deep rooted trees along Canberra Avenue in line with the 'indicative planting' pattern shown in the DCP drawing.

This approach is consistent with previous DCPs approved by the Authority. Tree locations indicated in the DCP are indicative only; replacement of trees on the Canberra Avenue and Dominion Circuit frontages will be subject to agreed tree assessments and landscape plans.

The term semi-mature stock is consistent with previous DCPs approved by the Authority. The term spring ring stock refers to native plantings while semi-mature refers to exotics. A change to the term advanced stock is proposed as it does not preclude exotic or native trees.

Clause 9.4 has been changed to refer to advanced stock as follows:

*A Landscape Plan must accompany any development proposal, which achieves the requirements of Section 9 'Landscape Design' of this DCP and reflects the intent illustrated on DCP drawing 15/02. Where mature trees are proposed for removal, the Landscape Plan should include provision for new advanced stock.*

### **3.8 Setback and articulation for courtyard walls**

#### **Comments received**

Submissions raised concern with the reliance on Territory Plan provisions for courtyard walls and fences. It was suggested that existing Territory Plan provisions would achieve a poor outcome for the development and not be aligned with the objectives of the main avenue.

#### **NCA response**

Clause 10 has been changed to clarify the provisions for courtyard walls and fences. The revised clause is as follows:

- 10.1. Blank walls to Canberra Avenue and Dominion Circuit are not permitted. Courtyard or retaining walls are permitted forward of the building line to Canberra Avenue and Dominion Circuit providing they are appropriately articulated and integrated with soft landscape design treatments.*
- 10.2. Courtyard walls and fences must not exceed 30 per cent of the length of the Canberra Avenue frontage. A minimum three metre setback from the block boundary is to be maintained for all courtyard walls and fences fronting Canberra Avenue. A minimum 2.5 metre setback from the block boundary is to be maintained for all courtyard walls and fences fronting Dominion Circuit.*
- 10.3. The use of hedges is encouraged in lieu of (or combined with) fences and walls when forward of the building line.*
- 10.4. Courtyard walls and fences shall be comprised of high quality materials in colours and finishes consistent with the principle building. Fences forward of the building line shall be generally transparent in character.*
- 10.5. The maximum height of courtyard walls and fences is 1.35 metres.*

### **3.9 Inconsistency with the National Capital Plan**

#### **Comments received**

Concerns were raised regarding the DCP being inconsistent with the National Capital Plan in terms of built height and form. It was stated that six storeys for the development is inconsistent with the Plan's limit of four storeys for Main Avenues other than Northbourne Avenue.

It was also queried how a six storey building compared with a two or a four storey building:

- Enhances integrity of the main avenue
- Builds up expectations by formalizing the design character towards the Central National Area
- Enhances views to recognizable and popular images of the National Capital so as to further build expectation and define the approach
- Ensures that the structure, detail and signage is consistent
- Ensures main avenues are enhanced in their formal character.

#### **NCA response**

The National Capital Plan does not prescribe a standard height limit of four storeys for the final approaches to the Parliamentary Zone. Section 2.3 (iii) states:

*"incorporate the following where Main Avenues are the final approaches to the Parliamentary Zone; building height controls, to ensure that buildings are at least 3 storeys in height unless specifically shown otherwise in an agreed Development Control Plan. Plant rooms to be additional to these heights."*

In regard to the query regarding consistency with the design policy of the Plan:

- The DCP sets design parameters which enhance the integrity of the Main Avenue by formalising development in a consistent manner in keeping with development along the Avenue. The increase in height marks the transition to the final approach to the Parliamentary Zone.
- The proposal builds up expectations by formalising the design character, and relates to the heights and built form of both the Empire Apartments and the Doris Blackburn building. The design contributes to the establishment of a clear and identifiable route to Parliament House and the Central National Area by providing a visual and strong structural link to the final approach.
- Consistency in the structure, detailing and signage is established by the provisions of the DCP.

No change to the DCP is recommended.

## **4 Internal review**

### **4.1 Parking visible from Canberra Avenue**

#### **Issue**

The absence of a clause limiting visibility of surface parking from the Main Avenue may allow visible surface parking in the building envelope.

#### **NCA response**

Clause 8.4 has been changed to give consideration to surface parking on the Canberra Avenue and Dominion Circuit frontages as follows:

*Above ground and basement parking and associated ventilation openings are to be concealed from public view. Ventilation openings will be configured to minimise light spill and noise from the basements.*

## **4.2 Front setbacks**

### **Issue**

The terminology of Clause 5.1 does not clearly specify where the front setbacks are measured from.

### **NCA response**

Clause 5.1 of the DCP has been changed to reflect setbacks are to be from the block boundary:

*Buildings are to be setback a minimum of ten metres from the Canberra Avenue block boundary and six metres from the Dominion Circuit block boundary. All setbacks are as defined in DCP drawing 15/02.*

## **5 Recommended changes**

In response to submissions received, and as a result of internal review, the following changes are recommended to draft DCP 15/02:

1. Amend Clause 5.5 to reflect minimum setbacks to side and rear boundaries of adjacent blocks.
2. Remove reference to indicative vehicular ingress/egress point in both Clause 8.1 and DCP drawing 15/02.
3. Change reference of tree stock from semi-mature to advanced.
4. Clause 10 has been amended to clarify the provisions for courtyard walls and fences fronting Canberra Avenue and Dominion Circuit.
5. Clause 8.4 has been amended to conceal surface parking from view the Canberra Avenue.
6. Clause 5.1 has been amended to reflect that front setbacks are to be measured from the block boundary.

## **6 Conclusion**

In January 2015, draft DCP 15/02 was released for public consultation in accordance with the NCA's 'Commitment to Community Engagement (August 2011)'. Nine written submissions were received in regard to draft DCP 15/02.

In response to submissions made and internal review, six changes to the draft DCP have been made.

## Appendix A – Summary of submissions

Note: The National Capital Authority (NCA) undertakes an open and transparent consultation process. The draft DCP 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 and suburb of each person making the submission.

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
1.	ACT Government	<p>[Planning Delivery] In Part 3 'Land Use', paragraph 2, statement on mandatory rules in the TP not applying should be expanded to include.... Prohibition on apartments; dwelling replacement; plot ratio; density; limit on additional dwellings; limit on number of dwellings per building; number of storeys; height of buildings; solar access. There are some other mandatory rules in the TP that deal with WSUD; Adaptable Housing; and noise attenuation, but recommend that these should remain for the type of development envisaged on the site.</p> <p>In Part 5 'Building Setback'. Paragraph 5, the specified setbacks from neighbouring blocks 1 and 13 should be stated as minimums, rather than as absolute values.</p>	<p>Clause 3.2 overrides provisions in the Territory Plan for prohibition for apartments, dwelling replacement, and maximum number of dwellings.</p> <p>The DCP overrides Territory Plan provisions regarding building height, plot ratio, density and number of storeys in other clauses.</p> <p>Noted.</p> <p>See 3.5</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		<p>[Conservator of Flora and Fauna] The document refers to trees on the verge but is silent about existing trees on the site. The proponent should be required to submit a tree assessment for all trees. It is recommended that section 9 be amended as follows:</p> <p>9.5 A tree assessment for all trees must accompany any development proposal.</p> <p>9.6 Street trees recommended for removal based on the tree assessment shall be replaced with a species consistent with the existing avenue plantings along Canberra Avenue. Where there are gaps in the existing avenue planting, new specimens consistent with the existing avenue planting along Canberra Avenue shall be planted, in accordance with the 'indicative planting' shown in DCP drawing 15/02.</p>	<p>See 3.7</p> <p>See 3.7</p>
		<p>[TAMSD Asset Acceptance] Draft DCP 15/02 for Blocks 2-4 Section 27 Forrest requires some revision in relation to accurate representation of the existing street trees and where trees should be planted on both Canberra Ave and Dominion Circuit frontages.</p> <ul style="list-style-type: none"> <li>• If new street tree planting is to be specified, the planting of any Eucalypt must not be "semi-mature"— it must be 200mm spring ring stock that meets the NATSPEC guidelines.</li> <li>• The pattern of tree planting in the Canberra Ave verge requires a clearer representation, as the current plantings shown (on DCP Drawing 15/02) are not all</li> </ul>	<p>See 3.7</p> <p>See 3.7</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		<p>official species or planting locations.</p> <ul style="list-style-type: none"> <li>There are only 3 street trees (large Cedars) in the Dominion Circuit verge, with the other 2 planting being shrubs (Oleander). The Cedars must be retained and effectively protected. The Oleander shrubs should be removed - this will provide an opportunity, with the removal of an existing driveway, to plant a new Cedar street tree.</li> <li>No works are to be allowed in the verges that will adversely impact the mature healthy street trees, in particular the Cedars in Dominion Circuit. Any landscape works proposed to the nature strip adjacent to the proposed DCP are subject to an approved TAMS nature strip application. Refer to the TAMS website for detail. Maintenance and upkeep of the nature strip is responsibility of lessee.</li> <li>All proposed landscape works within the DCP boundary shall not over hang the existing footpath and public space areas.</li> </ul> <p>Vehicle Access and Car Parking: Please amend Section 8.1 Vehicular Access and Car Park of the draft DCP to read:</p> <ul style="list-style-type: none"> <li>Access point location(s) shall be determined and agreed in direct consultation with the relevant approval authorities at the development application stage. The current access arrangements outlined in drawing DCP 15/02 is indicative only and does not reflect the ACT Government's final position.</li> </ul>	<p>See 3.7</p> <p>Work in the verge along Canberra Avenue is subject to NCA approval. Works in the Dominion Circuit verge is subject to Territory approval. Provisions for protection of trees are the responsibility of each approval authority; the DCP will not affect this arrangement.</p> <p>This is subject to Territory assessment and approval.</p> <p>See 3.6</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		<ul style="list-style-type: none"> <li>Section 2.3.2 (b) of the TP 'Parking and Vehicular Access General Code' states: 'Except for single unit or dual occupancy residential blocks, ingress and egress to and from the site is to be in a forward direction for all vehicles having a regular requirement to enter the site.....'</li> </ul>	See 3.6
		<p>[Environment Protection Authority] 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. All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed to accept the waste."</p>	The Territory Government has responsibility for the Assessment and approval of works on the site. Pollution prevention and environment protection guidelines will apply to proposals on the site. Safe removal of hazardous materials will be established by Territory standards.
		<p>[Heritage] Block 4 Section 27 Forrest was previously nominated to the ACT Heritage Register. In 2012, the ACT Heritage Council decided not to provisionally register the place. Consequently, the place has no heritage value.</p>	Noted.



Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
2.	Empire Apartments Owners Corporation Executive	<p>Concern regarding reduced amenity should development be built to provisions of draft DCP.</p> <p>What measures will NCA take to ensure the development guidelines are enforced? What power does the NCA have to make a developer change finishes?</p> <p>Specific concerns:</p> <ol style="list-style-type: none"> <li>1. Concern regarding possible building heights, why is a 50% increase in height deemed appropriate with this current DCP, and not with previous such as Empire Apartments and Bentley? The height restriction should include rooftop plant.</li> <li>2. Absence of equity of privacy provisions for Empire Apartments as there are for other homes to the west.</li> <li>3. Vehicular access adjacent to that of Empire Apartments for added congestion on Canberra Avenue should be moved to Dominion Circuit.</li> <li>4. The new development should be monitored by NCA to ensure compliance with the DCP.</li> <li>5. Why has the area been rezoned as the RZ2 class is restricted to 3 storeys?</li> </ol>	<p>Noted</p> <p>The Territory Government Assesses development against approved DCPs for sites along Canberra Avenue outside Designated Areas. The Territory has responsibility for the assessment and ensuring that development guidelines are enforced.</p> <p>See 3.1 &amp; 3.2</p> <p>See 3.3</p> <p>See 3.6</p> <p>The Territory Government has responsibility for approval and oversight for development on the subject site, in line with an approved DCP.</p> <p>The site has not been rezoned. Canberra Avenue is identified as a Main Avenue in the Plan. Special Requirements for Main Avenues apply to the site which state that development must conform to a DCP which seeks to secure the integrity of the Main Avenues as approaches to the Parliamentary Zone.</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
3.	Graham & Karen Anderson	<p>1. <b>Redevelopment of this site should not exceed 4 storeys:</b> The Special Requirements for Main Avenues underpinning this DCP are the same as those on which the DCPs for Blocks 5-8 S27 (Empire Apts, 2005), Blocks 2-6 S26 (Aureus, 2002) and Blocks 1-4 S33 (Bentley Suites, 1997) were based. In each of those DCPs a minimum of 3 storeys and a maximum of 4 storeys were stipulated consistent with the Plan. There has been no change in circumstances which would trigger a 50% increase in that maximum height, from 4 to 6 storeys, with the consequent adverse effects on neighbouring properties in terms of aspect, privacy, overshadowing etc. There is a strong case for the DCP to stipulate the same maximum height as that to which the immediate neighbour, Empire Apartments, was limited.</p> <p>2. <b>The office block on S18 should not be regarded as a precedent:</b> The office building on S18 is separated by Dominion Circuit from the residential zone to its south. The amenity of residents south of Dominion Circuit should not be compromised by an opinion that a redevelopment of the three amalgamated blocks in S27 should be ramped up to what has been built on S18. Dominion Circuit should be regarded as a demarcation line between residential and office development, and there is no case for a blending/blurring of the two. In any future</p>	<p>See 3.1 and 3.9</p> <p>See 3.4</p> <p>See 3.1</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		<p>redevelopment of properties facing Franklin St (under ACT planning criteria), apartments would be precluded and building height would be limited to three stories. In those circumstances, if Blocks 2-4 S27 were developed to the DCP envelope, the Dominion Circuit streetscape elevation from Canberra Ave to Franklin St would look totally anomalous.</p> <p>The proposed increase in height to six storeys on these blocks has no planning or architectural merit, and appears to relate solely to maximising the space available for development.</p> <p>3. <b>There should be no ambiguity in terminology:</b> Para 4.2 should make it clear that the maximum building height includes rooftop plant. Again, planning consistency is a primary criterion. It is noted that para 3.3 of DCP10/01 for S18 properly required that the stipulated maximum height was to include all building elements, including roof plant.</p> <p>4. <b>There should be uniformity of privacy provisions:</b> Para 4.4 should apply the same provisions to Empire Apartments as those it applies to dwellings in Franklin St. While several elements of Empire Apartments could be affected by this, a personal concern is our apartment at the fourth level on the NW side of Empire Apartments- it has balcony, living and master bedroom areas with large glass windows and doors facing the SE facade of the proposed redevelopment. There</p>	<p>See 3.2</p> <p>See 3.3</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		<p>should be no balconies on the SE facade of the proposed redevelopment, and windows on that facade should be frosted or fitted with fixed louvres.</p> <p>5. <b>The vehicular access/egress point should be relocated:</b> The main access/egress point for Empire Apartments is immediately adjacent to the proposed access/egress point identified for the redevelopment. This would be a recipe for accidents and congestion on Canberra Ave. The access/egress for the redevelopment should be on Dominion Circuit.</p> <p>6. <b>The provisions of the DCP should be monitored during construction:</b> Given the importance attached to the objectives underpinning the DCP, the NCA should rigorously monitor compliance with the DCP during subsequent construction. Para 7.1, for example, raises a case in point. There is a similar provision in the DCP for Empire Apartments- had this been policed, non-compliance with approved plans and lengthy litigation (still ongoing in the Supreme Court) might have been avoided.</p>	<p>See 3.6</p> <p>The site is not within Designated Areas of the Plan. The Territory Government has responsibility for approval and oversight for development on the subject site, in line with an approved DCP.</p>
4.	Janice and Frank Morris	<p>The height permissible in the DCP is excessive. The proposed 'stepping up' to match the height of the building across Dominion Circuit is misconceived as it is not adjacent to houses.</p> <p>The previous DCP for Empire Apartments accorded with the requirements of the Plan that the maximum heights of such buildings are to be typically 3-4 storeys.</p>	<p>See 3.1</p> <p>See 3.9</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		<p>Concern regarding overlooking to rear residences and backyards was raised.</p> <p>There is a lack of clarity regarding rooftop plant and whether it is permitted above the maximum permissible built height.</p>	<p>See 3.3</p> <p>See 3.2</p>
5.	Stephen Brown	<p>Lack of ground level on DCP hampers analysis of DCP and consultation process.</p> <p>Six storeys on the site is excessive for two reasons:</p> <ol style="list-style-type: none"> <li>1 It is significantly higher than the nearby apartment and other complexes.</li> <li>2 A six storey apartment block is inappropriate for such a small site.</li> </ol> <p>A six storey building would be inconsistent with the principles of the Forrest Neighbourhood plan.</p> <p>Any development on this site should be a maximum of four storeys.</p>	<p>Noted. The height of the adjacent kerb along Canberra Avenue has been measured at RL574. Development on the site in accordance with the DCP would be 20m high.</p> <p>See 3.1</p> <p>Canberra Avenue is identified as a Main Avenue in the Plan. Special requirements for Main Avenues apply to the site which state that development must conform to a DCP which seeks to secure the integrity of the Main Avenues as approaches to the Parliamentary Zone. Where there is an inconsistency between the Territory Plan and the National Capital Plan (including any DCP prepared under the Plan) the National Capital Plan prevails.</p> <p>See 3.1</p>
6.	John Gardiner	<p>Concern regarding traffic congestion and road safety from access off Canberra Avenue was raised.</p>	<p>See 3.6</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
7.	Eric & Belle Goonetilleke	<p><u>Impact on local residents</u></p> <p>Concerns regarding loss of property values for adjacent residential blocks. Special consideration should be given to inhabitants of adjacent two storey residences.</p> <p>Six storeys for the site is inconsistent with the Plan's maximum height of four storeys.</p> <p>Existing development at blocks 5-8 Section 27 currently up to four storeys as precedence.</p> <p>Governments should not react to development plans that are submitted, but already have in place existing detailed rules based on legislated objectives agreed by Parliament.</p> <p><u>Variation from the Territory Plan</u></p> <p>Consistency between the Territory Plan and National Capital Plan is desirable with regard to max number of dwellings, height, setbacks and design, landscape character, access and parking.</p> <p>No evidence is currently presented on why a variation to the Territory Plan is required in order to better achieve the NCP objectives</p> <p>How does a six storey building compared with a two or a [four] storey building:</p> <ul style="list-style-type: none"> <li>Enhance integrity of the main avenue?</li> <li>Build up expectatins by formalizing the</li> </ul>	<p>See 3.1, 3.3 &amp; 3.4</p> <p>See 3.9</p> <p>See 3.1</p> <p>Canberra Avenue is identified as a Main Avenue in the Plan. Special requirements for Main Avenues apply to the site which state that development must conform to a DCP which seeks to secure the integrity of the Main Avenues as approaches to the Parliamentary Zone. The DCP has been developed to adhere to these requirements. Please see 3.1 for further detail on the built height and form of the site.</p> <p>The Territory Plan has not been varied for the site. Canberra Avenue is identified as a Main Avenue in the Plan. Special requirements for Main Avenues apply to the site which state that development must conform to a DCP which seeks to secure the integrity of the Main Avenues as approaches to the Parliamentary Zone. Should inconsistencies between the Plan and Territory Plan arise, the National Capital Plan and the DCP prevails.</p> <p>See 3.1</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		<p>design character towards the Central National Area?</p> <ul style="list-style-type: none"> <li>Enhance views to recognizable and popular images of the National Capital?</li> <li>Ensure that the structure, detail and signage is consistent?</li> <li>Ensure main avenues are enhanced in their formal character?</li> </ul> <p>Two-[four] storey could satisfy these objectives.</p> <p><u>Inconsistency with the Plan and judicial review</u></p> <p>DCP 15/02 is inconsistent with the Plan requirement of up to four storeys for buildings on main avenues other than Northbourne.</p> <p>Dwellings adjacent to residential single-dwellings have been limited to three storeys.</p> <p>The Objectives in the NCP states that 'multi-use boulevards should provide corridors of higher-density mixed-use development' so that investment is consistent with the Griffin Legacy. Therefore, the objective is that residential and higher density apartments co-exist rather than directly or indirectly preferring one-type of development over the other.</p>	<p>See 3.9</p> <p>See 3.1</p> <p>See 3.9</p> <p>The building height to the rear and side boundary has been designed to minimise the impact from the proposed development. The design steps up from 6 metres at the rear boundary to a maximum of 18 metres. See 3.1 for further detail on rationale for the proposed built form.</p> <p>The DCP does not prescribe land uses for the site which are instead prescribed in the Territory Plan. Special Requirements apply to the site which state development must conform to a DCP which seeks to secure the integrity of Main Avenues as approaches to the Parliamentary Zone. The aim of the DCP is to ensure that the setting and built-form of development enhance that function. The proposed built form meets the above requirement, while not significantly impacting neighbouring properties through transition of built height and form, and by addressing overshadowing and privacy through provisions in both the DCP and the Territory Plan.</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		<p>The number of storeys must be consistent with the Territory Plan as the DCP does not currently seek to override the relevant provisions.</p> <p><u>Procedural fairness</u></p> <p>Correspondence between Spacelab and the NCA highlighting how the proposed development meets the objectives of the Plan should be made available during public consultation. Interested parties were not placed in a position to raise reasonable objections based on the material available.</p> <p><u>Privacy</u></p> <p>It is not clear if clause 4.4 seeks to override overlooking provisions in the ACT Multi Unit Housing Development Code.</p> <p><u>Tree assessment</u></p> <p>The draft DCP should be updated to reflect the protected status of large deep rooted trees along the rear fenceline.</p> <p><u>Car parking</u></p> <p>Impact of excavation to allow for basement parking.</p> <p><u>Solar Access</u></p> <p>Provisions for a reasonable amount of solar access should be included.</p>	<p>Provisions within the Territory Plan contrary to those in the DCP are overridden. Heights and levels are specified in DCP drawing 15/02. Where there is an inconsistency between the Territory Plan and the National Capital Plan (including any DCP prepared under the Plan) the National Capital Plan prevails.</p> <p>The NCA provided all relevant information during the process, however could not provide architectural designs as these were not based on the provisions of the draft DCP.</p> <p>See 3.3</p> <p>See 3.7</p> <p>The Territory Government has responsibility for approval and oversight for development on the subject site</p> <p>See 3.4</p>



Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
8.	Des Page	<p>The proposed access/egress from Canberra Avenue must not be permitted on the major arterial road.</p> <p>Dominion Circuit provides a perfect site access to the proposed development.</p> <p>Compatibility of the proposed built form with surrounding buildings.</p>	<p>See 3.6</p> <p>See 3.1 and 3.9</p>
9.	Inner South Canberra Community Council (ISCCC)	<p>Canberra Avenue, as one of the city's main avenue in the Plan is ideally situated to be the focus of high quality urban intensification.</p> <p>Some existing designs along Canberra Avenue are poor, have ongoing issues and do not 'enhance the character of Canberra Avenue'.</p> <p>The ISCCC raised concerns regarding:</p> <ol style="list-style-type: none"> <li><b>1. The driveway on Canberra Avenue</b> The driveway as indicated will require vehicles entering and exiting via Canberra Avenue only. Dominion Circuit should be leveraged. The ISCCC recommends that careful consideration should be given to the use of both streets.</li> <li><b>2. Setback and articulation of courtyard walls</b> A recent change to the TP in variation 306 regarding requirements for setbacks of courtyard walls effects the site. The Plan recognises that the urban and human scale of buildings and landscape elements play a part in establishing the character of this major approach to Parliament House. Generous courtyard</li> </ol>	<p>Noted.</p> <p>Noted.</p> <p>See 3.6</p> <p>See 3.8</p>

Submission No.	Details of Submitter	Key Points Raised in Submission	NCA Consideration
		<p>wall setbacks are already in evidence in the immediate vicinity of the proposed multi-unit development.</p> <p>Therefore, the ISCCC strongly advocates for the application of the courtyard wall setbacks and articulation requirements which were part of the Territory Plan prior to v306.</p>	