



Australian Government
National Capital Authority

Consultation Report

Works Approval No 101644

41 National Circuit, Forrest
(Block 16 Section 7 Forrest)

Demolition of Existing Dwelling and Construction of
One Dwelling

10 December 2019

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Introduction

Under the *Australian Capital Territory (Planning and Land Management) Act 1988*, the National Capital Authority (NCA) prepares and administers the National Capital Plan (NCP) 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.

BACKGROUND

On 8 October 2019 the NCA received a works approval application for demolition of the existing dwelling and construction of one dwelling and associated landscape works at 41 National Circuit, Forrest.

‘Mackie House’, 41 National Circuit Forrest, was designed by Peter Keys and was built in 1959. It was the home of Doug and Jill Mackie until 1993 when they sold the property. Extensions were made to the property in 1971, 1977, and 1991. These resulted in insignificant internal reconfigurations, and the addition of multiple projections to the northern elevation of the house. It was nominated to the ACT Heritage Register on 2 June 2016 for its architectural merit and its association with architect Peter Keys. On 2 August 2016, the Council received an urgent application for a decision on provisional registration for Mackie house under s.30 of the *Heritage Act 2004*. The Council completed an internal and external site inspection of Mackie House on 15 August 2016.

On 25 August 2016, the ACT Heritage Council (the Heritage Council) decided not to provisionally register Mackie House, 41 National Circuit, Block 16, Section 7, Forrest (the Place). The Heritage Council decided not to provisionally register the place because it did not have heritage significance as it did not meet any of the heritage significance criteria in Section 10 of the *Heritage Act 2004*, as set out in the schedule.

This application is for the:

- Demolition of the existing residential dwelling ‘Mackie House’ on Block 16 Section 7 Forrest;
- Tree Removal works;
- Construction of a new residential dwelling (2 storey plus basement);
- Landscaping works within the site boundary (hedge replacement is like for like and within block boundary – *not on verge* – see Landscape Plan); and
- Replacement of bitumen (like for like) driveways crossings in same location.

Public Consultation requirements

1.1 National Capital Plan (NCP)

Under the NCP, requirements for public consultation apply to:

- Major developments proposed for Section 9 Barton;
- A landmark building to RL617 adjacent to Commonwealth Avenue (within the Constitution Avenue and Anzac Parade Precinct);
- Detailed plans for development at Academy Close, Campbell;
- High-impact telecommunications facilities;
- All residential proposals within the Deakin/Forrest Residential Area Precinct; and
- All residential and commercial development proposed for Section 5 Campbell.

Public consultation was undertaken on the application as it is mandatory under the National Capital Plan.

1.2 Commitment to Community Engagement

The NCA's 'Commitment to Community Engagement' 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, and the process by which Works Approval (WA) applications that are released for public consultation will be assessed.

Part 2.7 *Works Applications and Attachment C Protocol for Development Applications for Works Which Require Consultation* of the NCA's 'Commitment to Community Engagement' describes the consultation process for WA applications. The NCA undertakes an assessment of whether a proposal is consistent with the National Capital Plan and level of public consultation required. An assessment is made in relation to adverse impacts on:

- public space and community amenity;
- environment, heritage or landscape values;
- amenity of the locality in terms of materials, finishes, scale, massing, design and quality; and
- consistency with an existing Heritage Management Plan.

When an application for works is lodged and public consultation is required, consultation with the community and stakeholders will be undertaken by the applicant, the NCA or both. Where consultation is undertaken by the applicant, the NCA may choose to stipulate specific requirements that the applicant is required to implement.

The NCA may set aside the requirement to undertake full public consultation where:

- previous consultation has been undertaken on the proposal;
- minor amendments to previously approved works are required;
- the NCA determines no stakeholders will be affected; and
- proposals are given exemption, as outlined in Part 2.3 of the 'Commitment to Community Engagement'.

Public consultation was undertaken as it is a mandatory requirement under the NCP, and significant community interest has been demonstrated in recent developments of the precinct and in planning policy proposals for the Deakin Forrest Residential Area Precinct.

Summary of Public Consultation

2.1 The public consultation process

Public consultation was undertaken on the WA application by the NCA between 15 November 2019 to 6 December 2019. Consultation took the form of:

- On Saturday 16 November 2019, the NCA published a public notice in *The Canberra Times* detailing the proposed works and inviting submissions to be made to the NCA in relation to the proposal ([Attachment A](#)).
- Between 15 November and 6 December 2019, the NCA published the proposal and plans on the NCA's website.
- On 15 November 2019, one A1 size sign was placed on site. It was removed on 6 December 2019 ([Attachment A](#)).
- On 18 November 2019 the NCA wrote to key stakeholders and community groups via email advising of the consultation process and inviting comments (including Forrest Residents Group and the Inner South Community Council).
- On 18 November 2019 the NCA sent hard copy letters to all adjoining and near-by neighbours advising of the consultation process and inviting comments (Hobart Avenue, Talbot Street and National Circuit).

2.2 Key issues raised during consultation and NCA response

The NCA received a total of three submissions on the proposal. All submissions mostly supported the proposal.

Submission No.	Issue Raised	NCA Response
1.	<p><i>Name withheld</i></p> <p>The plans as presented, and in particular the tree management plan, provides no protection for trees on the western boundary to my property (14 Hobart Avenue Forrest) and part of the eastern boundary of 41 National Circuit.</p> <p>A tennis court is to be constructed close to the major boundary trees. I request that a protection mechanism is required to protect trees on my boundary from interference/disturbance of any earth works along the affected boundary.</p>	<p>The NCA required the applicant to resubmit their <i>Tree Protection Plan</i> to ensure the trees on the neighbouring property (14 Hobart Avenue Forrest) have adequate root protection. The applicant resubmitted the plan on 10 December 2019. The NCA is satisfied that the trees on the boundary of 14 Hobart Avenue will be protected and the submitter's concern has been addressed.</p>
2.	<p><i>Name withheld</i></p> <p>We confirm our support for the above development. This is a quality development and development such as these should be encouraged as they comply with the character of the area.</p> <p>The applicant has also kindly agreed to a "no one on site before 7:30am policy on</p>	<p>Noted. The NCA emailed the submitter stating, "Compliance with construction management legislation, EPA guidelines (e.g. noise levels) and other relevant legislation is mandatory for all applicants." The NCA is satisfied the submitter's concern has been addressed.</p>

	weekdays” to ensure compliance with the parking signage within the street. We would encourage the NCA to adopt this policy within their approvals to avoid the current issues in Talbot Street and previous issues on National Circuit.	
3.	<i>Forrest Residents Group</i>	
	The Forrest Residents Group has no objection to the proposed redevelopment consisting of a single house on a large block with good retention of open space. This is appropriate to the area and to the suburb.	Noted.

Emails of acknowledgment were sent to submitters advising them that their submission would be taken into consideration before a decision is made.

Conclusion

The NCA’s consultation process was carried out in accordance with the Plan and the NCA’s ‘Commitment to Community Engagement’. The NCA has considered issues raised in the submissions as part of the assessment process.

The NCA requested that the *Tree Protection Plan* was resubmitted by the applicant to ensure adequate root protection for the trees within the adjacent property (14 Hobart Avenue). The NCA also advised one submitter that compliance with relevant traffic and construction management laws is mandatory for all applicants.

On 10 December 2019 the applicant provided a revised *Tree Protection Plan*. The NCA assessed the revised plan, and determined the proposal was *not inconsistent* with the provisions of the NCP and concerns of the community were addressed.

On 17 December 2019 the NCA approved the proposal.

Attachment A – The Canberra Times Public Notice and Site Notice

The Canberra Times Notice – Published on Saturday 16 November 2019	Site Notice and Proof of Erection of Sign on Friday 15 November 2019
<div data-bbox="236 499 384 607"> </div> <div data-bbox="389 521 683 600"> <p>Australian Government National Capital Authority</p> </div> <div data-bbox="229 620 501 656"> <h2>WORKS APPROVAL</h2> </div> <div data-bbox="229 654 557 687"> <p>Open for Public Consultation</p> </div> <div data-bbox="229 683 691 714"> <p>Block 16 Section 7 Forrest (41 National Circuit)</p> </div> <div data-bbox="229 710 691 837"> <p>The National Capital Authority (NCA) has received a Works Approval (WA) from Capezio Copeland for the demolition of an existing dwelling and construction of a single residential dwelling and associated landscaping at 41 National Circuit, Forrest.</p> </div> <div data-bbox="229 835 684 889"> <p>The plans and supporting documentation for this WA application can be viewed on the NCA's website.</p> </div> <div data-bbox="233 893 683 1128"> </div> <div data-bbox="229 1128 644 1182"> <p>The NCA welcomes feedback on this application by close of business Friday 6 December 2019.</p> </div> <div data-bbox="229 1176 612 1254"> <p>Submissions can be made via email to worksapproval@nca.gov.au or GPO Box 373, Canberra ACT 2601.</p> </div> <div data-bbox="229 1249 659 1301"> <p>Please contact the NCA for further information on (02) 6271 2888.</p> </div> <div data-bbox="258 1319 659 1375"> <p> f nca.gov i nca_gov_au @nca_media www.nca.gov.au </p> </div>	<div data-bbox="882 515 1318 544"> <p><i>Building the National Capital in the hearts of all Australians</i></p> </div> <div data-bbox="865 593 1129 631"> <h2>HAVE YOUR SAY</h2> </div> <div data-bbox="1163 593 1345 636"> </div> <div data-bbox="912 680 1279 770"> <h3>WORKS APPROVAL (WA) BLOCK 16 SECTION 7 FORREST (41 NATIONAL CIRCUIT)</h3> </div> <div data-bbox="853 797 1343 947"> <p>The National Capital Authority (NCA) has received a Works Approval (WA) from Capezio Copeland for the demolition of the existing dwelling and construction of a single residential dwelling and associated landscaping at 41 National Circuit, Forrest.</p> </div> <div data-bbox="853 954 1337 1014"> <p>The plans and supporting documentation for this WA application can be viewed on the NCA's website.</p> </div> <div data-bbox="853 1023 1303 1081"> <p>The NCA welcomes feedback on this application by close of business Friday 6 December 2019.</p> </div> <div data-bbox="853 1077 1270 1167"> <p>Submissions can be made via email to worksapproval@nca.gov.au or GPO Box 373, Canberra ACT 2601.</p> </div> <div data-bbox="853 1209 1350 1265"> <p>Please contact the NCA for further information on (02) 6271 2888 www.nca.gov.au</p> </div> <div data-bbox="790 1319 1401 1630"> </div>