



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

# Consultation Report

## Works Approval No 100649

Block 1 Section 131 Campbell  
Mixed Use Residential and Hotel Development

*February 2018*

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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 (the Plan) to ensure Canberra and the Territory are planned and developed in accordance with their national significance.

The Plan sets out the broad planning framework for the Australian Capital Territory (ACT). Areas designated as having special characteristics of the National Capital are subject to detailed planning policies and guidelines.

Any buildings or structures, demolition, landscaping or excavation works in Designated Areas require the approval of the NCA. The NCA considers such proposals in the context of the relevant provisions of the Plan.

On 27 October 2017 the NCA received a Works Approval application for the construction of a mixed use residential and hotel development, and associated construction management located on Block 1 Section 131 Campbell (corner of Constitution Avenue and Anzac Park East).

## Public Consultation Requirements

### 1.1 National Capital Plan

Under the Plan, 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 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 will make an assessment of whether a proposal

is consistent with the National Capital Plan and if it requires public consultation. 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
- consistency with an existing Heritage Management Plan.

When an application for works is lodged and 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
- proposals are given exemption, as outlined in Part 2.3 of the 'Commitment to Community Engagement'

In relation to this application, the requirement for consultation is mandatory under the National Capital Plan.

## Summary of Public Consultation

### 2.1 The public consultation process

Public consultation was undertaken by the NCA between 18 November and 8 December 2017 in the following manner:

- On Saturday 18 November 2017, publishing 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.
- Between 18 November and 8 December 2017, publishing details of the proposal on the NCA's website.
- Between 18 November and 8 December 2017, placing two A1 size signs on the site (Constitution Avenue and Anzac Park East).
- Publicly notifying the proposal on the NCA's facebook page.
- The NCA writing to nearby lessees, neighbours and interested stakeholders including the New Zealand High Commission) advising of the consultation process and inviting comments.

In addition to NCA consultation, the proponent undertook their own consultation prior to lodging the works approval application. The proponent held a consultation session on 7 August 2017 to provide members of the community the opportunity to comment on the proposal. The session was widely advertised via letterbox drop (Reid and Campbell), email to Campbell Community residents and C5 buyers.

Approximately 60 members of the community attended the consultation session. Attendees were generally supportive of the design, however there were some queries regarding temporary traffic measures, construction timing and road closures.

## **2.2 Submissions Received, Comments and Response**

The NCA received two submissions in relation to the proposal. The submissions raised concerns predominantly in relation to elements of construction management. An email of acknowledgment was sent to the submitters advising that their submission would be taken into consideration before a decision is made on the application.

Key issues raised relating to the development were:

- Roof top landscaping
- Retail space tenancies

Key issues raised relating to construction of the development were:

- Noise management
- Dust management
- Construction car parking
- Vibration Measures
- Environmental Management – Waste/Litter

A summary of the issues raised in the submission and the NCA response is provided at [Attachment A](#).

## **2.3 Conclusion**

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

The NCA is currently working with the proponent to finalise the proposal and will ensure consistency with the National Capital Plan. The NCA delegate will be in a position to grant approval once the NCA is satisfied with the proposal.

# Attachment A – Summary of Submissions and NCA Response

The National Capital Authority (NCA) undertakes an open and transparent works approval application process. As part of this process the NCA prepares a Consultation Report for publication on the NCA website, which includes a summary of each submission, along with the name of each person making the submission. Names of submitters are omitted where a submitter has requested confidentiality.

Submission	Issue	NCA response
1	Name Withheld	
1.01	<p><b>Landscaping</b></p> <p>JWLand advised for Greenwich Park there could be no structures or furniture on the rooftop garden due to the risk of items ‘flying off the building’ in high winds. Based on the Landscaping plan, it appears there are plans for furniture on the rooftop, this is contradictory to advice given by JWLand themselves previously. Can you confirm that there won’t be risk with structures or furniture on the rooftop that may damage nearby buildings such as Greenwich Park? How will any risk be mitigated?</p>	<p>The applicant has confirmed that all structures proposed to be located to the rooftop garden will be securely fixed.</p>
1.02	<p><b>Dust Management</b></p> <p>Dust management to be undertaken in accordance with notes from the Civil Plan.</p>	<p>The construction of the development is to be undertaken in accordance with requirements of the NCA, the ACT Government’s Environment Protection Authority (EPA), Municipal Services directorate and building controller. The EPA has a series of documents that apply to the building and construction industry. The developer has a general environmental duty that requires them to take such steps that are practicable and reasonable to prevent or minimize environmental harm or environmental nuisance.</p>

Submission	Issue	NCA response
		The head contractor is responsible for ensuring compliance with the approved drawings and CMP.
1.03	<b>Vibration Management</b> Concerns regarding the effect of vibration due to the works and mitigation measures.	The applicant has indicated that they will not undertake any work that may require vibration compaction.
1.04	<b>Construction Contractor Parking</b> Concerns regarding potential car parking issues. In particular the use of visitor parking around Greenwich and Saint Germain.	<p>The CMP notes that contractors and their staff will be notified that the location for construction worker parking is the public car park on the site across Constitution Avenue. Contractors will be notified of this during induction however there is nothing preventing contractors from utilising on street car parking which is available for public use. Length of stay in timed parking bays is an ACT Government enforcement issue.</p> <p>The NCA has been monitoring the parking of contractor vehicles around Anzac Parade and has been working with the ACT Government and developers to ensure that contractors are parking legally.</p>
1.05	<b>Land Uses</b> What tenants will occupy the retail spaces. Late night businesses and loud music could impact near-by residences.	<p>The site is located within a Designated Area of the National Capital Plan within the Central National Area Part 4.8 – Constitution Avenue and Anzac Parade Precinct.</p> <p>The land use policy for this site is <b>Land Use A</b>.</p> <p>The permitted land uses as defined in the National Capital Plan (NCP) for “<i>Land Use A</i>” includes: “<i>Administrative Use, Aquatic recreation facility, Bank and co-operative society, Cafe, Bar, Restaurant, Car park, Club, Cultural facility, Indoor</i>”</p>

Submission	Issue	NCA response
		<p><i>recreation facility, Education establishment, Hotel, Motel, Office, Park, Personal service establishment, Place of assembly, Public utility, Residential, Road, Social/Community facility, Tourist facility”.</i></p> <p>The NCP also notes that “<b>Retail</b>” is an ancillary land use permitted in ‘<i>Land Use A</i>’.</p> <p>The NCA does not control leasing of tenancies, and potential occupants of the retail spaces are unknown at this point in time.</p> <p>Noise management is administered by the ACT EPA.</p>
1	Name Withheld	
2.01	<p><b>Noise Management</b> Noise levels are excessive and limit the freedom of use and enjoyment of the surrounding properties. The situation has reached extreme levels affecting quality of life and is creating an economic loss due to time off work and inability to sleep.</p> <p><i>Weekday noise levels</i> - The adjoining building sites from the same developer currently commence work at or before 6am with workers arriving loudly from 5:15 onwards. The NCA should take some responsibility for these issues given previous approvals given and behaviour to date. Controls and plans should be put in place to ensure noise restrictions are adhered to and breaches rectified. Previous discussions with the EPA and letters to Ministers regarding</p>	<p>The extent of ongoing construction work on the site is acknowledged and noted. The construction management plan outlines hours of operation and appropriate site management measures to ensure disruption to the surrounding neighbourhood is reduced.</p> <p>The noise management plan is to be endorsed by the Environment Protection Authority (EPA).</p>



Submission	Issue	NCA response
	<p>these issues have yielded no resulting improvement.</p> <p><i>Weekend noise levels</i> - work on weekends should not be allowed. The complete failure to implement and monitor appropriate controls gives no confidence for the future and people should be allowed to sleep at some point during the week. Workers are currently starting at 6am on weekends as well.</p>	
2.02	<p><b>Environmental Management - Waste</b>  Numerous cigarette butts are being left in the gardens around the Greenwich Park complex by construction workers. Controls should be put in place and monitored to ensure the building site and surrounds are kept clean and free from litter.</p>	<p>Waste management and littering is managed by ACT Transport Canberra and City Services. Littering of any kind, including cigarette butt littering is illegal under the <i>Litter Act 2004</i>. City Rangers will investigate reports of cigarette butt littering, and is an ACT Government enforcement issue.</p>
2.03	<p><b>Vibration management</b>  The CMP states ‘no onsite works will cause excessive vibration’. What does the builder define as ‘excessive vibration’? How will the builder mitigate any vibration to neighbouring residents? Controls and plans should be put in place to ensure vibration levels are adhered to and breaches rectified.</p>	<p>The applicant has indicated that they will not undertake any work that may require vibration compaction.</p>
2.04	<p><b>Construction Contractor Parking</b>  The CMP states construction workers will park in the public car park across Constitution Ave. They are currently</p>	<p>Refer to response at 1.04 above.</p>

Submission	Issue	NCA response
	parking in residents' visitor parking around Greenwich and Saint Germaine as well as on the nature strip between Anzac Parade and Anzac Park East. Controls should be in place to reduce the impact on residents.	
2.05	<p><b>Retail space</b></p> <p>There is no mention of what will fill the retail spaces. Is there going to be a bar or late night business operating? Is there going to be loud music playing? If so, this is going to impact the residents already living in the Campbell 5 complex.</p>	Refer to response at 1.05 above.