**DA Period closes this Friday, 21 September.**

**Email Submissions in support should be sent to epdcustomerservices@act.gov.au**

**RE: DA – 201833519 - BLOCK 32 SECTION 19 – 71 CONSTITUTION AVENUE, CAMPBELL, ACT**

**KEY POINTS FROM JULIE DOYLE & MARK ANDERSON**

The following submission is made with regard to the Crown Lease Variation Development Application for the above site.

It is noted that the redevelopment of this site is complex due to the dual responsibilities of the National Capital Authority and the ACT Government.

The *Statement Against Criteria* Document 15 is incomplete:

1.2 – Permitted uses under Land Use A are not included

1.7 – Valuation Report not included

REMOVAL OF GROSS FLOOR AREA (GFA) IN EXISTING CROWN LEASE

The developer has already advised informally that the proposed development will exceed RL 617 under the National Capital Plan requirements. The removal of the existing GFA without replacement of an appropriate GFA will assist in facilitating construction of a building above RL 617.

In addition, this will also affect and create a precedent for the likely longer term redevelopment of the adjoining Housing Industries Association building at 73 Constitution Avenue, which abuts single residential development.

PARKING REQUIREMENTS

Reference is made to the likely number of parking spaces required for 80 Units plus up to

600 m2 of commercial ground floor space. It is proposed that an element of the mandatory parking requirements will be provided on Getting Crescent.

This is totally unacceptable and the ACT Government is well aware of the long term problems in this area of Campbell with the development of C5 as well as the Hindmarsh developments.

The opposite side of Getting Crescent is zoned RZ1 under the Territory Plan and Item 3.1 of the Parking and Vehicular Access Code provides details of requirements for residential areas. The 71 Constitution Avenue proposal to be allocated some 50 metres of frontage for parking for a Constitution Avenue development will further compromise Getting Crescent.

The ACT is aware that:

* Getting Crescent is a narrow, curved residential street with no footpaths which has been experiencing parking and public risk and safety problems since construction commenced on C5.
* Parking Operations are regularly called to the street and in one recent incident Police attendance was required.
* During construction periods there have been inadequate or no measures to manage hazards due to illegal parking, traffic volumes and calming, encroachment on verges, use of public areas as well as compliance with the *Environment Protection Act 1997*.
* It is proposed to provide vehicle and pedestrian access to the development’s townhouses from Getting Crescent

While both the NCA and ACT have separate obligations for the site it is requested that a detailed analysis of the Lease Variation proposal be undertaken by EPSDD.

MARK ANDERSON’s LETTER

Environment, Planning and Sustainable Development Directorate

GPO Box 158

CANBERRA CITY ACT  2601

18 September 2018

DA – 201833519 - BLOCK 32 SECTION 19 – 71 CONSTITUTION AVENUE, CAMPBELL, ACT

I wish to object to the Crown Lease Variation Development Application (DA-201833519) relating to Block 32 Section 19, 71 Constitution Avenue Campbell ACT.

Firstly, I wish to acknowledge and fully support the comments made by Julie Doyle in her submission dated 18 September 2018. However, I wish to raise additional problems with the application which I believe are unacceptable to the Campbell community.

REMOVAL OF GROSS FLOOR AREA (GFA) IN EXISTING CROWN LEASE

The National Capital Plan Amendment 60, page 14 “Building Height and Form”, states a clear intention that buildings on Constitution Avenue shall not exceed 25 metres in height, with minor encroachments allowed, as follows:

“Buildings heights will generally be medium rise up to 25 metres above adjacent kerb levels to retain the   landscape backdrop of the inner hills of Central Canberra.

A landmark building to RL 617 adjacent to Commonwealth Avenue is subject to consultation in accordance with Appendix M.

Minor building elements that extend building heights above 25 metres will be considered where this enhances the architectural quality of the building, and fosters energy effi ciency, indoor amenity and appropriate urban scale.”

To allow additional building height to accommodate extra GFA, for whatever purpose, will clearly contravene the provisions of Amendment 60 and conflict with Campbell community expectations created by that Amendment in relation to maximum building heights. Such approval would be similar to an ACTPLA decision, subsequently overturned at ACAT, to approve the initial RSL National Headquarters redevelopment with a 32 metre height in 2010.

I note that in the Lease Variation Statement Against Criteria document (SCRITERIA-201833519-SAC-01.pdf on your website), Section 3 “National Capital Plan” on page 11, states that the Lease Variation is consistent with the National Capital Plan. A building that exceeds 25 metres height, except with minor encroachments, will be inconsistent with the National Capital Plan and is unacceptable.

Furthermore, in relation to Building Scale, Amendment 60 states at page 14 that:

“Building height should transition down in scale to a maximum of 3 storeys (generally 12 metres above natural ground level) to be sympathetic to scale of adjoining suburbs of Reid and Campbell.”

Permitting extra building height increase GFA, which will undoubtedly result in an extra storey, would see the building approach 30 metres in height (including the rooftop machinery and lift overruns) and increase its scale disproportionately when compared to other existing or future buildings on Constitution Avenue. This additional non-conformance to the National Capital Plan is also totally unacceptable and must not be allowed.

PARKING REQUIREMENTS

The Crown Lease Variation proposes to satisfy some mandatory parking requirements by using Getting Crescent frontage. This proposal is absolutely unacceptable for the multiple reasons expressed by Julie Doyle in her submission, and because it will further reduce the amenity of Getting Crescent to existing residents and will grossly increase congestion, which has increased to unacceptable levels because of parking spill from The Creswell (corner Constitution Avenue and Creswell Street). National Capital Plan Amendment 60 (page 9) states that “Minor Streets have a local access role with priority for pedestrians and cyclists”. Further, Amendment 60 (page 16) states that “Large off-street permanent surface car parks are to be avoided; car parking is to be accommodated in basements or in above-ground structures concealed from public areas generally by habitable building facades.”

Planning to increase congestion on Getting Crescent by accepting the proposal would contravene the intentions of Amendment 60 on multiple criteria and will reduce the amenity of Getting Crescent for existing residents. Therefore, the proposal must not be approved.

LEASE VARIATION GENERAL CODE NON-CONFORMANCE

The Lease Variation Statement Against Criteria document (SCRITERIA-201833519-SAC-01.pdf) includes a section “Element 3: Variations to add uses”, with subsection “3.1 Adding uses generally”. This section claims that against “C3” that the criteria has been achieved. I fail to see how this is remotely possible when a key component of the proposal is to use Getting Crescent for visitor parking for the Terraces of 71 Constitution Avenue. Getting Crescent is severely stressed, and any more demand imposed on its very limited capacity will exacerbate this congestion. Therefore, sufficient parking is not provided by the proposal and it should be rejected on this basis.

Additionally, stating in the Lease Variation proposal that a traffic report will be prepared in conjunction with Works Approval is paying lip service to what will be a major problem – the developer must be required to prove that it will be low impact BEFORE any development approval is granted. Any other course of action is disrespectful to local residents and would represent a major planning failure by the ACT Government.

I would observe that Getting Crescent was clearly not designed to accommodate traffic from multi-storey developments. At that time, buildings on Constitution Avenue were of a much reduced scale and Constitution Avenue was the only means of access. Constructing a new, high density building on the site and routing some of its traffic flow and parking requirements onto a small suburban street beggars belief.

This new building must provide for all parking requirements on site and Constitution Avenue must continue to provide for its entries and exits. Permitting overflow parking and an access road into the site is unacceptable and must not be approved.

The Development Application as it stands contravenes several aspects of the National Capital Plan. I ask that EPSDD actually and earnestly considers existing residents in its review of this Lease Variation proposal and, in doing so, applies the requirements of the National Capital Plan, notably Amendment 60.

Yours sincerely,

Mark Anderson