LETTER 1: JULIE DOYLE

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National Capital Authority

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cc Mr A Smith

Chief Planner and Deputy Chief Executive

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8 December 2018

Dear Mr Smith,

BLOCK 32 SECTION 19 – 71 CONSTITUTION AVENUE, CAMPBELL, ACT – WORKS APPROVAL

In January 2018 Hindmarsh Development advised local residents that they were in the planning stage of redevelopment of the above 3,500 m2 site at 71 Constitution Avenue with 78 Units, Penthouses and Townhouses. This letter is in response to the National Capital Authority’s (NCA) Public Consultation process for the development with a Closing Date of 14 December 2018.

Major concerns are as follows:

**NON COMPLIANCE**

* Hindmarsh advised residents in January 2018 that the proposal would be non-compliant with regard to the RL 617 height limit which would allow for the construction of two penthouses with a Gross Floor Area of some 450 m2. This stance been maintained and it begs the question whether there has been tacit approval for this unsatisfactory and inappropriate non-compliance.
* Creation of this additional area can only be considered as a financial decision by the developers without adding any aesthetic value to the development.
* Approval of this additional height in this high density development will have implications on oversighting of the existing dwellings in Getting Crescent.
* NCA will be aware of the considerable oversighting in Getting Crescent occurring with the construction of the ‘Iskia’ Development at 81 Constitution Avenue.
* Approval will set a precedent for when the adjoining Housing Industry Association building at 67 Constitution Avenue is redeveloped leading to further non-compliant construction. The HIA site adjoins and is opposite existing low rise residential development on Getting Crescent.

**NATIONAL CAPITAL PLAN AND TERRITORY PLAN**

The NCA is aware that the interface of the National Capital Plan and the ACT Territory Plan creates unique complications which do not appear to have been addressed adequately.

* The Campbell 1960s road and services infrastructure is aged and unsuitable for further major development without strong control measures being in place prior to construction.
* Getting Crescent is a narrow residential street with no footpaths which has been experiencing parking and public risk and safety problems since construction commenced on C5. It is noted that construction of a footpath is proposed on the southern side of Getting Crescent.
* During the construction of ‘The Creswell’ a two storey office and ablutions block was constructed on the Getting Crescent frontage with subsequent additional traffic and parking issues and this may be proposed again.
* The site will be fenced to 1.2m from the Getting Crescent frontage further compromising pedestrian safety.

The site at 71 Constitution Avenue is not a greenfield standalone development but adjoins existing residential development. The local area has been, and will continue to be, under severe stress from the extended period of high rise construction. Anzac Park East is due to be demolished and redeveloped and JW Land will shortly be developing Section 131 In C5.

The developer has stated that this an important development for the area and it is unacceptable for the Commonwealth and Territory planning agencies to stand at arm’s length when there are major obstacles to be resolved.

**CONSULTATION**

These comments are based on the six documents as detailed on the NCA website:

[Block 32 Section 19 Campbell - Landscape Drawing Set.pdf](https://www.nca.gov.au/sites/default/files/consultation/Block%2032%20Section%2019%20Campbell%20-%20Landscape%20Drawing%20Set.pdf)

 [Block 32 Section 19 Campbell - Architectural Drawing Set.pdf](https://www.nca.gov.au/sites/default/files/consultation/Block%2032%20Section%2019%20Campbell%20-%20Architectural%20Drawing%20Set.pdf)

 [Block 32 Section 19 Campbell - Civil Drawing set.pdf](https://www.nca.gov.au/sites/default/files/consultation/Block%2032%20Section%2019%20Campbell%20-%20Civil%20Drawing%20set.pdf)

 [CAMP019032\_WorksApproval\_SAC.pdf](https://www.nca.gov.au/sites/default/files/consultation/CAMP019032_WorksApproval_SAC.pdf)

 [CAMP019032\_ConsultationReport.pdf](https://www.nca.gov.au/sites/default/files/consultation/CAMP019032_ConsultationReport.pdf)

 [2018\_06\_17 - 180078 - Traffic and Parking Assessme.PDF](https://www.nca.gov.au/sites/default/files/consultation/2018_06_17%20-%20180078%20-%20Traffic%20and%20Parking%20Assessme.PDF)

**COMMENTS ON THE INDIVIDUAL DOCUMENTS AS FOLLOWS:**

**DOC 1 – LANDSCAPE DRAWINGS**

No comment

**DOC 2 – ARCHITECTURAL DRAWINGS**

There is a lack of clarity in relation to

* height elevations concerning RL 617
* oversighting effect on Getting Crescent; and
* Townhouse Level 1 balconies, seven of which appear to encroach beyond the 3.5m setback

**DOC 3 – CIVIL DRAWINGS**

***Site Sheds***

The Environment Landscape Project Plan details site sheds on the Constitution Avenue frontage (11.02) which is inconsistent with comments in the Planning Document – which states that site sheds on site ‘will not always be possible’. Confirmation required as to which is proposed.

During recent construction phases there has been considerable tension with parking by tradespeople associated with the buildings resulting in Police involvement in one case – this is totally unacceptable.

***Site Excavation and EPA***

The Civil Works Plan identifies that there are substantial areas of rock on the site to be excavated totalling 21,544 m³. This scale of excavation and associated rock crushing is likely to have an effect on the single residential properties opposite the site. Individual Schedules of Dilapidation should be prepared before any work is approved.

Excavation of the ‘Iskia’ site took 6 months and created extreme levels of noise and dust for adjoining residences. Sufficient levels of control, workings hours etc should be addressed and enforceable through the ACT *Environment Protection Act 1997* and other relevant legislation.

***Site Fencing***

Informal advice was provided that the site would be fenced within 1.2m of the Getting Crescent boundary. This will further compromise pedestrian safety and public risk noting problems on other redevelopment sites in Campbell where fences and / or their supports go to the kerb.

**DOC 4 – WORKS APPROVAL**

Item 8 Table 3 of Conditions of of Planning states ‘Provide a transition in building scale and use to protect the amenity of adjoining residential areas.’

The proposed development is not consistent with this criteria on Getting Crescent due to the scale of the building.

**DOC 5 – CONSULTATION FEEDBACK REPORT**

Proposal (1.4) – this does not mention the significant item of the height overrun.

NCA (3.2.1) – mentions that discussions have been held since January regarding extra height.

Stakeholder (3.2.2) – ACT TCCS has not been directly consulted yet the submission states that is an important development for the area.

The North Canberra Community Council (3.2.3) was not formally consulted as they were ‘busy.’ The Consultants did not talk to the Campbell Community Association which was formed in mid-2018.

The planners would be aware that Community Associations are now being acknowledged as having a role to play with the extensive medium and high rise redevelopment in Canberra’s residential areas.

Meetings have been held with the Body Corporate Representatives of ‘The Creswell’ (3.2.4) but there is no mention that Developer is a Unit holder in this adjoining property.

Demographic of Attendees (4.1.1) – the statement remarks on the ages of attendees who were ‘60 or older’. This is not an appropriate comment having regard to observations by the ACT Chief Minister disregarding views of people over 40.

Building Height (4.1.2) – Non-compliance with height limit is ‘not expected to accentuate shadowing or bulk on Constitution Avenue or Getting Crescent’. There is no drawing to show this noting that oversighting is the issue rather overshadowing

Building Height (4.2) – Unsupported statements that measuring the building height from Constitution Avenue is ‘impractical due to the site slope’ and the rationale that the proposed development will allow for more dwellings in a ‘vibrant community’ are without value. There is no explanation why the addition of two penthouses will have a positive effect on the development.

Further reiteration of previous statements that non-compliance with height limit is ‘not expected to accentuate shadowing or bulk on Constitution Avenue or Getting Crescent’ and ‘will be barely visible’. No drawing to show this and oversighting is the issue rather overshadowing.

The NCA will be aware from physical inspection that this is not supported by the volume of the ‘Iskia’ Development towers currently under construction.

Comment on the ‘small apartment and townhouse developments’ in Campbell is irrelevant given their size and density in sharp contrast to the high density of the 71 Constitution Avenue development.

Confusing comment that the development will result in the need for more short stay parking in or close to Getting Crescent. The area currently has parking time restrictions and insufficient capacity. Why will the volume of Public Servants using the parking be reduced?

Privacy – Reiteration of the apartments being ‘barely visible’.

Conclusion – States that feedback from all entities have been ‘useful in revisions’ but does not acknowledge that the major concern in relation to building height and oversighting have been disregarded.

**DOC 6 - TRAFFIC AND PARKING ASSESSMENT**

This report cannot be truly indicative of the current or future traffic situation due to Creswell Street and, until recently, part of Pentland Street being closed, and Pentland Street being used for access of heavy cranes, concrete trucks and other trade vehicles for several years during the construction of Section 5.

**ACTIONS REQUESTED THROUGH THE WORKS APPROVAL PROCESS**

It is requested that the NCA address the matters highlighted above and, in particular:

* Revision of plans to comply with height limits and reduce oversighting
* Adjust townhouse balconies where required
* Consult with ACT Government agencies to ensure that fencing, site shed placement, parking and traffic management, public risk and safety, noise and dust can be managed in enforceable documentation
* Request Schedules of Dilapidation for Getting Crescent houses

Yours sincerely

Julie Doyle

LETTER TWO:

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cc Mr A Smith

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**BLOCK 32 SECTION 19 – 71 CONSTITUTION AVENUE, CAMPBELL, ACT – WORKS APPROVA**L

Herewith is my feedback on the Works Approval application for Block 32 Section 19, 71 Constitution Avenue Campbell ACT.

**My name and my comments may be published. However, my address and other contact details are not for public release.**

Firstly, I fully support the submission made by Julie Doyle, a fellow Campbell resident.

However, I wish to add further detail in relation to Building Height and Traffic Management.

**BUILDING HEIGHT**

The proposed building breaches the height limitation on Constitution Avenue specified by Amendment 60 to the National Capital Plan. The NCA undertook considerable community consultation on that amendment and would be aware of the significant community sensitivity about building heights.

**National Capital Plan Provisions and Community Expectations.** In the end, 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 efficiency, indoor amenity and appropriate urban scale.”

Campbell community expectations were set that building heights would be 25 metres above the Kerb level of Constitution Avenue for buildings on Constitution Avenue.

**Works Approval Proposal.** On page 33 of the Works Approval application (CAMP029932\_WorksApproval\_SAC.pdf), there are several statements about building height, describing a building that does not comply with Amendment 60. The table below extracts the applicable statements:

|  |  |  |
| --- | --- | --- |
| **Number** | **Rule or Criteria** | **Canberra Town Planning Response** |
|  |  |  |
|  | 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**. | **The proposed development includes habitable spaces up to 25m above the natural ground level of the site.** The height of the adjacent kerb level changes across the site, as demonstrated on Sections and Elevations provided. The building height is constrained by the requirement to provide minimum floor level clearances over the 1 in 100 flood level through this location, as well as minimum floor to ceiling heights for commercial and residential development required for buildings fronting Constitution Avenue. **The building design has taken into consideration these factors, which have been discussed with the NCA** during design development, to arrive at a building solution that provides a high level of amenity for residents, responds to the public realm design criteria applicable to Constitution Avenue and minimises amenity impacts on surrounding development. |
|  |  |  |
|  | 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 efficiency, indoor amenity and appropriate urban scale. | **Proposed building elements more than 25m tall include higher elements of top floor apartments that allow solar access and air circulation.** Lift over-runs, and private open space elements also encroach upon the 25m height limit, however lift overruns and plant are located and screened for limited visibility from street level, and the private open spaces include landscaping for adjoining penthouses. |
|  |  |  |

The developer is proposing to use ground level height rather than adjacent kerb height of Constitution Avenue to achieve an extra storey to provide two penthouses with views above a 25 metre tall, 8 storey element of the building, with views to the north and south (evident from reviewing the Architectural Drawings (Block 32 Section 19 Campbell - Architectural Drawing Set.pdf, Diagrams WA 21-07, WA 30-02, WA 30-03). The buildings constructed at Campbell Section 5 and The Creswell did not require extra height to satisfy the minimum floor level clearances to deal with flood implications or commercial/residential developments within a 25 metre restriction, so the arguments for special consideration as presented in the application are disputed.

**NCA Discussions with Developer Before Works Approval Submission.** I am particularly concerned to read in the Works Approval application that there have been design discussions with the NCA “to arrive at a building solution that provides a high level of amenity for residents, responds to the public realm design criteria applicable to Constitution Avenue and minimises amenity impacts on surrounding development.” This suggests that the NCA has provided advice to a developer on what it will or will not approve before a Works Approval application has been considered. It further suggests that the NCA has decided to allow Amendment 60 provisions to be ignored based on discussions with a developer/its representatives. I would have thought that a philosophical change to the National Capital Plan such as this would require further community consultation by the NCA.

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 through what is clearly an extra storey would result in a building approaching 30 metres in height from the Constitution Avenue kerb (including the rooftop machinery and lift overruns) and increase its scale disproportionately when compared to existing and future buildings on Constitution Avenue.

**At Odds with Community Expectations.** Approving this application will be at odds with Campbell community expectations set through the Amendment 60 consultation and approval process, and will set a precedent for future redevelopment on Constitution Avenue.

**Reject the Application or Meet with Residents to Explain.** The application as it stands is unacceptable and the NCA is asked to reject it. Alternatively, if the NCA is inclined to approve the application as it stands, before this occurs, the Chief Executive and Chief Planner are requested to meet with Campbell residents (similar to the NCA meeting with the developer) to explain its rationale and why it is acceptable to overlook Amendment 60 and the community consultation process that was integral to its formulation.

**TRAFFIC MANAGEMENT**

**Traffic and Parking After Construction**

**Parking.** Campbell residents have consistently advised that parking provisions resulting from the Constitution Avenue developments/redevelopments are grossly inadequate. The NCA response has been that these provisions comply with standards. Local experience is ignored, and when raised with the NCA Chief Planner, the response is that it is a parking enforcement issue. Notwithstanding the conflicting amateur versus professional perspectives, the NCA needs to be aware that Getting Crescent is now a primary parking space for patrons of the restaurants and bakery of The Creswell building, and will be for other commercial venues when the Campbell Sections 132 and 133 building open. There has been ongoing liaison with ACT Government agencies which has resulted in new parking signage and Parking Operations activities on Getting Crescent. However, construction workers have persisted with illegal parking and there has been ACT Police involvement when parking officers were threatened while exercising their duties.

I suggest that the parking provisions for the proposal are inadequate. Whilst the townhouses have two parking spaces, all apartments are allocated one parking space only. Surely as a minimum, the two four bedroom penthouses and 19 three bedroom apartments will require two parking spaces. As I expect the NCA to agree with the proposed parking provisions, based on previous decisions, I’d appreciate an explanation of the rationale for this specific development.

**Traffic Assessment.** The Traffic and Parking Assessment for this Works Approval perpetuates the inadequate approaches of the past by conducting its surveys in early September while Creswell Street was closed at Constitution Avenue, and when Pentland Street was closed at Kalma Way (it didn’t open until October 2018). Further, there is no assessment of traffic impacts of the as-yet unoccupied Campbell Sections 132 and 133 buildings, in conjunction with the proposed development. I highlight that, again, the NCA has allowed a draft Traffic Report to be included with a Works Approval application.

These issues provide no confidence that parking and traffic implications associated with the development have been adequately assessed, and I would appreciate an explanation as to why the completion of the assessment under the conditions highlighted in my response is appropriate.

**Traffic and Parking During Construction**

**Construction Site Office.** The Consultation Report, page 31, in response to the expressed concerns about a 2-storey site office on Getting Crescent, states that “Where possible, construction site offices and materials will be kept onsite. However due to the complexities of the proposed development – particularly the slope of the block and excavation required – this will not always be possible.” In the context of the current use of and demands placed on Getting Crescent, site offices and storage must not be permitted on Getting Crescent or its adjacent footpaths. It will generate traffic and parking demands that the street cannot absorb. The NCA is requested to deny approval for any construction site to be established on Getting Crescent.

**Construction Traffic.** Getting Crescent is a narrow, residential street, clearly not designed to accommodate construction traffic for a major building development. As such, Getting Crescent must not be used by the developer/builder/suppliers for access by heavy and medium sized vehicles (concrete, dump trucks, semi-trailers, delivery trucks and the like). It is unsafe and will be unfairly disruptive to adjacent residents. The NCA is requested to place restrictions on the Works Approval to ensure that this outcome is achieved.

**Construction Worker Parking.** There is no indication of where construction workers will park when the development is underway. The problems associated with Section 5 buildings cannot be allowed to be repeated. Further, with the forthcoming Anzac Park East demolition and reconstruction, and continuing construction of Iskia and Campbell 5 Section 131 likely to overlap with this construction, the parking spaces in that location will become either unavailable or significantly curtailed. Please have the Developer/Builder advise how it will deal with this issue before granting Works Approval.

The Works Approval application is inconsistent with the National Capital Plan. I ask that the NCA applies the requirements of that Plan, notably Amendment 60 which established community expectations, particularly in relation to building heights. I ask that NCA to reject the application and require the submission of a compliant application.

Yours sincerely,