

---

**From:** Caddy, Gabrielle  
**Sent:** Thursday, 14 March 2019 5:09 PM  
**To:** Gell, Chris  
**Subject:** Kingston Post Office [SEC=UNCLASSIFIED]

Hi Chris  
I mentioned the Kingston PO to the Registrations team.

The Council is likely to consider this case at the next meeting, and there's already enough information that they can form an opinion on the likely significance.

Can you keep us posted on events so that we can provide advice on any proposal?

Thanks

regards

**Gabrielle Caddy** | Conservation Officer (Approvals and Advice)  
Phone 02 6207 1799

**ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government**  
Dame Pattie Menzies House, Challis Street Dickson  
GPO Box 158 Canberra ACT 2601 [www.environment.act.gov.au](http://www.environment.act.gov.au)



---

**From:** Gell, Chris  
**Sent:** Thursday, 14 March 2019 5:38 PM  
**To:** [REDACTED]  
**Cc:** Cilliers, George  
**Subject:** B13, 21, 22 / S22 Kingston [SEC=UNCLASSIFIED]

[REDACTED]  
Thanks for the meeting this morning to discuss possible development outcomes on these blocks fronting Giles Street in Kingston.

I confirmed with the Territory Plan area that as the Kingston Precinct Code is silent on maximum heights permitted for blocks 13 and 22, we would defer to the requirements of the commercial zones code.

Rule 45 of that code addresses building heights in Group Centres.

Regards.

Chris Gell  
Manager Merit Development Assessment  
Planning Delivery Division - Environment Planning and Sustainable Development Directorate  
P. 02 62072642 e. [chris.gell@act.gov.au](mailto:chris.gell@act.gov.au)

---

**From:** [REDACTED]  
**Sent:** Thursday, 26 September 2019 9:09 AM  
**To:** Azzopardi, Adam  
**Cc:** Riches, Ben; EPSDD Design Review; Gell, Chris; Cilliers, George  
**Subject:** RE: Proposal for 84 and 86 Giles Street Kingston (Blocks 22 and 13, Section 22)  
[SEC=UNCLASSIFIED]

**Importance:** High

Hi Adam,

Thanks for your email, yes I'm doing well, I hope you had a nice break?

I don't agree that the building would be inappropriate for the location, increasing the amount of visitors to the Kingston group centre & foreshore would very well received by local residence and local business owners.

In relation to your comments about buildings above four stories "*proposed building at over four storeys would be inappropriate at this location and that a building range between two and four storeys could be considered. This is primarily due to providing an appropriate interface and transition to the existing adjoining one and three storey buildings, and that any redevelopment of Blocks 22 and 13, Section 22 Kingston would need to respond to the existing height limits of the surrounding area*" There are multiple examples of different scaled buildings within walking distance interfacing with each other throughout Kingston, (see below) this type of built form is critical to achieving an interesting an memorable landscape.

Furthermore the additional height above 4 stories, is mostly adjacent to a carpark/service road.

Our proposed design does not seek to go to above 4 stories across the entire 2 blocks, but will be respectful the adjoining residential blocks, with suitable setbacks and popups.

Can I please request a time slot to present to the NCDRP in November to allow this project to go through the new legislated assessment process.



Regards

Office: Unit 18 Level 1, 24 Iron Knob Street Fyshwick ACT 2609 | Postal: PO Box 5425, Kingston ACT 2604  
P: 02 6255 0430

GEOCON.COM.AU



**From:** Azzopardi, Adam <Adam.Azzopardi@act.gov.au>

**Sent:** Wednesday, 25 September 2019 12:04 PM

**To:**

**Cc:** Riches, Ben <Ben.Riches@act.gov.au>; EPSDD Design Review <designreview@act.gov.au>; Gell, Chris <Chris.Gell@act.gov.au>

**Subject:** Proposal for 84 and 86 Giles Street Kingston (Blocks 22 and 13, Section 22) [SEC=UNCLASSIFIED]

Hi

How are you? I hope that this email finds you well. and following up on some immediate actions.

From the email below (and from Ben) I understand that you are seeking a design review session for Blocks 22 and 13, Section 22 Kingston for a potential building/s up to eight storeys. I also understand that discussions were held in March 2019 between yourself and our Planning Delivery (Development Assessment) colleagues in regards to your proposal and that Planning Delivery explained the planning height limitations for the site, particularly in relation to any development responding to existing the immediate surrounding area that is predominately 2 to 3 storeys.

Our Planning Delivery colleagues have confirmed that a proposed building at over four storeys would be inappropriate at this location and that a building range between two and four storeys could be considered. This is primarily due to providing an appropriate interface and transition to the existing adjoining one and three storey buildings, and that any redevelopment of Blocks 22 and 13, Section 22 Kingston would need to respond to the existing height limits of the surrounding area.

With the above context in mind, I recommend that you hold further discussions with the Planning Delivery area to resolve the potential building height limits before you engage with the design review panel. Staff from my team would also be willing to participate in these discussions.

I trust that the above response is acceptable to you and I look forward to seeing you at a future NCDRP session.

Regards

Adam

Adam Azzopardi | Director Design | Building, Design and Projects

Phone: 02 6207 3541 | Email: [adam.azzopardi@act.gov.au](mailto:adam.azzopardi@act.gov.au)

Planning, Land and Building Policy | Environment, Planning and Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House, Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | [www.planning.act.gov.au](http://www.planning.act.gov.au)

---

**From** [Redacted]  
**Sent:** Thursday, 19 September 2019 2:14 PM  
**To:** EPSDD Design Review <[designreview@act.gov.au](mailto:designreview@act.gov.au)>  
**Cc:** Richard Nash [Redacted]  
**Subject:** 84 and 86 Giles Street  
**Importance:** High

Good Afternoon,

Our development is over 5 stories, can I please request the next available meeting slot?

Given all developments 5 stories and over are required to go to NCDRP, have additional meetings been added

Regards

[Redacted]

Office: Unit 18 Level 1, 24 Iron Knob Street Fyshwick ACT 2609 | Postal: PO Box 5425, Kingston ACT 2604

P: 02 6255 0430 [Redacted]

GEOCON.COM.AU     



-----  
This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.  
-----

---

**From:** EPSDDWeb  
**Sent:** Tuesday, 2 June 2020 1:08 PM  
**To:** Emily Leemhuis; EPSDDWeb  
**Cc:** Myers, Rhonda  
**Subject:** RE: Blocks 13 and 22 Section 22 Kingston

UNCLASSIFIED

Hi Emily,

Apologies for the delayed response, we've had some trouble with the website management system this morning.

This consultation is now live.

<https://www.planning.act.gov.au/talk-with-us/pre-da-consultations/recache>

Kind regards,  
Nikki

**Nikki McPhan**

**Assistant Director, Web**

Phone: +61 2 6207 6511 | Email: [nicola.mcphan@act.gov.au](mailto:nicola.mcphan@act.gov.au)

Communications | Environment, Planning and Sustainable Development Directorate (EPSDD) | ACT Government  
Dame Pattie Menzies House, 16 Challis Street, Dickson, ACT | GPO Box 158 Canberra ACT 2601

[www.environment.act.gov.au](http://www.environment.act.gov.au) | [www.planning.act.gov.au](http://www.planning.act.gov.au) | [www.asbestostaskforce.act.gov.au](http://www.asbestostaskforce.act.gov.au)

---

**From:** Emily Leemhuis [redacted]  
**Sent:** Tuesday, 2 June 2020 8:37 AM  
**To:** EPSDDWeb <EPSDDWeb@act.gov.au>  
**Subject:** B13 and 22 Section 22 Kingston

Hello,

Could you please list this proposal on the pre DA consultation page?

Company – Geocon

Contact – [purdons@purdon.com.au](mailto:purdons@purdon.com.au)

Block and section – Blocks 13 and 22 Section 22 Kingston

Street address – 84-86 Giles Street

Period – today until 26 June 2020

More info - <https://www.purdon.com.au/home/consultation/blocks13and22section22kingston/>

Email – [purdons@purdon.com.au](mailto:purdons@purdon.com.au)

Phone – 6257 1511

Could this please be listed this morning?

Thanks,

---

Emily Leemhuis

Purdon Planning Pty Ltd

**Senior Urban Planner**

---

Unit 4, Cooyong Centre  
1 Torrens Street  
Braddon ACT 2612

T: 02 6257 1511

[www.purdon.com.au](http://www.purdon.com.au)



---

**From:** GENTLEMAN  
**Sent:** Tuesday, 9 June 2020 10:37 AM  
**To:** EPSDD DLO  
**Cc:** Crossman, Louise  
**Subject:** FW: Pre-DA Community Consultation - Blocks 13 and 22 Section 22 Kingston  
**Attachments:** 200609 pre-DA Geocon Kingston development KBRG submission .pdf

For reply please.

Thanks

**From:** KBRG <kingstonandbarton@gmail.com>  
**Sent:** Tuesday, 9 June 2020 8:49 AM  
**To:** Richard Nash [REDACTED] Emily Leemhuis [REDACTED]  
**Cc:** [REDACTED] ISCCC Chairperson <chair@isccc.org.au>; BARR Reception <BA e.Rattenbury@act.gov.au>; STEPHEN-SMITH <STEPHEN-SMITH@act.gov.au>; LEE <LEE@parliament.act.gov.au>; Burch, Candice <Candice.Burch@parliament.act.gov.au>; [REDACTED] RAMSAY <RAMSAY@act.gov.au>; GENTLEMAN <GENTLEMAN@act.gov.au>; rebecca.vassarotti@act.greens.org.au  
**Subject:** Re: Pre-DA Community Consultation - Blocks 13 and 22 Section 22 Kingston

Good Morning Richard and Emily

Please see the KBRG's submission/feedback for the Pre-DA Consultation on the redevelopment proposal for Blocks 13 & 22 Section 22 Kingston.

We will also be participating in the consultation on 11 June.

thank you  
[REDACTED]

On Tue, Jun 2, 2020 at 10:40 AM Richard Nash [REDACTED] wrote:

Good Morning,

Purdon Planning has been engaged by Geocon to assist with the pre-DA consultation and Development Application (DA) lodgement for a proposed mixed-use development at Blocks 13 and 22 Section 22 Kingston (84-86 Giles Street).

The development proposal includes the demolition of all existing structures on site and construction of a mixed use residential building with basement car parking and rooftop amenities. The ground floor of the development will be comprised of 4 non-retail commercial tenancies which are aimed at broadening the range of facilities available in Kingston, without detracting from the Group Centre.

As part of the pre-DA consultation, information is available on the Purdon Planning website [HERE](#), with details of the proposal and draft plans. Postcards notifying the proposed development will be issued to approximately 2500 dwellings and commercial tenants surrounding the subject site on the 2nd and 3rd of June (see attached). The postcards direct anyone interested to refer to the Purdon Planning website for details, where comments can also be provided. Comments will be addressed throughout the consultation period and will form part of a consultation report to be submitted with the DA.

We request that you pass this information on to your membership.

A live video conference session will be held on the 11th of June at 6pm via Microsoft Teams. Details of the session will be provided closer to the date to members of the community who express an interest in the proposal. It is recommended that you RSVP to the session.

Purdon Planning welcomes members of the Kingston and Barton Residents' Association and Inner South Canberra Community Council to contact myself or Emily Leemhuis should you require any clarification or have any comments on the proposal.

Kind Regards

---

**Richard Nash**  
**General Manager**

Purdon Planning Pty Ltd  
Unit 4, Cooyong Centre  
1 Torrens Street  
Braddon ACT 2612

T: 02 6257 1511  
[www.purdon.com.au](http://www.purdon.com.au)



--

Kingston and Barton Residents' Group

Follow us on Instagram [@kingstonbartonresidentsgroup](#)

Follow us on Facebook [Kingston and Barton Residents Group](#)

Purdon Planning Richard Nash General Manager 	KBRG PO Box 4138 Kingston ACT 2604 E: <a href="mailto:kingstonandbarton@gmail.com">kingstonandbarton@gmail.com</a>
Copied:  Minster Gentleman, Minister for Planning and Land Management Minister Ramsay, Minister for Building Quality Improvement Chief Minister Andrew Barr Minister Rachel Stephen-Smith Minister Shane Rattenbury Ms Elizabeth Lee, MLA Ms Candice Burch, MLA Ms Marea Fatseas, Chair ISCCC	

Dear Mr Nash

## PRE-DA SUBMISSION ON REDEVELOPMENT PROPOSAL FOR BLOCKS 13&22 SECTION 22 KINGSTON

This submission is by the Kingston and Barton Residents Group (KBRG), which is a community association primarily representing the residents of these Inner South Canberra suburbs. The KBRG is committed to enhancing the social, residential, environmental, cultural and economic qualities of the area to ensure the highest standards of liveability. The objectives of KBRG are:

- High quality planning, urban design & construction
- Preservation & recognition of the area’s unique heritage character
- Provision of adequate green public open spaces
- Effective transport planning including access for pedestrians & cyclists
- A strong community spirit, and
- Other quality of life matters such as public safety and noise management.

**Based on the information on the Purdon Planning website the KBRG opposes the six to eight storey proposed by Geocon for Giles Street Kingston.**

### 1. **Highly excessive building height**

The Commercial Zones Development Code of the Territory Plan, specifically Part C Additional Controls for Group Centres, Element 14: Buildings, Rule 14.1 states: “R45 The **maximum number of storeys is 2.**” No previous planning work for this area (Kingston Centre Master Plan, Kingston Precinct Plan) has suggested an upper limit any higher than 4 storeys for this site. Any proposed departures from the Territory Plan Rules for this site must be considered in relation to the relevant Criteria in the Code (see below). We do not support the interpretation by Purdon Planning in the table of ‘*anticipated questions by the community*’ that “*the proposal is considered consistent with the Rules and Criteria of the Territory Plan.*”

### 2. **Excessive development intensity**

The Commercial Zones Development Code of the Territory Plan, specifically Part C Additional Controls for Group Centres, Element 14: Buildings, Rule 14.2 states: “R46 The **maximum plot ratio is 100%**”, subject to the same Criteria as C45. The proposal drawings (no. 32) show the Plot Ratio for this proposed redevelopment to be **373%**.

### 3. Inappropriate development character

The relevant Criteria from the Commercial Zones Development Code are: “C45 [ & C46] “Building comply with all of the following:“(a) are compatible with the *desired character*; “(b) are appropriate to the scale and function of the use; “(c) minimise detrimental impacts, including overshadowing and excessive scale.”

From the Definitions in the Territory Plan, “***Desired character*** means the form of development in terms of siting, building bulk and scale, and the nature of the resulting streetscape that is consistent with the relevant zone objectives, and any statement of desired character in a relevant precinct code.”

The statement of **Desired character** relating to the Kingston Group Centre (Kingston Precinct Plan) includes the following: “**development that respects the heritage character of the centre**”. The proposal clearly fails to do this, as the old Kingston centre is predominantly one to two storeys including the directly adjacent old Kingston Post Office. The Post Office and the Kingston Shops have significant heritage character and are nominated for listing on the ACT Heritage Register. Anything over about four storeys on the subject site would be very visually intrusive to the Jardine Street heritage environment.

The proposal is totally out of character with the existing Jardine and Giles Street streetscapes and that of the rear lane adjoining the site. The eight storey building is proposed to be built for its full height right up to its Giles Street frontage, to the common boundary with the old Post Office and to the rear lane. The part of the building adjacent to and overlooking the two and three storey residential development to the north-east is six storeys in height.

Will a Statement of Heritage Effect for the potential impact on the Kingston Post Office building be prepared and made available to the public?

### 4. Detrimental impacts

The redevelopment proposal clearly does not comply with Criteria (c) referred to above – “**minimise detrimental impacts, including overshadowing and excessive scale**”. The shadow diagrams included with the proposal drawings show significant overshadowing to Jardine Street in the morning of the Winter Solstice and to the laneway (also impacted any proposed benefits of its activation with planting of trees and installation of benches) and the adjacent two storey residential development in the afternoon. There is no doubt the eight storey proposal is grossly excessive in scale as all the adjacent development is one - three storeys in height and is unlikely to change. There would also be very severe loss of privacy for the adjacent ‘Holford’ three storey apartment building due to overlooking by the residential floors of the proposed redevelopment.

### 5. Traffic and Parking

No traffic report has been provided, nor has the number of basement parking been identified in the current documentation. Geocon has a well-developed concept for the configuration of units and known sizes for commercial leases, as such the number of parking required under the Parking and Vehicular Access General Code must be known and should be shared at the Pre-DA consultation.

We note the reference to ‘*promote active travel modes and reduce car use by residents*’. With limited bus routes through Kingston, and no light rail forecast, we do not think it a reasonable assumption that people are unlikely to have cars, particularly noting limited bus timetables on

weekends, when people are most likely wanting to travel outside of the bus route destinations of Civic, Woden and Fyshwick. Local building and business owners, along with residents will not be supportive of the lane-way being considered an 'overflow' car park for this development. The impact on parking with recent development in the area, including the Abode Hotel, has had a financial impact on the Kingston Group Centre, impact of return customers and inconvenienced local residents.

Without an available traffic management plan it is also hard for people to fully participate in the Pre-DA consultation regarding the impact of traffic movement in the lane-way on local business, adjacent residents (including noise of services such as garbage trucks), Eyre Street and the share-way that will connect Green Square to the Atria development.

## **6. Laneway activation**

The proposal discusses the activation of the laneway yet acknowledges that Geocon has not yet consulted with Transport Canberra & City Services. It is hard to comprehend how the laneway can be activated with seating and landscaped areas noting the increased traffic flow into the proposed development and existing uses of the laneway. Will the proposed landscaping result in a loss of existing parking, impact neighbouring residential blocks or impact local businesses whose deliveries and rubbish collection occur from this area.

In addition, who would be responsible for running activation activities and has the impact on local businesses been considered, including ongoing access to the laneway at all times and taking away customers for local food and beverage outlets? The Kingston Centre Master Plan identified the activation of Highgate Lane as a priority and this should be the focus of any laneway activation with greater long-lasting benefits to the community and local business economy.

## **7. Building code and fire source**

A local resident has already written to you seeking clarification on this issue and we believe others may also raise this concern. The drawings provided on the Purdon Planning website show eight storeys with multiple windows from apartment levels two to seven on the boundary with Block 21 Section 22, the Kingston Post Office building. The Building Code of Australia Volume One 2019 identifies the boundary between two blocks as a fire source with a wall on the boundary requiring a fire resistance level rating. As a boundary window cannot have a fire resistance rating any window is required to be set back a minimum of 3 metres. Can you please address how the current design meets the Building Code of Australia?

## **8. Pre-DA consultation**

There is only one pre-DA community consultation scheduled for 11 June, with the DA due to be submitted in July. This falls significantly short of the *Pre DA Community Consultation Guidelines for Prescribed Developments (2017)*. The Guidelines are there to;

- encourage partnerships and innovation between industry and the community
- provide clear guidance to proponents on the expected level of community consultation for prescribed developments
- ensure proponents engage with the community as early as possible in the design process
- provide a minimum level of certainty to the community about what they can expect from pre-DA community consultation
- achieve high quality design outcomes
- ensure genuine consultation and engagement occurs

The guidelines also state that developers are strongly encouraged to undertake two or more phases of consultation for large or significant developments, with the first phase held early with discussions around a concept idea and with detailed information provided in a follow up phase. Given this guidance document has been in place since 2017, why is it that Geocon is only conducting one pre-DA community consultation weeks shy of their planned DA submission date?

#### **9. Design Review Panel**

We note that the proposal has been presented to the National Capital Design Review Panel (NCDRP) on two occasions, will the community have access to this information, in particular any amendments made to the design?

#### **RECOMMENDATION:**

**Noting the above concerns, we believe this development proposal should be withdrawn as it is inconsistent with the Territory Plan, the Kingston Centre Master Plan, does not meet community expectations and may have a detrimental impact on the Kingston Group Centre. A sensitively designed building of no more than four storeys, consistent with previous planning work, may be supportable.**

We welcome responses to the above concerns so that we can circulate these to our members and friends.

Thank you

#### **SIGNED**



President  
Kingston and Barton Residents Group

9 June 2020



Minister for Advanced Technology and Space Industries  
Minister for the Environment and Heritage  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister for Urban Renewal  
Manager of Government Business  
Member for Brindabella

20/36108

██████████  
President

Kingston and Barton Residents Group  
E: [kingstonandbarton@gmail.com](mailto:kingstonandbarton@gmail.com)

Dear ██████████

Thank you for your letter of 3 June 2020 about the proposed Geocon development on Blocks 13 and 22 Section 22 Kingston which is currently notified on the Purdon Planning website.

The proponents for this development proposal are currently undertaking pre-development application (DA) community consultation as required by the *Planning and Development Act 2007*.

The requirement for pre-DA community consultation was introduced as an important additional step in the development assessment process to increase public participation and feedback to developers before a proposal is finalised and lodged with the planning and land authority (authority) for assessment.

I encourage you to continue to participate in the pre-DA consultation process and provide your feedback directly to the proponents so that they can consider your views and review their proposal accordingly. It is a requirement of the DA process that a report on pre-DA community consultation be prepared and submitted to the authority with the DA, including a response to issues raised during the consultation.

In addition to the pre-DA consultation process above, once a DA is lodged, you will have the opportunity to comment on the proposed development during the public notification process. Representations will be considered by the authority as part of the DA assessment.

---

## ACT Legislative Assembly

London Circuit, Canberra ACT 2601, Australia    GPO Box 1020, Canberra ACT 2601, Australia  
Phone +61 2 6205 0218    Email [gentleman@act.gov.au](mailto:gentleman@act.gov.au)



@GENTLEMANMick



MickGentleman



If a DA is lodged, the proposed development will be assessed by the independent authority against the Territory Plan, including the Commercial Zones Development Code of the Territory Plan. I encourage you to provide a formal representation during the public notification period for any DA, to ensure that matters that cause you concern are considered closely in the development assessment process.

Thank you for raising your concerns with me.

Yours sincerely

Mick Gentleman MLA  
Minister for Planning and Land Management

---

**From:** Drake, Harley on behalf of GENTLEMAN  
**Sent:** Thursday, 11 June 2020 10:45 AM  
**To:** EPSDD DLO  
**Cc:** Crossman, Louise  
**Subject:** FW: Block 13 + 22 Section 22 KINGSTON - Objection  
**Attachments:** [REDACTED] Objection to Block 13 22 Section 22.pdf

For reply please Erica

---

**From:** [REDACTED]  
**Sent:** Thursday, 11 June 2020 10:25 AM  
**To:** [REDACTED]  
**Cc:** GENTLEMAN <GENTLEMAN@act.gov.au>; STEPHEN-SMITH <STEPHEN-SMITH@act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>; LEE <LEE@parliament.act.gov.au>; CANDICE <CANDICE@parliament.act.gov.au>; kinstonandbarton@gmail.com; Ponton, Ben <Ben.Ponton@act.gov.au>; [REDACTED]

**Subject:** Block 13 + 22 Section 22 KINGSTON - Objection

[REDACTED]

G'day Richard,

Please find attached our objection to the proposed consolidation and redevelopment of Blocks 13 + 22 Section 22 Kingston. This forms our initial response given the information available to us at this time.

Regards,



PRE-DA Submission on Redevelopment Proposal for  
Blocks 13 + 22 Section 22 KINGSTON

Dear Mr Nash,

The following represents our initial response to the proposed consolidation of Blocks 13 + 22 Section 22 Kingston and their proposed re-development. We would like it noted we feel significantly aggrieved at the incredibly tight time frame we have been given to respond, the attempt to sneak this period of consultation in over a national holiday long weekend, and the lack of provisions for any further consultation.

of the proposed development site. Our concerns are numerous and we categorically dismiss the notion that this development is compliant or that it sympathetically meets relevant criteria in the Commercial Zones Development Code, the Multi Residential Development Codes, or the Kingston Precinct Plan as laid out in the Territory Plan.

**Building height**

<b>4.2 Building heights – sections 20, 21 and (part) 22</b>	
<p>R12</p> <p>This rule applies to sections 20 and 21, and blocks in section 22 addressing Jardine Street.</p> <p>The <i>height of buildings</i> is the lesser of 9m above <i>datum ground level</i> and 2 <i>storeys</i>, except for the following areas shown in figure 1:</p> <p>a) hatched area—the lesser of 15m above <i>datum ground level</i> and 4 <i>storeys</i></p> <p>b) area 'A'—the lesser of 21m above <i>datum ground level</i> and 6 <i>storeys</i></p> <p>Building height excludes all of the following:</p> <ul style="list-style-type: none"><li>i) roof top plant</li><li>ii) lift overruns</li><li>iii) antennas</li><li>iv) photovoltaic panels</li><li>v) air conditioning units</li><li>vi) chimneys, flues and vents</li></ul> <p>Excluded items are setback from the building facade of the floor immediately below a minimum distance of 3m.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



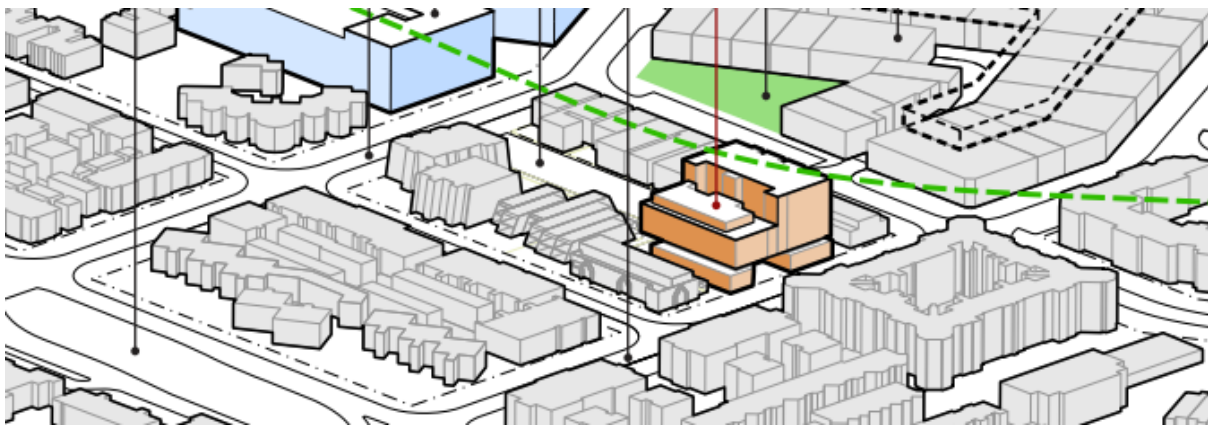
Rules	Criteria
<b>14.1 Number of storeys</b>	
R45 The maximum number of storeys is 2.	C45 Building comply with all of the following: a) are compatible with the <i>desired character</i> b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including

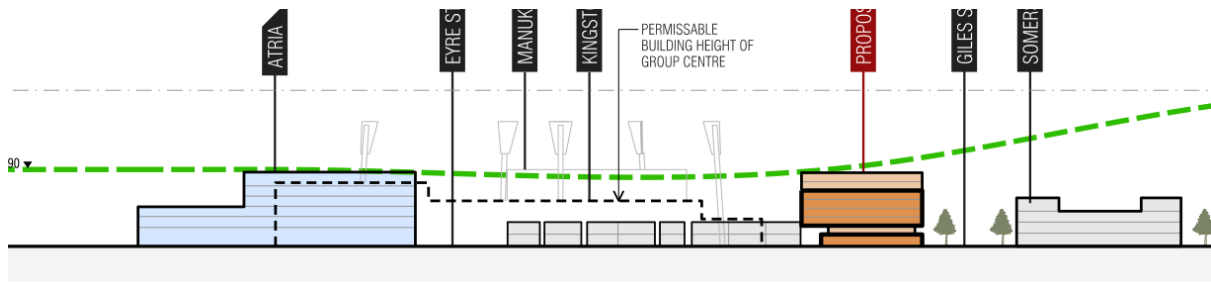
Rules	Criteria
	overshadowing and excessive scale.

The Proposed 6-8 Storeys is in no way ‘appropriate to scale’. It serves to only **increase** ‘detrimental impacts including overshadowing and excessive scale’

The Kingston Centre Master Plan (June 2011) proposed an increase to four storeys. This after extensive consultation was removed from the final approved Kingston Precinct Plan. We have ministerial correspondence from 2014 that confirms the maximum number of storeys is to be 2 and that any development proposal would be subject to existing development codes.

Information provided by the developer in no way justifies the lifting of this height limit. The relevant sections and 3d Models (below) only serve to highlight the disproportional design response.





'Atria' has been used by the developer as justification of increasing the height limit. It should be noted that 'Atria' is subject to different planning conditions that allows for a 6-storey development as per the Kingston Precinct Plan. The relevant context for this development as laid out in the Kingston Precinct Plan is Jardine Street. When the Jardine Street context is applied it shows clearly that a two-storey limit is indeed appropriate.

### **Excessive Density**

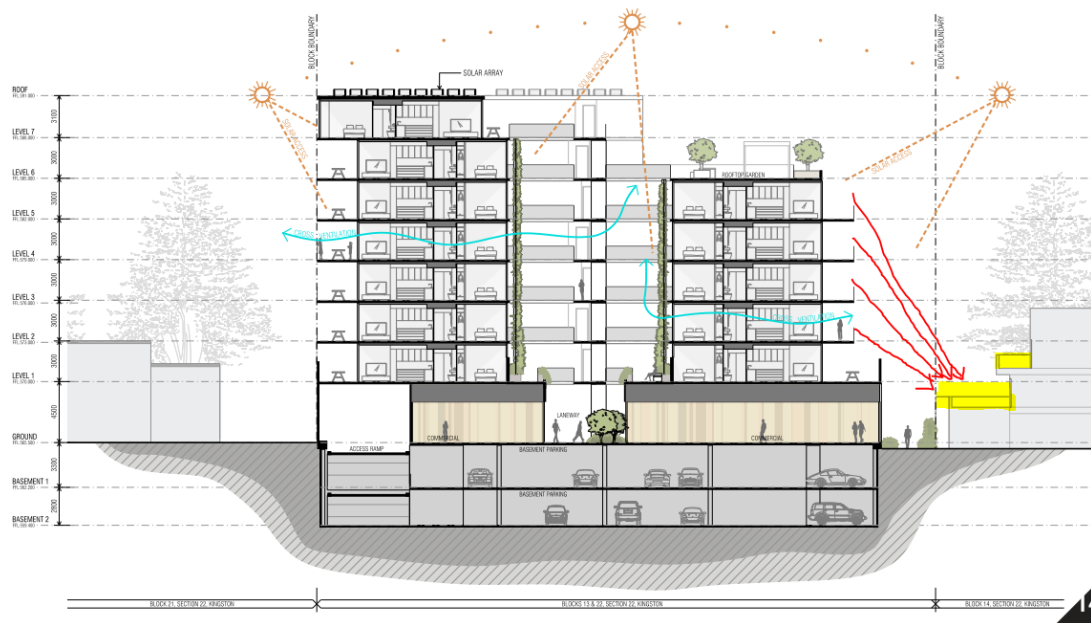
The proposed 106 residential units in addition to the 875m<sup>2</sup> of ground floor commercial tenancies would absolutely be outside the desired character as set out in the Kingston Precinct Plan.

14.2 Plot ratio	
R46 The maximum <i>plot ratio</i> is 100%.	C46 Buildings comply with all of the following: a) are compatible with the <i>desired character</i> b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale.

Commercial Zones Development Code allows for a maximum plot ratio of 100% in CZ2. Drawings provided by the developer call for 373% plot ratio. **No** further justification is provided. Without justification we **cannot** possibly be expected to support **any** increase to plot ratio.



## Privacy



Yellow Shading represents the adjacent  designated Private Open Space

Rules	Criteria
<b>6.3 Privacy</b>	
<p><b>R59</b></p> <p>This rule applies to <i>dwelling</i>s on the same <i>block</i>. A person with an eye height of 1.5m standing at any point on the extremity of an <i>unscreened element</i> of one <i>dwelling</i> shall not have a direct line of sight into the <i>primary window</i> of any other <i>dwelling</i>.</p> <p>The direct line of sight is a minimum distance of 12m.</p>	<p><b>C59</b></p> <p>Evidence is provided demonstrating that reasonable privacy between <i>dwelling</i>s on the same <i>block</i> is achieved through design solution.</p> <p><b>Note:</b> this does not include installing high sill windows, obscured glass, and/or angled louvres</p>
<p><b>R60</b></p> <p>This rule applies to <i>principal private open space</i> on the same <i>block</i> and on adjacent <i>blocks</i>. A person with an eye height of 1.5m standing at any point on the extremity of an <i>unscreened element</i> of one <i>dwelling</i> shall not have a direct line of sight to more than 50% of the minimum <i>principal private open space</i> of any other <i>dwelling</i>.</p> <p>The direct line of sight is a minimum distance of 12m.</p>	<p><b>C60</b></p> <p>Evidence is provided demonstrating that reasonable privacy of <i>principal private open space</i> of each <i>dwelling</i> is achieved through design solution.</p> <p><b>Note:</b> this does not include installing high sill windows, obscured glass, and/or angled louvres</p>

There has been no acknowledgment in this proposal of the significant privacy invasion on the neighbouring dwellings. Private Open space is protected under R59 + R60 of the Multi Unit Development Code. This proposal makes **no** attempt reduce this impact. Compliant setbacks and screening need to be included so as to guarantee the ongoing protection of 'The Holford's' private open space.



## Noise

We have significant acoustic concerns – particularly the proposed roof terrace. This space has the potential for gatherings of hundreds of people. This zone overlooks the neighbouring dwellings private open space. Given the close proximity to existing residential dwellings there is potential for significant noise increases. We would also query whether such an area is allowable under R31 (h) (Kingston Precinct Plan) which calls for noise management prior to approvability of ‘outdoor recreation facilities’.

The traffic noise for 106 units is also of concern and has not been addressed.

## Traffic + Parking

In order to fit so many units on the site the proposal is attempting to utilise a neighbouring carpark as means of solving the significant traffic issues. Planning documents attempt to claim this site as a ‘laneway’ and all the romantic notions attached. It is **not**. It is a carpark and service zone for existing Jardine Street commercial tenancies. Further we are not convinced that it can remain a carpark and service zone as per the Kingston Precinct Plan **plus** act as driveway for 106 units.

Under the proposal this ‘laneway’ would be activated with retail & food trucks. This area has never been discussed for ‘activation’ despite the significant Kingston Precinct Master Plan and associated community consultation. One can only assume this would be an arrangement of convenience for the developer with no positive outcomes for the community or neighbouring dwellings.

Basement Parking numbers have not been included therefore no comment can be made at this stage. We do have initial concerns regarding the proposed basement and its proximity to boundaries.

## Environmental

### Element 8: Environment

Related codes: Water Ways: Water Sensitive Urban Design General Code, Planning for Bushfire Risk Mitigation General Code.

Rules	Criteria
<b>8.2 Heritage</b>	
R90 This rule applies to land containing places or objects registered or provisionally registered under section 41 of the <i>Heritage Act 2004</i> . The authority shall refer a development application to the Heritage Council. <b>Note:</b> The authority will consider any advice from the Heritage Council before determining the application.	This is a mandatory requirement. There is no applicable criterion.
<b>8.3 Tree protection</b>	
R91 This rule applies to a development that has one or more of the following characteristics: a) requires groundwork within the tree protection zone of a <i>protected tree</i> b) is likely to cause damage to or removal of any <i>protected trees</i> .	This is a mandatory requirement. There is no applicable criterion.

Tree Protection for a significant tree on a neighbouring block to the rear of the proposal has not been addressed. Currently the proposed basement would be in the root zone of this regulated tree. If code compliant setbacks were enforced along with a detailed tree protection plan the ongoing health of this regulated tree could be ensured.


The Kingston Post Office building is protected under heritage orders. There is no information provided regarding how the proposed development sits appropriately alongside. The heritage streetscape will be severely compromised due to the proposed bulk and scale of this development. The proposed basement runs right up to the boundary of the heritage site. We would contend that there has been no consideration for its structural security.

## Waste Management

The proposed waste location is concerning. These areas are notorious for their appalling smell and they attract vermin to the area. This area is within 4m of the adjacent properties and sit right below the existing private open space. We would like to have input on the placement of the waste area irrespective of the what form the development takes.

## Property Values

We fully understand that the proposed development site is in need of renewal however the proposed development would have major impacts on existing property values to the surrounding dwellings. These properties already have priced in the potential for a **compliant** development on the adjacent block, however what is proposed is **not** compliant.



Whilst property prices aren't necessarily protected it would represent a major failure of fairness if such a non-compliant development was allowed to proceed.

### **Recommendation**

The proposal as it currently stands makes it impossible for us to support. The fact it so bullishly, and casually breaks so many established planning controls, and that little to no consultation with neighbours has been allowed for speaks to the arrogance of this proposal. The only conclusion one can take is the developers plan is to propose something so ridiculous that we the community will accept a lesser but still non-compliant development down the track for fear of the alternative.

We do not and will not accept a development that breaks so blatantly the considered and widely consulted development controls protected under the Multi Unit Development Code, Commercial Zones Development Code and the Kingston Precinct Plan.

We are willing to engage the developer and have meaningful conversations only if there is a willingness to keep this proposal within existing planning controls. We have no interest in hearing an argument around the developer's profitability. You don't get to change the rules just because the numbers don't add up.

Due to a lack of information we still have numerous concerns and therefore reserve the right to object further as this comes to light.

Regards,



---

**From:** GENTLEMAN  
**Sent:** Monday, 15 June 2020 2:51 PM  
**To:** EPSDD DLO  
**Cc:** Crossman, Louise  
**Subject:** FW: Formal Objection to Block 13 + 22 Section Kingston 'Community Consultation'  
**Attachments:** Purdon Letter.pdf

For appropriate action please.

Thanks

## Natasha Apostoloski | Office Manager

Office managers: Natasha Apostoloski (Mon-Wed), Harley Drake (Thu-Fri)

**Office of Mick Gentleman MLA**

Member for Brindabella

Minister for the Environment and Heritage

Minister for Planning and Land Management

Minister for Police and Emergency Services

Minister for Advanced Technology and Space Industries

Minister for Urban Renewal

Manager for Government Business

t: 620 50218 | e: [gentleman@act.gov.au](mailto:gentleman@act.gov.au)



Please note that from 1 January 2018 ACT Government ministerial diaries are subject to publication on the ACT Government's open access website under section 23 of the *Freedom of Information Act 2016*.

---

**From:** [REDACTED]  
**Sent:** Monday, 15 June 2020 1:25 PM  
**To:** [REDACTED]  
**Cc:** GENTLEMAN <GENTLEMAN@act.gov.au>; STEPHEN-SMITH <STEPHEN-SMITH@act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>; LEE <LEE@parliament.act.gov.au>; CANDICE <CANDICE@parliament.act.gov.au>; kinstonandbarton@gmail.com; Ponton, Ben <Ben.Ponton@act.gov.au>; LE COUTEUR <LECOUTEUR@parliament.act.gov.au>  
**Subject:** Formal Objection to Block 13 + 22 Section Kingston 'Community Consultation'

G'Day Richard,

Please find attached my formal response detailing objections to the community engagement that Purdon Planning has conducted regarding the redevelopment of Blocks 13 + 22 Section 22 Kingston.

Regards,



Richard,

I write to you to express my great disappointment and formal objection for the 'community consultation' held Thursday 11<sup>th</sup> May for the proposed redevelopment at Blocks 13 + 22 Section 22, Kingston.

My complaint is takes three parts.

1. Meeting Format - The online medium for the meeting was ill conceived and poorly executed. I will make the concession that current circumstances make this more difficult than usual however I can't help but feel you and Geocon were quietly happy that the online meeting made it more difficult for concerns to be heard.  
After speaking to others on the call and more who were unable to work out the technology it is clear there is significant community ill will towards not only the project but the manner in which you have conducted the process. The inability for this medium to generate genuine debate makes it inexcusable for it be relied upon as the only form of conducting such a meeting.
2. Frequency/ Timing of Consultation - This is particularly disappointing as it speaks to an attempt on your part and Geocon to ram this project through before anyone notices. The fact you are only conducting a single consultation just a matter of days prior to submitting a DA is completely disingenuous. At best it shows a lack care for the locals, at worst it is a deliberate attempt to push through a development you know will not be supported.
3. Evasion and Reject of Community Concerns - You rejected out of hand all issues despite valid and genuine community concerns regarding bulk & scale, height, noise & traffic being continually raised. The purpose of community consultation is to hear community concerns, take them to your client and attempt to rectify any of those concerns that are genuine. It is plainly obvious that this consultation session was never intended for anything other than a box ticking exercise prior to submission.

This is all incredibly disappointing, and I know there is significant anger in the community towards this project, particularly regarding the conduct of you and Purdon Planning.

I trust that you will identify your major error of judgement and re-engage the community before finalising the proposed design.

Regards,



---

**From:** [REDACTED]  
**Sent:** Friday, 19 June 2020 3:39 PM  
**To:** Walker, Karen  
**Subject:** RE: 2 blocks in Kingston  
**Attachments:** Crown Lease 86 Giles Block 13 Sectyion 22 Kingston.pdf; Crown Lease 84 Giles Block 22 Section 22 Kingston.pdf

Hi Karen,  
I have attached two crown leases that form the subject of my enquiry.- Thought I would send this in preparation of a discussion surrounding a DA which will include a consolidation of blocks. I am in a meeting for the next hour or so.

Would it be feasible to call on Monday?

Regards

[REDACTED]  
Level 4, 16-18 Mort Street, Canberra, ACT 2601 | PO Box 5425, Kingston ACT 2604

P: 02 6255 0430 | [REDACTED]

GEOCON.COM.AU      



---

**From:** [REDACTED]  
**Sent:** Friday, 19 June 2020 3:20 PM  
**To:** Walker, Karen <Karen.Walker@act.gov.au>  
**Subject:** RE: 2 blocks in Kingston

Hi Karen,  
Yes, it does appear that the number (6207 7257) is 'disconnected'. Unique issue I would suggest.  
Available to take you call when you get a spare chance.

Regards

---

**From:** [REDACTED]  
**Sent:** Friday, 19 June 2020 3:16 PM  
**To:** Walker, Karen <[Karen.Walker@act.gov.au](mailto:Karen.Walker@act.gov.au)>  
**Subject:** RE: 2 blocks in Kingston

Hi Karen,  
Thanks for the email.  
I will try calling – and will let you know via email if I cant get through.

Regards

---

**From:** Walker, Karen <[Karen.Walker@act.gov.au](mailto:Karen.Walker@act.gov.au)>

**Sent:** Friday, 19 June 2020 3:14 PM

**To:** [REDACTED]

**Subject:** 2 blocks in Kingston

UNOFFICIAL

Hi [REDACTED]

I understand you will be calling me this afternoon. I am having trouble with my phone and no one seems to be able to call me. From my end it looks like it's working fine, so only not long ago I realised there was an issue.

If you don't get through I will call you on [REDACTED] when it is up and running again.

Karen.

Karen Walker | Leasing DA

**Phone 02 6207 7257** | Fax 02 6207 1856

Planning and Delivery Division | Environment, Planning and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2602 | [www.planning.act.gov.au](http://www.planning.act.gov.au)

-----  
This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.  
-----