

From: [Henriquez, Jose](#)
To: [AC, EPD Customer Services](#)
Cc: [TCCS_PC DACOORD](#); [Wyatt, Tim](#); [Chowdhury, Abu Sayem](#); [Davies, Richard](#); [Jatheendran, Lingam](#); [Li, Xunyong](#); [Evans, Amanda](#); [Yarra, Maxwell](#); [Motha, Antony](#); [Senarath, Nethmei](#)
Subject: COMM: TCCS-202139248-13/22 KINGSTON-01
Date: 3 November 2021 15:07:19
Attachments: [image001.jpg](#)
[image002.png](#)
[2021.10.26 VS19068 Giles Street C.101\[2\].pdf](#)
[2021.10.26 VS19068 Giles Street C.100\[2\].pdf](#)
[SUPP-202139248-TCCS CORRESPONDANCE-01.obr](#)
[FW VS19068 - Giles Street - B13 22 S22 Kingston - Proposed Shared Service Easement.msg](#)

OFFICIAL

Dear App Sec,

I apologise for our late response on this DA referral, however, please consider our comments below.

DEVELOPMENT APPLICATION NO: 202139248

Description:

PROPOSAL FOR A NEW COMMERCIAL DEVELOPMENT - Demolition of the existing buildings, pavements and structures and construction of a new four-storey commercial building with two level basement carparking, 5 surface carparking spaces, landscaping, removal of one verge crossing from Giles Street and modified vehicle access to the Laneway to the south of Block 22 and associated works.

BLOCK: 13	SECTION: 22	SUBURB: KINGSTON
------------------	--------------------	-------------------------

This DA has been assessed with respect to the following elements:

Traffic	X	Verge crossing/ Driveways	X
On Street / Public Parking Facility	X	LMPP/Street Trees	X
Public Transport		Street Lighting	X
Waste Management	X	Pedestrian Footpath	X
Stormwater	X	Service / Access Easement	X
Demolition	X	Estate Development Plan (EDP)	
Further Information		Additions/Alterations/Amendments	
Lease Variation		Capital Works	

And TCCS' position is:

That It Is Supported	
That It Is Supported Subject to Compliance With The Following Conditions	X
That Further Information Is Required	
That It Is Not Supported	

Conditions

The DA is supported as per attached plans, Pre-DA Endorsement and the following conditions:

VERGE CROSSING

1. The new industrial verge crossing must be constructed in accordance with TCCS Design Standards.
2. The levels on the verge must not be altered as a result of the new constructed verge crossing.
3. Stormwater sumps must be a minimum distance must be 1.2m.
4. Any infrastructure assets such as street signage, lighting, mini-pillars, etc must be a

minimum of 1.5m away from the closest edge of the verge crossing.

VERGE

5. A Landscape Management and Protection Plan and a dilapidation report for all Government Assets adjacent to the site must be submitted to the Development Review and Coordination, TCCS, prior to commencement and on completion of the work.

URBAN TREESCAPES

The following items still need to be addressed at the Design Review stage as identified in our meeting;

6. Notation for the removal of the Water Tie in front of B13, should read make redundant/grout/ close off and not 'remove'.
7. Also, the heavily shaded canopy is in excess of an allowable amount of pruning, however, I believe that these trees don't in fact overhang to the extent that they appear to in this plan.

PEDESTRIAN NETWORK

8. The pedestrian footpath must take precedence over the verge crossing.
9. Since pedestrian access will not be provided in front of the site pedestrians will need to be redirected to get around as shown by the TTM and resubmitted at the Design Review stage.

STORMWATER

The proposal is supported in principle, however, the following conditions will still need to be addressed/considered:

10. All new stormwater assets including SW manholes and pipes must be designed and constructed in accordance with TCCS requirements and resubmitted at the Design Review stage.
11. As per our previous comments attached the depth of the ground cover over to the existing stormwater pipe within the easement must not be less than 600mm.
12. The 4.3m access corridor to the stormwater easement and pipes is accessible from both the front and the rear of the block.
13. The four storey commercial building in close proximity to the stormwater easement must be constructed in accordance with TCCS Guidelines for Construction in the Vicinity of a Stormwater Easement.
14. Structural certification signed by a chartered structural engineer must be provided, stating that building foundations will not impose adverse loads on the stormwater pipe and that possible future trench excavations required to expose the pipes will not adversely affect the stability of the structure and/or other utilities but especially TCCS' stormwater pipe.

WASTE

15. The waste is supported as per Pre-DA Endorsement through the use of rear loading trucks for both waste and recycling.
16. All waste must be stored, transferred and collected onsite for all commercial developments by a private contractor.
17. All waste vehicles must enter and exit the site in a forward direction as shown by the Truck Turning Templates (TTT) and resubmitted at the Design Review stage.
18. The waste must be collected outside peak times and business hours as much as possible so that the entry and egress of the truck is not conflicting with other vehicles coming to work or going home.
19. As this is a commercial development smaller (than the standard 10.5m for waste and 10.4m for recycling) rear loading trucks may be used if considered more convenient.

TRAFFIC & PARKING

20. **TCCS conditional supports for this development given that the proponent provides a desktop review of parking utilisation within 400m of the site based aerial images. This is noting that there are 99 spaces provided onsite (94 in the basement levels and 5 on the ground floor) and 140 spaces are required as per the ACT Parking and Vehicular Access General Code.**
21. **TCCS also supports the entry/egress arrangements from a traffic perspective and is also satisfied with the SIDRA traffic analysis undertaken.**

TCD

22. **A Traffic Control Device (TCD) Plan must be prepared incorporating the line marking and parking sign changes as the first front parking bay needs to be removed in order to accommodate the new verge crossing off Giles Street and it must be submitted at the Design Review stage.**
23. **Furthermore, if the removed parking bay can be replaced elsewhere in the vicinity this must be explored.**

Standard Conditions

The following general conditions will apply as appropriate for the Works and use of Territory land in addition to the above.

Early Works or prior to construction

In accordance with the Public Unleased Land Act 2013 no Works are to be undertaken without the approval of the TCCS. Such approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch TCCS by the ways of (1) a Letter of Early Works Approval for demolition and/or earthworks only; and/or (2) a Letter of Design Review, prior to the commencement of any Works.

Fees and charges will apply for Early Works Approval as per TCCS "GEN-06 - Submissions and Inspections Guideline Principles and Related Fees and Charges for TCCS and Industry".

Design Review

In order to obtain the Letter of Design Review, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, stormwater, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with TCCS "REF-06 - Requirements for Design Review Submissions", must be certified by a Chartered Engineer/Landscape Architect and submitted to the relevant Senior Director of the TCCS Development Coordination Branch.

Waste and Recycling Management Plan (WRMP) review

A WRMP in accordance with the relevant revision of the Development Control Code for Best Practice Waste Management in the ACT must also be submitted at the Design Review stage.

Operational Acceptance/Soft Landscape Consolidation Commencement

On completion of the Works a Certificate of Operational Acceptance is required from the relevant Senior Director of the TCCS Development Coordination Branch, prior to the issuance of a Certificate of Occupancy.

Where required, a Certificate of Soft Landscape Consolidation Commencement must also be obtained from the relevant Senior Director of the TCCS Development Coordination Branch for the placement of soft landscape works on consolidation.

A Chartered Engineer/Landscape Architect must certify compliance with TCCS "REF 08 - Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance and/or Consolidation Commencement is made to the relevant Senior Director of the TCCS Development Coordination Branch on completion of all Works.

Final Acceptance/Soft Landscape Handover

A Certificate of Final Acceptance for all civil and hard landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Defects Liability Period (DLP) as noted in the Certificate of Operational Acceptance.

A Certificate of Soft Landscape Handover for all soft landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Consolidation Period as noted in the Certificate of Consolidation Commencement.

Temporary Traffic Management (TTM)

A TTM plan approval from the Manager of TCCS Traffic Management & Safety, Roads ACT, must be obtained prior to commencement of Works. This plan must be prepared by a suitably qualified person and address, as a minimum, measures to be employed at all times during construction activities to manage all traffic, including construction and regular traffic in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated temporary traffic control devices.

Landscape Management & Protection Plan (LMPP)

LMPP approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch or the delegated authority. During construction, all existing vegetation (trees, shrubs and grass) located within the verge and unleased Territory land immediately adjacent to the development must be managed, protected and maintained in accordance with the approved LMPP. This plan must be implemented before the commencement of any Works, including demolition on the site, and must be in accordance with TCCS "REF 04 - Requirements for the Protection of Public Landscape Assets Adjacent to Development Works".

Use of verges or other unleased Territory land

In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of Works, including storage of materials or waste, without prior approval from TCCS. If required, such approval can be obtained from TCCS Licensing and Compliance.

Repair of damage to public assets

Before the Works commence TCCS must be notified of any existing damage to public assets via a Dilapidation Report. The applicant/lessee is held responsible for repairing any damage to ACT Government's assets, caused by the development activities, to the satisfaction of TCCS. If a Dilapidation Report is not provided, any pre-existing damage must also be repaired at the applicant/lessee's cost.

Notice of Commencement of construction

A Notice of Commencement for the Works within Unleased Territory Land must be submitted to TCCS one week prior to the commencement of Works. The notice must also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

Additional comments (for EPSDD information only, and not to be included in the Notice of Decision)

1. **TCCS would like to see an increase in tree canopy cover to the hard stand area at the rear of the site if possible.**
2. **All other internal circulation inside the basement must be checked by EPSDD and make sure that vehicles can get in without any difficulty.**

Kind regards,

Jose Henriquez | Assistant Director

Phone 02 6207 7480 | Email: jose.henriquez@act.gov.au

Development Coordination Branch | Transport Canberra and City Services Directorate | ACT Government

Level 2, 480 Northbourne Ave, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

A close up of a logo Description automatically generated



From: AC, EPD Customer Services <ACEPDCustomerServices@act.gov.au>

Sent: Wednesday, 6 October 2021 3:08 PM

To: TCCS_PC DA <TCCS.DA@act.gov.au>

Subject: REFERRAL-TCCS-202139248-13/22 KINGSTON-01

DEVELOPMENT APPLICATION NO: 202139248

BLOCK: 13 **SECTION:** 22 **DIVISION:** KINGSTON

Description - PROPOSAL FOR A NEW COMMERCIAL DEVELOPMENT - Demolition of the existing buildings, pavements and structures and construction of a new four-storey commercial building with two level basement carparking, 5 surface carparking spaces, landscaping, removal of one verge crossing from Giles Street and modified vehicle access to the Laneway to the south of Block 22 and associated works.

Pursuant to Section 148(1) of the *Planning and Development Act 2007* the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice (**27/10/2021**).

In accordance with Section 150 of the *Planning and Development Act 2007* If advice is not received within the prescribed time it will be taken that you have supported the application. **Please note that an extension of time to the nominated due date to provide any written advice will not be granted under the *Planning and Development Act 2007*.**

Please forward any written advice via email to Customer Services
EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20140XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-TAMS-201401234-10/10 Dickson-01

Kind Regards

Katherine

Phone 6207 1923

EPDCustomerServices@act.gov.au

www.act.gov.au/accesscbr

Access Canberra | ACT Government

8 Darling Street, Mitchell | GPO Box 158 Canberra ACT 2601



Access Canberra is an ACT Government service that brings together customer and regulatory services, including the former Environment and Planning Directorates Customer Services Team. Access Canberra has been set up to

make it easier for business, community organisations and individuals to work with ACT Government and deliver a more seamless experience.

From: [Li, Xunyong](#)
To: [Henriquez, Jose](#)
Subject: FW: VS19068 - Giles Street - B13 & 22, S22 Kingston - Proposed Shared Service Easement
Date: 3 November 2021 01:12:25
Attachments: [image001.png](#)
[image002.gif](#)

OFFICIAL

From: Motha, Antony <Antony.Motha@act.gov.au>
Sent: Monday, 16 August 2021 11:05 AM
To: Li, Xunyong <Xunyong.Li@act.gov.au>
Subject: RE: VS19068 - Giles Street - B13 & 22, S22 Kingston - Proposed Shared Service Easement

OFFICIAL

Hi Xunyong

I had a look at the drawings.

The proposal looks ok in general. The only issue I have is that the sewer is generally about a metre lower than the stormwater. With a 600mm horizontal clearance from the stormwater, this puts the sewer within the zone of influence of the sewer.

If we excavate to the stormwater, there should be no issues. If the excavation to the sewer, that could impact on the stormwater. It will be up to IconWater to make sure there is no impact on the stormwater if there is excavation to the sewer. From that point of view, if IconWater are happy with the proposal, we should have no concerns.

Antony
6207 3675

From: Li, Xunyong <Xunyong.Li@act.gov.au>
Sent: Saturday, 14 August 2021 3:22 PM
To: Motha, Antony <Antony.Motha@act.gov.au>
Cc: TCCS_PC DACOORD <TCCS.DACOORD@act.gov.au>
Subject: FW: VS19068 - Giles Street - B13 & 22, S22 Kingston - Proposed Shared Service Easement

OFFICIAL

Good Afternoon Antony,

Hope you are keeping well.

Just following up this one, do you have time to have a quick chat on Monday, please?

Regards,

Xunyong

From: Li, Xunyong
Sent: Friday, 6 August 2021 12:39 PM
To: Motha, Antony <Antony.Motha@act.gov.au>
Cc: TCCS_PC DACOORD <TCCS.DACOORD@act.gov.au>
Subject: FW: VS19068 - Giles Street - B13 & 22, S22 Kingston - Proposed Shared Service Easement

OFFICIAL

H Antony,

This is the one we just discussed.

Jose and I had a meeting with Stuart yesterday. I believe this is a good proposal, in particular the SW pipes are proposed to be further away from the Electrical conduits in the shared easement. However, I would like to double check if we have any specific requirements when we consider shared easement including SW, Sewer and Electricity etc.

Your comments are greatly appreciated.

Regards,

Xunyong

From: Stuart Gwynne <[REDACTED]@vsol.com.au>
Sent: Thursday, 29 July 2021 9:05 AM
To: Li, Xunyong <Xunyong.Li@act.gov.au>; Henriquez, Jose <Jose.Henriquez@act.gov.au>
Cc: Joshua Pirotta <[REDACTED]@vsol.com.au>
Subject: RE: VS19068 - Giles Street - B13 & 22, S22 Kingston - Proposed Shared Service Easement

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning Xunyong and Jose,

Hope you are well.

The design of B13&22, S22 Kingston continues and after liaison with the electrical engineer and EvoEnergy includes and updated shared services easement design.

1. **Summary of Update of Shared Service Easement**

The update includes:

- A substation in the South East Corner
- Electrical Reticulation along the Boundaries to the substation
- Adjustment of the Sewer and Stormwater to achieve required clearances from the Substation
- Adjustment of the basement to achieve clearance from the closest services.

2. **Updated Documentation**

Please find attached updated Services documentation including:

- VS19068_C.01 – Site Services – Notes and Details
- VS19068_C.02 – Site Services – Existing Services Plan
- VS19068_C.05 – Site Services – Existing Easement Plan
- VS19068_C.06 – Site Services – Proposed Easement Plan – Ground Floor
- VS19068_C.06a – Site Services – Proposed Easement Plan – Basement 1
- VS19068_C.07 – Site Services – Proposed Services Plan – Ground Floor
- VS19068_C.07a – Site Services – Proposed Services Plan – Basement 1
- VS19068_C.08 – Site Services – Proposed Services – Grading Plan

3. **Easement Design Method**

The easement is now required to include:

- Electrical Reticulation and Substation
- Sewer Main
- Stormwater Main

Generally, the design method for the easement has been as follows:

- Minimum clearance from boundary to Electrical Infrastructure
 - As designed by the Electrical Engineer
- Minimum clearance between the Electrical Infrastructure to the Sewer Infrastructure
 - This has been applied as a clearance between the OD of the closest Elec conduit and the OD of the closest Sewer MH
 - This is as per liaison with the Electrical Engineer implying that clearance is required for MH's as well as the pipes
- Centrally locating the Sewer pipes in the MHs as located above
- Minimum clearance between the OD of the Sewer Pipe and the OD of the SW Pipe
 - Sewer is based on 150 PVC as appropriate for this main (OD 180 shown)
 - Stormwater is based on 300 BlackMax as appropriate for this main (OD 400 shown)
- 1.25m clearance from CL of the Stormwater Pipe to the internal edge of the easement
 - This is application of 50% of the TCCS Stormwater Easement Requirement from the CL of the main
 - This is appropriate as the TCCS Standards are light on detail for shared easements beyond SW and Sewer

This leads to an easement:

- 4.3m wide along the straight sections of boundary
- Localised increase in the South East corner where the substation is located as documented on plan.

4. **Documentation of Clearances & Grading**

We have documented the clearances between Centrelines of Pipes and the Outside Diameters of Pipes on plan for clarity.

These are shown at Ground Floor and Basement 1 to demonstrate the proposal thoroughly.

Please refer to:

- For Outside Diameter Clearances
 - VS19068_C.06 – Site Services – Proposed Easement Plan – Ground Floor

- VS19068_C.06a – Site Services – Proposed Easement Plan – Basement 1
- For Centreline Clearances
 - VS19068_C.07 – Site Services – Proposed Services Plan – Ground Floor
 - VS19068_C.07a – Site Services – Proposed Services Plan – Basement 1

5. **Grading**

For Grading, please refer to:

- VS19068_C.08 – Site Services – Proposed Services – Grading Plan

The stormwater and sewer have both been graded:

- To provide a consistent fall to all pipes along the rerouted main
- Provide minimum fall requirements through structures
- To be Co-ordinated with upstream and downstream levels

6. **Clearances between Manholes**

Generally, we have provided 150mm clearance between the Outside Diameters of adjacent Manholes.

This is sufficient for construction and removal of formwork.

The footings/base of MH's will be extended sufficiently low to prevent either impinging on the zone of influence of the other.

This is yet to be documented as it will depend on the Approval in Principle of the easement from both ICON and TCCS.

7. **Proposed Meeting**

As per our recent liaison success on this project and others, I propose we have a MS Teams Meeting where I can run you through the proposal:

- Design Inputs
- Methodology
- Compliance
- Address any questions that arise during

Can you please propose a meeting time suitable for next week?

I anticipate 45 minutes will be sufficient. I will make myself available.

Regards,

Stuart Gwynne | Civil Services Manager | Vital Design Solutions Pty Ltd

W www.vsol.com.au T 02 6297 2765

Canberra - Ground Floor, 20 Spongolite Street, Beard ACT 2620

Melbourne - Level 22, 535 Bourke Street, Melbourne VIC 3000



Please note, I work Monday through Wednesday.

I will respond to your email as soon as possible during that period.



From: Li, Xunyong <Xunyong.Li@act.gov.au>
Sent: Monday, 21 June 2021 1:05 PM
To: Stuart Gwynne <[REDACTED]@vsol.com.au>; Henriquez, Jose <Jose.Henriquez@act.gov.au>
Cc: Joshua Pirotta <[REDACTED]@vsol.com.au>
Subject: RE: VS19068 - Giles Street - B13 & 22, S22 Kingston - Separate Servicing of Leases - Waste Pre DA RFI

OFFICIAL

Hi Stuart,

Thank you for your prompt response.

Can you please pass on the latest drawings used in our discussion.

Given it is a non-standard one, I would like to run to my manager, and formally come back to you.

Regards,

Xunyong

From: Stuart Gwynne <[REDACTED]@vsol.com.au>
Sent: Monday, 21 June 2021 11:29 AM
To: Li, Xunyong <Xunyong.Li@act.gov.au>; Henriquez, Jose <Jose.Henriquez@act.gov.au>
Cc: Joshua Pirotta <[REDACTED]@vsol.com.au>
Subject: RE: VS19068 - Giles Street - B13 & 22, S22 Kingston - Separate Servicing of Leases - Waste Pre DA RFI

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning Jose and Xunyong,

Thanks for your time this morning.

As discussed, TCCS have no objection to the common Waste Servicing of the two commercial leases provided:

- The leases include appropriate clauses regarding common access to and common servicing of waste enclosures
- We obtain the information relating to access via S33, B22 at the rear
 - This is the current vehicle access for the adjacent shops and the service vehicle access for the proposed development.

If the above is not a correct representation of the outcomes of the meeting, please do not hesitate to add to it in your response.

We will be proceeding based on the above.

Regards,

Stuart Gwynne | Civil Services Manager | Vital Design Solutions Pty Ltd
W www.vsol.com.au T 02 6297 2765
Canberra - Ground Floor, 20 Spongolite Street, Beard ACT 2620
Melbourne - Level 22, 535 Bourke Street, Melbourne VIC 3000



Please note, I work Monday through Wednesday.
I will respond to your email as soon as possible during that period.



From: Stuart Gwynne

Sent: Tuesday, 8 June 2021 12:34 PM

To: Li, Xunyong <Xunyong.Li@act.gov.au>; Henriquez, Jose <Jose.Henriquez@act.gov.au>

Cc: 'Joshua Pirotta' <Joshua.Pirotta@vsol.com.au>

Subject: VS19068 - Giles Street - B13 & 22, S22 Kingston - Separate Servicing of Leases - Waste Pre DA RFI

Good Afternoon Xunyong and Jose,

We have been engaged to provide Civil Engineering DA Services on the proposed development of B13 & B22, S22 Kingston.

The following RFI is specifically in relation to Waste.

1.0) Proposed Development – Commercial Only

The proposed development is COMMERCIAL ONLY, therefore it will not be serviced by ACTNoWaste.

However, there are some intricacies, described below, that require pre-DA Liaison and clarification.

The total development yield is approximately:

- 865m² non commercial
- 4,400m² of office

The proposed development is to occupy the area of both B13 a B22.

I have attached a preliminary architectural ground floor for context.

Note, this is preliminary and is yet to be engineered appropriately.

2.0) Two Separate Leases – CZDC Requirement

The town planner working on the development has advised that, due to clauses in the Commercial Zones Development Code, that the development is to be two separate leases.

This invokes the 'separate servicing requirements' of the separate leases.

This is being applied for all service ties (Water, Sewer, Stormwater) as required.

3.0) Servicing of Waste

The purpose of this email is in relation to Waste Servicing, in short: **Does each lease require separate Waste Servicing?**

If so:

- Does each Waste Collection need to occur fully within the lease boundary of that lease?
 - Or, can this be managed within easements (I.e a common Waste Collection area for both)
 - Note, in terms of access to the collection area(s) this will be via a single driveway and access easements.
 - This question is specifically in relation to the collection area (rather than access to the collection area)

Alternatively, as this is a commercial development only, can this be managed through a commercial arrangement between leases with:

- A single Waste Enclosure sized appropriately for all generation in the development (All leases)
- A single Waste Collection area
- A single Waste Collection Strategy

4.0) Proposed Lease Boundaries

The proposed lease boundaries are yet to be developed.

The outcome of this RFI will significantly impact the lease arrangement so this needs to be resolved first.

I appreciate this is an unusual arrangement so I think it best if we schedule a MStTeams meeting early next week to discuss.

In the meantime, I am happy to answer any questions you may have.

In terms of DA Submission timing, we are aiming for submission in 1 month.

Please propose a suitable 30 minute meeting slot for early next week to discuss.

I am available all Tuesday morning.

Regards,

Stuart Gwynne | Civil Services Manager | Vital Design Solutions Pty Ltd

W www.vsol.com.au T 02 6297 2765

Canberra - Ground Floor, 20 Spongolite Street, Beard ACT 2620

Melbourne - Level 22, 535 Bourke Street, Melbourne VIC 3000



Please note, I work Monday through Wednesday.
I will respond to your email as soon as possible during that period.



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: [ConservatorFloraFauna](#)
To: [AC, EPD Customer Services](#)
Cc: [Dojic, Rosie](#)
Subject: COMM-TREE PROTECTION-202139248-13/22 KINGSTON-01
Date: 13 October 2021 15:23:22
Attachments: [image002.png](#)
[plans.obr](#)
[supporting docs.obr](#)

UNOFFICIAL

From: TCCS_CP TPU Inner South <TCCS.TPUInnerSouth@act.gov.au>
Sent: Wednesday, 13 October 2021 2:22 PM
To: ConservatorFloraFauna <ConservatorFloraFauna@act.gov.au>
Subject: COMM-TREE PROTECTION-202139248-13/22 KINGSTON-01

UNOFFICIAL

DA No-202139248

Description - PROPOSAL FOR A NEW COMMERCIAL DEVELOPMENT - Demolition of the existing buildings, pavements and structures and construction of a new four-storey commercial building with two level basement carparking, 5 surface carparking spaces, landscaping, removal of one verge crossing from Giles Street and modified vehicle access to the Laneway to the south of Block 22 and associated works.

BLOCK:	SECTION:	DIVISION:
13	22	Kingston

The DA has been assessed and the following Conservators Advice in accordance with Section 82 *Tree Protection Act 2005* is provided:

No regulated trees on the site	
Supported with conditions	
Advice for the applicant	
Not Supported	X
Further Information/amendments required	

Conditions/Comments/Advice:

The development application is not supported as the proposal stipulates the removal of a Regulated Tree (*Quercus robur*) that is located in the carpark of a neighbouring block – Block 33 Section 22 Kingston. This tree has a proposed basement cut to the base of the trunk. This tree is a tree of medium/high quality and meets no removal criteria under the Tree Protection ACT 2005. This trees future will need to be considered by the Design Review Panel on developmental grounds. Tree Protection preference would be basement reconfiguration to allow for the retainment of this tree.

There is also a Regulated (*Eucalyptus elata*) located on Block 19 Section 22 Kingston however this tree does not appear to be affected by the proposal. The remainder of this proposal poses no tree issue.

I provide this advice as delegate of the Conservator of Flora and Fauna

Brent Schwartzkoff, Technical Officer level 3 (Position Number 15670)

Brent Schwartzkoff | Tree Protection Officer | Ph 62076127 | Mobile [REDACTED]

Email: brent.schwartzkoff@act.gov.au

Urban Treescapes, City Presentation | Transport Canberra & City Services Directorate | ACT Government

Level 4, Dickson Office Building, 480 Northbourne Avenue, Dickson ACT 2602 | GPO Box 158
Canberra 2601 | www.act.gov.au
Pest Plants and Animals Act 2005.
Tree Protection Act 2005.

From: Dojic, Rosie <Rosie.Dojic@act.gov.au> **On Behalf Of** TCCS_CP TreeProtectionACTPLARef
Sent: Wednesday, 6 October 2021 6:37 PM
To: TCCS_CP TPU Inner South <TCCS.TPUInnerSouth@act.gov.au>
Subject: FW: REFERRAL-TREE PROTECTION-202139248-13/22 KINGSTON-01

UNOFFICIAL

From: AC, EPD Customer Services <ACEPDCustomerServices@act.gov.au>
Sent: Wednesday, 6 October 2021 3:10 PM
To: TCCS_CP TreeProtectionACTPLARef <TCCS.TreeProtectionACTPLARef@act.gov.au>
Subject: REFERRAL-TREE PROTECTION-202139248-13/22 KINGSTON-01

DEVELOPMENT APPLICATION NO: 202139248

BLOCK: 13 **SECTION:** 22 **DIVISION:** KINGSTON

Description - PROPOSAL FOR A NEW COMMERCIAL DEVELOPMENT - Demolition of the existing buildings, pavements and structures and construction of a new four-storey commercial building with two level basement carparking, 5 surface carparking spaces, landscaping, removal of one verge crossing from Giles Street and modified vehicle access to the Laneway to the south of Block 22 and associated works.

Pursuant to Section 148(1) of the *Planning and Development Act 2007* the ACT Planning and Land Authority requests that you consider the abovementioned development application and provide any written advice no later than **15 working days** after the date of this notice (**27/10/2021**).

In accordance with Section 150 of the *Planning and Development Act 2007* If advice is not received within the prescribed time it will be taken that you have supported the application. **Please note that an extension of time to the nominated due date to provide any written advice will not be granted under the *Planning and Development Act 2007*.**

Please forward any written advice via email to Customer Services
EPDcustomerservices@act.gov.au

Please use the following format in the subject line of the email when providing advice:

COMM-Agency Name-20140XXXX-Block XX Section XX SuburbXXXXX-01

Example: COMM-TAMS-201401234-10/10 Dickson-01

Kind Regards

Katherine

Phone 6207 1923

EPDCustomerServices@act.gov.au

www.act.gov.au/accesscbr

Access Canberra | ACT Government

8 Darling Street, Mitchell | GPO Box 158 Canberra ACT 2601



Access Canberra is an ACT Government service that brings together customer and regulatory services, including the former Environment and Planning

Directorates Customer Services Team. Access Canberra has been set up to make it easier for business, community organisations and individuals to work with ACT Government and deliver a more seamless experience.

From: [REDACTED]
To: [AC, EPD Customer Services](#)
Subject: DA202139248 for 4 storey commercial development over Blocks (13 +22) Section 22 Kingston Centre
Date: 24 November 2021 17:21:07

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Representation to refuse DA202139248;

PROPOSAL FOR A NEW COMMERCIAL DEVELOPMENT - Demolition of the existing buildings, pavements and structures on Blocks 13 and 22 of Section 22 in Kingston, and construction of a new four-storey commercial building with two level basement carparking, 5 surface carparking spaces, landscaping on both blocks, removal of one verge crossing from Giles Street and modified vehicle access to the Laneway to the south of Block 22 and associated works.

The development application submitted for blocks 13 and 22, Section 22 of Kingston incorrectly reports basic details of neighbouring buildings. This lack of accuracy – whether deliberate or not – is of concern and it casts doubt on whether Geocon is accurately portraying the impact of a 4-storey building to replace an existing 2-storey building. For example, the documentation falsely reports details of the design of neighbouring building, The Holford, as described and illustrated in Geocon's submission document 61 - SHADOW-202139248-02.pdf as well as in other documents in the development application.

In the Shadow Studies, Block 14 Section 22 Kingston documentation, the Holford residences are noted as having a "DRIVEWAY BEHIND SOLID WALL" when the reality is a DRIVEWAY BEHIND A WIRE FENCE. The differences between a solid wall and a wire fence are obvious and can be seen within a 1-minute site visit: natural light entering the driveway of the Holford, light allowing the growth of plants along the wire fence, breezeway through the space. The impact of increased noise from the excessive commercial building is discounted.

Concern is raised that this falsification of information is allowing the reporting of no difference in impact of a 4-storey building compared to a 2-story building as is currently built on the block adjacent to The Holford. This lack of attention to detail, which can be seen very easily when viewing the site, raise the doubt that further falsifications of information may be present in the development application, some of which may break existing rules and regulations, but this may not be apparent due to the way the information is presented in this submission.

A 2-storey development similar in height and impact to the current development would be unlikely to have such issues and may be a way to proceed with development of the site.

When inaccurate information is lodged or information omitted then representors are disadvantaged. DA202139248 should be refused as it is impossible to assess compliance with untrustworthy information.

Thank you

[REDACTED]

From: [AC, EPD Customer Services](#)
To: [REDACTED]
Subject: RE: DA202139248 for 4 storey commercial development over Blocks (13 +22) Section 22 Kingston Centre
Date: 29 November 2021 09:43:00
Attachments: [image001.png](#)

OFFICIAL

Dear Sir/Madam,

DEVELOPMENT APPLICATION NO: 202139248

BLOCK: 13 **SECTION:** 22 **DIVISION:** KINGSTON

Thank you for your correspondence postmarked **24/11/2021** regarding Development Application Number **202139248**.

Section 156(2) of the Planning and Development Act 2007 states that a representation about a development application must be made during the public consultation period for the application.

The public consultation period for DA **202139248** commenced on **02/11/2021** and closed on **23/11/2021**.

Unfortunately, your representation was made outside the public consultation period and therefore cannot be considered during the assessment of the application. If you require any further information please contact (02) 6207 1923.

Kind Regards

Katherine

ACAT Co-ordination Unit

Supervisor | DA Lodgement & Notification teams

Phone 6207 1923

Access Canberra | ACT Government

8 Darling Street, Mitchell | GPO Box 158 Canberra ACT 2601



Access Canberra is an ACT Government service that brings together customer and regulatory services, including the former Environment and Planning Directorates Customer Services Team. Access Canberra has been set up to make it easier for business, community organisations and individuals to work with ACT Government and deliver a more seamless experience.

From: [REDACTED]

Sent: Wednesday, 24 November 2021 5:21 PM

To: AC, EPD Customer Services <ACEPDCustomerServices@act.gov.au>

Subject: DA202139248 for 4 storey commercial development over Blocks (13 +22) Section 22 Kingston Centre

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Representation to refuse DA202139248;

PROPOSAL FOR A NEW COMMERCIAL DEVELOPMENT - Demolition of the existing buildings, pavements and structures on Blocks 13 and 22 of Section 22 in Kingston, and construction of a new four-storey commercial building with two level basement carparking, 5 surface carparking spaces, landscaping on both blocks, removal of one verge crossing from Giles Street and modified vehicle access to the Laneway to the south of Block 22 and associated works.

The development application submitted for blocks 13 and 22, Section 22 of

Kingston incorrectly reports basic details of neighbouring buildings. This lack of accuracy – whether deliberate or not – is of concern and it casts doubt on whether Geocon is accurately portraying the impact of a 4-storey building to replace an existing 2-storey building. For example, the documentation falsely reports details of the design of neighbouring building, The Holford, as described and illustrated in Geocon's submission document 61 - SHADOW-202139248-02.pdf as well as in other documents in the development application.

In the Shadow Studies, Block 14 Section 22 Kingston documentation, the Holford residences are noted as having a "DRIVEWAY BEHIND SOLID WALL" when the reality is a DRIVEWAY BEHIND A WIRE FENCE. The differences between a solid wall and a wire fence are obvious and can be seen within a 1-minute site visit: natural light entering the driveway of the Holford, light allowing the growth of plants along the wire fence, breezeway through the space. The impact of increased noise from the excessive commercial building is discounted.

Concern is raised that this falsification of information is allowing the reporting of no difference in impact of a 4-storey building compared to a 2-story building as is currently built on the block adjacent to The Holford. This lack of attention to detail, which can be seen very easily when viewing the site, raise the doubt that further falsifications of information may be present in the development application, some of which may break existing rules and regulations, but this may not be apparent due to the way the information is presented in this submission.

A 2-storey development similar in height and impact to the current development would be unlikely to have such issues and may be a way to proceed with development of the site.

When inaccurate information is lodged or information omitted then representors are disadvantaged. DA202139248 should be refused as it is impossible to assess compliance with untrustworthy information.

Thank you



[REDACTED]
25 October 2021

Mob. [REDACTED]

Land Planning & Building Services
1, P.O. Box 158,
Banberra City, 2601

I am a regular visitor to Banberra, albeit restricted by Covid & stay at the Holford on 88 Giles Street. I was shocked to learn that the proposed development next door was still attempting to go ahead. The development to which I refer is:

DA# 202139248

Section 22, Blocks 13 & 22.

Can developers just ignore the Development codes of the area of no higher than two storeys? The proposed building is quite out of character with historic Kingston & most certainly has a detrimental effect in over-shadowing causing loss of light & privacy to nearby buildings.

I'm sure the two storey rule is in place for good reasons so it is disappointing that the project has even been proposed. Surely within the constraints of the rule, there is plenty of scope for a residential or commercial development sensitive to the surrounding environment.

Thank you for your attention

email: [REDACTED]

Blocks 13, 22 Section 22 (84-86 Giles Street)
Kingston - DA 202139248

Objection to the above DA from Geocon

This submission is by myself as owner of [REDACTED] supplementing that prepared for the Owner's Corporation of UP585, which was lodged with Purdons.

The major constraint on redevelopment to the above Blocks is the 2011 Precinct Code of the Territory Plan. Initially this allowed a 4 storey development, but following extensive public consultation opposing this, it was reduced to 2 storeys under the relevant provision in the Commercial Zone Development Code when no provisions on height had been made (Rule R45).

However Geocon has chosen not to comply with this rule, and now had lodged a DA which grants an exception provided specified criteria are met (Rule C45).

The following criteria apply to consideration of such a case:

1. That the proposal is compatible with the desired character of the area.
The Geocon proposal is for a 4 (effectively 5 residential) storey Commercial Office building of excessive site coverage adjacent to areas of low-rise mixed use small-scale development which endows the Kingston Centre with its distinctive character. It is not compatible.
2. It proposes larger scale Commercial Office Use which is inconsistent with the role of Kingston Centre in providing for local services.
The large floor plate is inherently suited to larger scale Commercial Office tenancies which should be located outside the Centre. This lack of compatibility is highlighted by the architecture of the Geocon proposal, which inadvertently but damningly reveals just how markedly out of scale this proposal is in relation to its surroundings, including the potential heritage listing for the adjacent former Post Office. When the Land Use is not appropriate, it should be no surprise that this also applies to the building architecture. It is therefore not compatible.
3. The proposal has detrimental impacts in relation to overshadowing, loss of privacy and excessive wind turbulence.
These adverse impacts are further apparent in relation to overshadowing of the adjacent Holford Building. There has also been no attempt to investigate increased wind turbulence from the prevailing NW winds. The shadow diagrams cut-off at the Oakleaves property boundaries and so fail to reveal the major loss of winter sun in the large (50 sq m) courtyards of my own and other Oakleaves residents, some of which have been living spaces facing these courtyards. This would drastically degrade the amenity, landscaping and value of my apartment. Rear service access to the Geocon proposal would also markedly increase the loud noise levels and congestion already present in the existing car parking and service

area, and access for all construction should be limited to Giles Street. The Geocon proposal is further not compatible in all these respects.

AN EXCEPTION TO APPROVE THE GEOCON PROPOSAL SHOULD BE REFUSED ON ALL OF THE ABOVE GROUNDS.

A final comment. This is the second re-development proposed by Geocon, each of which was subject to a round of public consultation by Purdons. It is now proceeding to DA stage despite the clear conflict of interest made evident from the degree to which Purdons has failed to respond to public comment. This is inconsistent with good planning practice, and I can only conclude that the approach of allowing a developer's agent to undertake public consultation is inherently flawed and should be quickly abandoned. Kindly confirm receipt of this objection.

Yours faithfully



- M Arch (Urban Design) and Fulbright Fellow Illinois
- Now retired as FPIA
- Director Inner Canberra development, NCDC
- Director Strategic Planning and Urban Design, NCA
- Director Sir Colin Buchanan and Partners, London, UK
- Chair, Nature Conservation Trust of NSW
- Consulting Planner, NSW Government

27 October 2021

Objection to Development Application 202139248 on behalf of the Body Corporate for Unit Plan 955 The Holford.

This is an objection by the Body Corporate for Unit Plan 955 (The Holford) to the proposal submitted by Purdon Planning Pty Ltd on behalf of Geocon (through NG Giles Pty Ltd) to demolish two adjacent two-storey buildings on separate blocks (Blocks 13 and 22, Section 22 Kingston) and erect a four-storey commercial building covering both blocks.

We note that the closing date for responses to this Application has changed twice. First because of incomplete information in the DA documents and second in response to the absence of appropriate public signage.

With changing timeframes and as non-experts, we have been confronted with 79 documents, some of considerable length, comprising the Application. We understand that the many inconsistencies and apparent errors in this documentation as well as the inadequate consultation process, will be addressed in other representations and confine this objection principally to a lack of compliance with the relevant development code.

Purdon Planning is seeking an exemption from the maximum **two** storey height limit for the subject blocks set by Rule R45 of the Commercial Zones Development Code (CZDC) on the basis that their proposal:

- is compatible with the desired character of the Kingston precinct;
- is appropriate to the scale and function of the use; and
- minimises detrimental impacts including overshadowing and excessive scale.

The DA does not make a compelling case to allow exemption from the two-storey rule.

The proposed building of dull red precast concrete construction with dark tinted windows at four storeys across two blocks bears no structural or other relationship to, and is **not compatible** with, surrounding low rise individual buildings. It bears no relationship to the desired character enunciated in the Kingston Precinct Code of 2014 and does not respect the heritage character of the Centre. The proposed building is an environmentally insensitive construction totally out of place in the Kingston Precinct.

With a diagram carefully omitting the upper floors (Document 65, P. 20), the proposers claim that several rows of light-coloured bricks at ground level make the building compatible with the Kingston Post Office building. This is hardly credible, as is the claim on P.8 of the same document that the bulky concrete louvres surrounding windows onto Giles St. echo the delicate ceramic mullions on the Post Office building.

The building is **not appropriate in scale and function**. Although nominally on two blocks, the buildings are integrated above the ground floor with a single reception area and single set of toilets on each floor. Collectively, the building represents a plot ratio of 267% instead of the 100% allowed under Rule R46 of the relevant Development Code. The listing by the proponents of other blocks where the plot ratio has been exceeded does not negate Rule 46.

A search for commercial real estate in Kingston indicates 196 offices available for lease ranging up to 619 m². The adjacent Barton area is similarly oversupplied. The addition of the proposed further 3983 m² of office space in the Kingston Precinct area is unnecessary and inappropriate.

As distinct from the existing two storey buildings, the proposed building is **excessive in scale**. The proposed building has a total frontage of over 40 meters. The height of 16.53 meters (as shown in Documents 56-58) exclusive of rooftop installations, is equivalent in height to a five-storey residential building. The developer has also noted the potential for further height with a roof recreation area for building occupants and members of the public. (Doc. 65, p.30). This scale is well beyond any of the surrounding buildings and quite anomalous in this area.

The proposed building **has detrimental impacts**. Shadow diagrams at Documents 61 and 62 demonstrate shading on the private space of several apartments in the Holford and Oakleaves residential complexes. The proponents assert in Document 7 (P. 13) that the overshadowing impacts are 'deemed acceptable'. They are not deemed acceptable by either Body Corporate, and we note that the provided diagrams refer only to the Winter Solstice. There are overshadowing effects at other times of year.

The principal private open spaces for Holford residents, face the development and not all units have open space access to Howitt St. as asserted in Document 61 of the Development Application. The use and enjoyment of principal outdoor spaces for Holford residents will be severely compromised by the erection of an adjoining 'earthy' red concrete and dark glass wall of well over 16 meters, effectively blocking off daylight and increasing ambient temperature.

The Shadow Diagram (Document 61) for the development show a solid wall on the boundary next to Block 14 adjoining the garage area of the Holford. The wall will effectively remove or kill the current greenery and replace an area of filtered daylight with an unacceptable dark tunnel.

In summary, while we would welcome an appropriate development, this application for an exemption to rule R45 of the CZDC does not meet community expectations or any of the criteria which must be satisfied to allow building height above two storeys and should not be approved.

This statement of objection is endorsed by all owners of UP955, The Holford.



Michael Parker
Chair
Body Corporate,
Unit Plan 955

From: [AC, EPD Customer Services](#)
To: ["purdons@purdon.com.au"](mailto:purdons@purdon.com.au)
Subject: RE: CLOSE OF PUBLIC NOTIFICATION-202139248-13/22 KINGSTON (104 Representations, 1 Confidential Representations)
Date: 9 December 2021 08:57:00
Attachments: [PLEASE_ADD_TO_RECEIVED_REPS - KR 071221 - DA202139248 representation - Peter Moore.msg](#)
[image002.png](#)
[image003.png](#)

OFFICIAL

Good morning,

Please find attached an additional representation that was not sent in the original closing email.

Kind Regards

Katherine

ACAT Co-ordination Unit

Supervisor | DA Lodgement & Notification teams

Phone 6207 1923

Access Canberra | ACT Government

8 Darling Street, Mitchell | GPO Box 158 Canberra ACT 2601



Access Canberra is an ACT Government service that brings together customer and regulatory services, including the former Environment and Planning Directorates Customer Services Team. Access Canberra has been set up to make it easier for business, community organisations and individuals to work with ACT Government and deliver a more seamless experience.

From: AC, EPD Customer Services

Sent: Monday, 29 November 2021 9:04 AM

To: purdons@purdon.com.au

Subject: CLOSE OF PUBLIC NOTIFICATION-202139248-13/22 KINGSTON (104 Representations, 1 Confidential Representations)

OFFICIAL

CLOSE OF PUBLIC CONSULTATION PERIOD

BLOCK 13 SECTION 22 SUBURB KINGSTON

The public consultation period for DA 202139248 has now closed.

Attached for your information is a copy of all representations received by the Environment, Planning and Sustainable Development Directorate during the public consultation period.

1 Representors applied for and received approval under section 411(5) of the *Planning and Development Act 2007* to have all of their representation excluded from being made available for public inspection.

Although representations of this nature are not disclosed to the applicant, issues raised in the representation are considered during the assessment of the DA and appropriately summarised and commented on in the Notice of Decision.

The assessment of your application will now be finalised taking into consideration the representations that have been received. You will be advised in writing of the decision as soon as the DA has been determined.

All available representations will be sent through Objective Connect.

Regards,

Kalon Roncon | Team Leader – DA Notification

Phone: 02 6207 1923 | Email: ACepdcustomerservices@act.gov.au

Chief Minister Treasury and Economic Development Directorate | Access Canberra – Land, Planning and Building Services

8 Darling Street Mitchell ACT 2911 | GPO BOX 158 Canberra ACT 2601 |

www.act.gov.au/accessCBR



From: [REDACTED]
To: [AC, EPD Customer Services](#)
Subject: PLEASE ADD TO RECEIVED REPS - KR 07/12/21 - DA202139248 representation - [REDACTED]
Date: 7 December 2021 10:49:41
Attachments: [DA202139248 objection to 4 storey commercial development over B\(13+23\) S22 Giles St Kingston](#) [REDACTED].msg

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear EPDCustomerServices

I submitted my representation to DA202139248 within the notification period on 23 November 2021. I have attached the email as sent. It was not until it was brought to my attention that my representation was not included in a list provided by EPSD that I was alerted to any problem. Only today have I noticed that I made a mistake in the email address having put 'ACEPDCCustomerServices@act.gov.au' wrongly inserting an additional "C". But I did not receive the usual "undeliverable to this address" bounce back so I thought no more of it. I assumed your acknowledgement was delayed.

Please would you now consider accepting my representation to DA202139248 as it was emailed on time in good faith.

Regards

[REDACTED]
[REDACTED]

Contact: [REDACTED]

[REDACTED]

23 November 2021

ACEPDcustomerservices@act.gov.au

To the ACTPLA assessment team

I request that ACTPLA refuse a reduction in the number of onsite parking spaces required under the Parking and Vehicular Access General Code for DA202139248.

Parking generated by a development is generally required to be accommodated onsite or may be located in spare capacity in on-street or off-site parking areas at the discretion of the Authority. Parking is at a premium in Kingston and the Foreshore as a result of a number of planning decisions initiated by developers for their profit with scant regard for community access, safety and amenity.

I draw to your attention that in the three most recent new developments in old Kingston, ACTPLA has already enabled developers to downsize a significant number of the requisite parking spaces. The Authority has approved reduction of spaces usually achieved through an amendment process post notification and not available for public comment. In pre-DA "consultation" for DA202139248 no parking information was provided by this developer.

The major Atria/Supabarn development extracted 33 spaces from the public allowance which had been the required replacement pertaining to the former Eyre St public parking area. In stark contrast to the Gunghalin Abode which has 61 onsite parking spaces for 61 rooms, the Kingston Abode was approved with 21 onsite spaces for 63 apartment units. This development resulted in travellers taking over the public street parking on Eyre and Kennedy Streets which is in great demand especially in restaurant opening hours.

Thus, in support of approval for Geocon on Kennedy St, ACTPLA enabled a reduction of 23 onsite parking spaces from the number required under the *Parking and Vehicular Access General Code* for a hotel. A number of parking spaces in the lane of the shopping centre were reserved for medical uses. Prior to Ochre these were available for public parking.

Parking is a defining reality and the current situation of parking spaces available in the Kingston Centre nearest the site of the proposed commercial/office use at 84-86 Giles St is under pressure. Congestion results and safety is compromised when cars are circling the main block searching for a parking space. This is the situation now, prior to DA202139248.

The Traffic and parking report in this DA maintains that the car parking allowance is insufficient to meet the requirements of the Parking and Vehicular Access General Code. Because of this shortfall, it is intended to use local parking spaces that are already in regular and frequent use - including the public parking area (Block 33 Section 22) behind the proposed development. This will result in even more demand and pressure on existing parking. The DA shows no concern for the businesses that back onto the parking area or for the constant flow of visitors and shoppers to the area. Shops, restaurants, cafes and professional offices in Kingston rely on parking availability for their clients.

Should ACTPLA support Geocon in its bid to provide 103 onsite car parking spaces when 140 are required, then the reduction in the number of parking spaces available to the public since 2018 totals more than 100.

This is unsustainable.

DA202139248 Traffic Report has failed to provide adequate parking. I request that ACTPLA take account of the following;

- The Developer's Report has identified available off-site parking within 200-400 metres of the proposed development but fails to analyse the occupancy rates of those spaces to see if they can provide the backup for the development at times when needed;
- Nor does the DA's report clarify whether the provided parking is long or short stay and therefore able to meet the needs of the customers, tenants and employees of the premises;
- Nor does the developer's report take regard of other DAs which have already taken account of the same spaces to be available. This would include the Geocon Abode;
- It is not clear if traffic generation estimations are based on the current total scale of the development or one which excludes the lobby, amenities and service areas;
- With daytime parking restrictions already in place the commercial and residential areas of Kingston are impacted further when parking spaces are not provided onsite whether for a new development or under an existing use in the Kingston Centre;
- Inadequate parking spaces will reduce parking availability to the existing community. When considered cumulatively with the previous developments in Kingston and their erosion of parking spaces the impact is significant. Ideally the DA should have demonstrated how there will be no adverse impact on parking for the local residents or at best where the developer had created an improvement;

The Commercial Zones Development Code advises; *The onus is on the applicant to demonstrate that the relevant criterion is satisfied.* ACTPLA assessment team must consider C45 c) with regard to the significant impact of this excessive form of the building that will increase parking off-site. This DA fails to minimise the detrimental impacts of the scale of this building under **Element 14: Buildings**. The Rule 45 must apply for only a 2 storey building on this site.

I request that ACTPLA refuse DA202139248 in its present application

In an acknowledged busy residential and commercial area such as Kingston, developers should be required to build-in measures which improve not negatively affect environmental and amenity issues. Until this developer can do this or demonstrate absolutely no negative traffic impacts from his proposal, this development in its present application should be refused.

Thank you for the opportunity to comment.

██████████
Long term resident of *Kingston Heritage Precinct* and previously *Barton Heritage Precinct*

████████████████████

From: [AC, EPD Customer Services](#)
To: purdons@purdon.com.au
Subject: CLOSE OF PUBLIC NOTIFICATION-202139248-13/22 KINGSTON (104 Representations, 1 Confidential Representations)
Date: 29 November 2021 09:04:00
Attachments: [image001.png](#)

OFFICIAL

CLOSE OF PUBLIC CONSULTATION PERIOD

BLOCK 13 SECTION 22 SUBURB KINGSTON

The public consultation period for DA 202139248 has now closed.

Attached for your information is a copy of all representations received by the Environment, Planning and Sustainable Development Directorate during the public consultation period.

1 Representors applied for and received approval under section 411(5) of the *Planning and Development Act 2007* to have all of their representation excluded from being made available for public inspection.

Although representations of this nature are not disclosed to the applicant, issues raised in the representation are considered during the assessment of the DA and appropriately summarised and commented on in the Notice of Decision.

The assessment of your application will now be finalised taking into consideration the representations that have been received. You will be advised in writing of the decision as soon as the DA has been determined.

All available representations will be sent through Objective Connect.

Regards,

Kalon Roncon | Team Leader – DA Notification

Phone: 02 6207 1923 | Email: ACepdcustomerservices@act.gov.au

Chief Minister Treasury and Economic Development Directorate | Access Canberra – Land, Planning and Building Services

8 Darling Street Mitchell ACT 2911 | GPO BOX 158 Canberra ACT 2601 |

www.act.gov.au/accessCBR



George Cilliers
Environment Planning and Sustainable Development Directorate
480 Northbourne Avenue,
Dickson ACT 2602

13 December 2021

Via email submission.

RESPONSE TO PUBLIC REPRESENTATIONS ON DA 202139248 BLOCKS 13 & 22 SECTION 22 KINGSTON

This letter has been prepared by Purdon Planning on behalf of the proponents Geocon. This letter is provided to assist EPSDD in their assessment of the proposal on the subject site. It does so by providing a response to the themes and/or issues raised in the Public Representations submitted. These representations were provided during the public notification period which occurred between 14 October 2021 and 23 November 2021.

DA 202139248 was lodged on the 1st of October 2021, for a Commercial Development, including:

- Demolition of the two existing buildings
- Construction of a new four-storey commercial building with two level basement that includes car parking
- 5 surface carparking spaces, landscaping, removal of one verge crossing from Giles Street and modified vehicle access to Block 33 to the south of site and associated works.

In total 101 individuals and organisations provided representations that were viewable to the applicant, some providing more than one submission.

Please find attached a summary of the representations categorised by the themes or issues raised in each submission, along with a planning response to each of these topics.

Feel free to reach out to us for any query related to the above matter on 6257 1511.

Thank you



Richard Nash
General Manager

Attachment 1 – Response to Public Representations

Issue	Planning Response
<p>Height/C45 Commercial Zones Development Code</p>	
<p>89 of the 101 submissions noted Height (often in general terms) or Specifically R45/C45 of the Commercial Zones Development Code which states:</p> <p><i>R45</i></p> <p><i>The maximum number of storeys is 2.</i></p> <p><i>C45</i></p> <p><i>Building comply with all of the following:</i></p> <p><i>a) are compatible with the desired character</i></p> <p><i>b) are appropriate to the scale and function of the use</i></p> <p><i>c) minimise detrimental impacts, including overshadowing and excessive scale.</i></p> <p>The representations which mentioned height more often than not, explicitly stated that they believed two storeys in height would be preferred to the proposed four storeys. All but one representation that mentioned height as a concern did so in conjunction with other issues.</p> <p>Many of the representations detailed a response to each of these criteria to show why the height was inappropriate. Where these issues were also raised separately to height, they are detailed elsewhere in this response (notably character, overshadowing and plot ratio).</p> <p>Many representations asserted the building was too high but did not provide further detail in relation to the C45 Criteria or other issues as to why the height was inappropriate.</p>	<p>For clarity, no roof top garden space is proposed. The roof top plant area maximum height is noted on Section B-B that was submitted with the application - RL: 583.7, which results in a Building height of 18.03m from the Finished Ground Floor level to the top of plant screening. The plant area was considered when developing the overshadowing diagrams that have been submitted with the DA.</p> <p>We consider the previously submitted response to the criteria is valid, this is reproduced below:</p> <p>The building on-site is compatible with the desired character specified in the Kingston Precinct Code as follows:</p> <ul style="list-style-type: none"> • The proposal vastly improves pedestrian connectivity through the rear laneway connection to Eyre Street. The proposal will also improve pedestrian experience along Giles Street with an activated façade enhanced with landscaping and architectural character. • Active shopfronts are provided along the street frontage. The ground floor design provides access through the middle of the building to provide additional frontages, meaning the potential for additional outlets and interest to the street and connecting through the laneway. • The proposal will contribute to activity in the rear laneway. It is hoped that opening up through traffic for pedestrians, other businesses will be able to activate the laneway further with activities such as alfresco dining. • As detailed in the submitted planning report, the proposal has considered all relevant heritage nominations to inform the design.

Many representations noted that the height of a four-storey office building is similar to that of a five-storey residential building. Many people also stated that the height of building had not included the roof top plant area. Some representations stated that no or not enough justification had been provided as to why the proposal meets the C45 Criteria. Some people indicated that they thought the proposal included a roof top garden space which would further add to the height. Some representations asserted that in permitting a four storey building on this site would set a precedence that would be followed by others.

Some people also responded to the defunct *CZ2 Office Areas Outside Centres Development Code*.

Please refer to the Heritage report by Eric Martin and Associates, which identifies multiple heritage nominations within the vicinity of the site, including for Block 13 Section 22. Both the findings of the submitted heritage report and the entity advice provided by the Heritage Council demonstrate the Kingston Chambers is not worthy of Heritage Registration as it does not reach the thresholds of any criterion and although a similar scale to the Kingston shops, it is not architecturally outstanding and therefore does not inform the design of the proposal (Refer to Heritage report and Heritage Council advice for further detail).

As detailed in the ACT Heritage Council advice that has been provided on referral through the DA referral process:

While the Council has not yet made a formal decision on whether or not to provisionally register the Kingston Chambers on the Register, the nomination has been assessed by the Council's Registration Taskforce, who consider that the place is unlikely to meet heritage significance criteria set out in Section 10 of the Heritage Act 2004.

In forming this view, the Registration Taskforce consider that: there is no evidence that it has played an important part in the ACT's cultural history; and that it is not uncommon, rare or endangered; and that its aesthetic characteristics are not valued by the ACT community; and that it does not have a special association with the life or work or persons important to the history of the ACT.

For these reasons, the Council considers that the Kingston Chambers is unlikely to be of heritage significance, and therefore its proposed demolition is unlikely to have detrimental heritage impacts.

Further attention was given to other nominations, and it is considered the design is a contemporary expression of the heritage buildings and character of the locality. Specifically, the building expresses part of its form and the choice of materials in reference to the post office building on the corner of Jardine Street and Giles

Street (as seen in Figure 14 of the planning report). The Kingston Post Office has been nominated to the ACT Heritage Register but provides limited information. Additional research and analysis undertaken by Eric Martin and Associates provides further details and concludes: The significance of the building is in the fine design by Limberg and its history as part of South Canberra and the role it has played in delivery postal services after World War II. This significance is reflected in the design of the street façade adjacent to the Kingston Post Office, which incorporates the cream brick and detailing of the Post Office whilst providing a change of scale that is not considered overpowering. The architecture has simple form which suits the heritage setting of the centre.

This opinion has been reinforced by the ACT Heritage council review which states:

While the Council has not yet made a formal decision on whether or not to provisionally register the Kingston Post Office on the Register, the nomination has been assessed by the Council's Registration Taskforce, who consider that the place is likely to meet heritage significance criteria set out in Section 10 of the Heritage Act 2004.

In forming this view, the Registration Taskforce consider that the building is likely to be of heritage significance as the oldest surviving suburban post office building in Canberra, and that its form and architectural style is representative of the period and the government service it provided. Despite a later sympathetic addition, the Registration Taskforce also consider that the original building has integrity and is in good condition...

While the architectural form of the new building within Blocks 13 and 22 Section 22 Kingston is not subject to Heritage Act 2004 provisions, the Council notes that its design and materiality appear considerate of its relationship to the Kingston Post Office, with the adoption of a matching brick façade finish and architectural relief

that interfaces at the side of the development adjacent to the building. The setback between the Kingston Post Office and the new development also provides for separation and visual relief between the two buildings.

The Council also notes that the new development is spatially separate from, and will not affect, the Jardine Banking Row and the Kingston Shops nominations, which the Council considers are also likely to be of heritage significance.

For these reasons it is considered the proposal adequately addresses the relevant heritage concerns of the public through design.

- The scale of the building takes reference to development adjacent on Giles Street, with heights comparable to the residential building on Block 53 Section 26, while the Section 26 development sits outside of RC3, it is still considered to provide reference to the desired character of the locality. The proposal achieves this while minimising overshadowing and overlooking impacts to nearby residential developments and pedestrian areas.
- The building is appropriate for the scale and function of an office block, noting no office is proposed at the ground level. The height of the building sits within the scale of the existing tree line along Giles Street.
- The design has located the bulk of the building away from nearby residents and towards the west as far as possible, noting that adjacent buildings such as the Holford have minimal setback to the adjoining boundary, to minimise any detrimental impacts such as overshadowing. While at a higher height than buildings currently on the site, the orientation of buildings minimises impacts such as overshadowing to nearby residences to the Northeast. As a result of this, overshadowing is minimised to the adjacent apartment block, with minimal overshadowing during the winter solstice.

	<ul style="list-style-type: none"> The scale of the building is in keeping with the height of other buildings within the Group Centre (as noted in the study provided in the SAC) including the residential building across the road at Block 53 Section 26. The proposed building aligns with the Kingston Group Centre Master Plan which nominated the site for a four-storey building, with promotion of commercial use within the Jardine Precinct. <p>Overall, the proposed building meets the desired character specified in the Precinct Code, is of a reasonable scale for the locality and reduces adverse impacts to existing residents such as overshadowing and overlooking.</p>
<p>Character/Desired Character</p>	
<p>68 of the 101 representations mentioned Character or Desired Character. All but one of these representations did so in conjunction with height or also mentioned height in the same representation. All but two of these representations also mentioned Heritage, with many combining the two as being interrelated (i.e. the “historic character of old Kingston”). Some representations went into detail about the desired character, many simply noted the building as proposed was out of character for the area, or out of character for the street and resulting streetscape.</p> <p>Often the design itself was mentioned as being out of character. This included height, but also included colours and materials. It was largely agreed the design was contemporary and that this modern design was incompatible with the historic character of the Kingston Group Centre.</p> <p>Of the representations that went into greater detail on character, these representations asserted that the character of the Kingston Group Centre was low-rise, setback buildings with landscaping in the setback and pale colours.</p>	<p>The architectural design of the building has been carefully considered and has taken inspiration from the Kingston Group Centre. Although discussed later in this response, the ACT Heritage Council has reviewed the proposal and has found the design is in keeping with the heritage qualities of the adjacent post office. The Heritage Council also found the demolition of the Kingston Chambers was compliant with the Heritage Act noting that it does not meet any thresholds for preservation. The heritage council found the proposal did not diminish the overall heritage character of the Kingston Group Centre. Both the CZ2 zone objectives and the Kingston Precinct Code desired character statement informed the desired character of the proposed design.</p> <p>As per the submitted Statement Against Criteria the design is in keeping with the objectives of the Zoning through:</p> <ul style="list-style-type: none"> Provision of a centrally located A-Class office space (that is not currently provided elsewhere in the Kingston Group Centre) close to the retail and services offered at the Kingston Foreshore and within the Group Centre.

- Contributes to the range of accommodation sizes and qualities for office use in the locality.
- and the proposal provides options for goods and services outlets at the ground floor of the proposed building and will result in increased daytime usage of Group Centre retail and dining opportunities.
- Enhances the pedestrian experience and permeability through the site from the laneway to the Giles Street public pedestrian network.
- Contributes positively to the streetscape through contemporary design which will encourage use of the street for active travel as a thoroughfare between the Group Centre and the Foreshore.
- The provision of office and business sites that are accessible to public transport to promote active living and active travel, noting the nearby rapid public transport stops on Wentworth Ave (250m walk of the site).

The proposed development is consistent with the desired character statement of the precinct code as follows:

- The proposal vastly improves pedestrian connectivity through the rear laneway connection to Eyre Street (as demonstrated in Figure 11 of the report). The proposal will also improve pedestrian experience along Giles Street with an activated façade enhanced with landscaping and architectural character (as demonstrated in Figure 12 of the report).
- Active shopfronts are provided along the street frontage. The ground floor cuts in at the core of the site and provides additional tenancy opportunities to increase activity at the street and connection through to the laneway (refer to Figure 11, Figure 12 and Figure 13 of the report).

- The proposal will contribute to activity in the rear laneway. Opening up this section of laneway to through traffic for pedestrians, other businesses will be able to activate the laneway further with opportunities for active uses.
- As detailed in the submitted planning report, the proposal has considered all relevant heritage nominations to inform the design. Please refer to the Heritage report by Eric Martin and Associates, which identifies multiple heritage nominations within the vicinity of the site, including for Block 13 Section 22. Both the findings of the submitted heritage report and the entity advice provided by the Heritage Council demonstrate the Kingston Chambers is not worthy of Heritage Registration as it does not reach the thresholds of any criterion and although a similar scale to the Kingston shops, it is not architecturally outstanding and therefore does not inform the design of the proposal (Refer to Heritage report and Heritage Council advice for further detail).

As detailed in the ACT Heritage Council advice that has been provided on referral through the DA referral process:

While the Council has not yet made a formal decision on whether or not to provisionally register the Kingston Chambers on the Register, the nomination has been assessed by the Council's Registration Taskforce, who consider that the place is unlikely to meet heritage significance criteria set out in Section 10 of the Heritage Act 2004.

In forming this view, the Registration Taskforce consider that: there is no evidence that it has played an important part in the ACT's cultural history; and that it is not uncommon, rare or endangered; and that its aesthetic characteristics are not valued by the ACT community; and that it does not have a special association with the life or work or persons important to the history of the ACT.

For these reasons, the Council considers that the Kingston Chambers is unlikely to be of heritage significance, and therefore its proposed demolition is unlikely to have detrimental heritage impacts.

Further attention was given to other nominations, and it is considered the design is a contemporary expression of the heritage buildings and character of the locality. Specifically, the building expresses part of its form and the choice of materials in reference to the post office building on the corner of Jardine Street and Giles Street (as seen in Figure 14 of the planning report). The Kingston Post Office has been nominated to the ACT Heritage Register but provides limited information. Additional research and analysis undertaken by Eric Martin and Associates provides further details and concludes: The significance of the building is in the fine design by Limberg and its history as part of South Canberra and the role it has played in delivery postal services after World War II. This significance is reflected in the design of the street façade adjacent to the Kingston Post Office, which incorporates the cream brick and detailing of the Post Office whilst providing a change of scale that is not considered overpowering. The architecture has simple form which suits the heritage setting of the centre.

This opinion has been reinforced by the ACT Heritage council review which states:

While the Council has not yet made a formal decision on whether or not to provisionally register the Kingston Post Office on the Register, the nomination has been assessed by the Council's Registration Taskforce, who consider that the place is likely to meet heritage significance criteria set out in Section 10 of the Heritage Act 2004.

In forming this view, the Registration Taskforce consider that the building is likely to be of heritage significance as the oldest surviving suburban post office building in Canberra, and that its form and architectural style is representative of the period and the

government service it provided. Despite a later sympathetic addition, the Registration Taskforce also consider that the original building has integrity and is in good condition...

While the architectural form of the new building within Blocks 13 and 22 Section 22 Kingston is not subject to Heritage Act 2004 provisions, the Council notes that its design and materiality appear considerate of its relationship to the Kingston Post Office, with the adoption of a matching brick façade finish and architectural relief that interfaces at the side of the development adjacent to the building. The setback between the Kingston Post Office and the new development also provides for separation and visual relief between the two buildings.

The Council also notes that the new development is spatially separate from, and will not affect, the Jardine Banking Row and the Kingston Shops nominations, which the Council considers are also likely to be of heritage significance.

For these reasons it is considered the proposal adequately addresses the relevant heritage concerns of the public through design.

- The scale of the building takes reference to the desired scale of development throughout the Kingston Group Centre as detailed in the Kingston Masterplan (Section 5.1 of the report) and in the Kingston Precinct Code. The development is in keeping with its immediate surroundings, such as the residential development on Block 53 Section 26 Kingston, which is comparable in height to the proposal. The proposal achieves this while minimising overshadowing and overlooking impacts to nearby residential developments and pedestrian areas (refer to Context plan, the Shadow perspectives and privacy study diagrams which have all been provided with the DA submission).

Overshadowing

54 representations specifically noted overshadowing concerns. This issue was raised in conjunction with height, often in response to the C45 criterion that mentioned overshadowing.

Generally, these representations considered the overshadowing as detailed in the provided diagrams was unacceptable. Some representations specifically mentioned C20 of the Kingston Precinct Code as being unsatisfied by the proposal.

Some representations stated the shadows as displayed did not provide enough detail or were presented in a way to diminish the overshadowing extent. This included:

- A solid wall at ground level, shown in DA401 Shadow Studies (Holford) where a chain-link fence exists with vegetation.
- An in-depth shadow study provided for shadows cast over Block 14 Section 22 but not for shadows cast over Block 19 Section 22
- Misrepresentation that dwellings at the Holford have PPOS facing Howitt Street
- General distrust in the drawings/statements regarding overshadowing

It is noted that the solid wall does not exist and changes to the affected plan have been made for clarity. However, no deliberate misrepresentation of off-site dwellings has been made within the drawings provided. No mention of the Holford dwellings PPOS facing Howitt Street has been made in the drawings or Planning report provided in the submission. The additional drawing *DA401 Shadow Studies (Holford)*, was made in response to the pre-DA consultation that was undertaken by the proponent team. Another in-depth shadow studies diagram has been provided with this response which shows a similar level of detail to DA401 for Block 19 to the southeast of the site.

When considering overshadowing, it should be noted:

- That dwellings on Block 19 are provided with Private Open Space facing Howitt Street accessible via habitable rooms (to which this development does not provide additional overshadowing).
- That the design and orientation of the adjacent dwellings on Block 14 mean the privacy walls between the PPOS balconies already provides shadowing of the spaces.
- That the shadow effects of the proposed development begin to shadow the PPOS of dwellings on Block 14 from 2:45pm.

With the updated shadow diagrams provided with this response, it is considered the project team have adequately and accurately displayed the shadow effects that will result as a consequence of this development.

It is considered that the additional 15minutes of overshadowing proposed by this development between 9am and 3pm on 21 June shows the development in its current form retains reasonable solar access to dwellings on adjoining blocks and their associated private open space.

Heritage	
<p>52 Representations highlighted Heritage or heritage related concerns as a reason why the proposal should not be approved in its current design.</p> <p>Most of these representations did so generally in relation to the historic character of the Kingston Group Centre. Some representations specifically mentioned the provisionally nominated Kingston Chambers building on Block 13. Some mentioned the adjacent Kingston Post Office on Block 21.</p> <p>Those that mentioned the nomination on Block 13 simply detailed that as it was provisionally nominated this could not be removed without Heritage ACT approval. Some people noted the existing building on Block 13 provided the desired character for the block and should be replicated.</p> <p>Those that mentioned the Kingston Post Office generally did so by highlighting that they believed the proposed development was not sympathetic to the post office building. It was stated by some that the design, colours or materials of the proposed development were not compatible with the Post Office. It was stated by others that the materials that do echo the design of the Post Office were not substantial enough to limit the impact of the new development on the existing Post Office.</p>	<p>As detailed in the submitted planning report, the proposal has considered all relevant heritage nominations to inform the design. Please refer to the Heritage report by Eric Martin and Associates, which identifies multiple heritage nominations within the vicinity of the site, including for Block 13 Section 22. Both the findings of the submitted heritage report and the entity advice provided by the Heritage Council demonstrate the Kingston Chambers is not worthy of Heritage Registration as it does not reach the thresholds of any criterion and although a similar scale to the Kingston shops, it is not architecturally outstanding and therefore does not inform the design of the proposal (Refer to Heritage report and Heritage Council advice for further detail).</p> <p>As detailed in the ACT Heritage Council advice that has been provided on referral through the DA referral process:</p> <p><i>While the Council has not yet made a formal decision on whether or not to provisionally register the Kingston Chambers on the Register, the nomination has been assessed by the Council's Registration Taskforce, who consider that the place is unlikely to meet heritage significance criteria set out in Section 10 of the Heritage Act 2004.</i></p> <p><i>In forming this view, the Registration Taskforce consider that: there is no evidence that it has played an important part in the ACT's cultural history; and that it is not uncommon, rare or endangered; and that its aesthetic characteristics are not valued by the ACT community; and that it does not have a special association with the life or work or persons important to the history of the ACT.</i></p> <p><i>For these reasons, the Council considers that the Kingston Chambers is unlikely to be of heritage significance, and therefore its proposed demolition is unlikely to have detrimental heritage impacts.</i></p> <p>Further attention was given to other nominations, and it is considered the design is a contemporary expression of the heritage buildings and</p>

character of the locality. Specifically, the building expresses part of its form and the choice of materials in reference to the post office building on the corner of Jardine Street and Giles Street (as seen in Figure 14 of the planning report). The Kingston Post Office has been nominated to the ACT Heritage Register but provides limited information. Additional research and analysis undertaken by Eric Martin and Associates provides further details and concludes: The significance of the building is in the fine design by Limberg and its history as part of South Canberra and the role it has played in delivery postal services after World War II. This significance is reflected in the design of the street façade adjacent to the Kingston Post Office, which incorporates the cream brick and detailing of the Post Office whilst providing a change of scale that is not considered overpowering. The architecture has simple form which suits the heritage setting of the centre.

This opinion has been reinforced by the ACT Heritage council review which states:

While the Council has not yet made a formal decision on whether or not to provisionally register the Kingston Post Office on the Register, the nomination has been assessed by the Council's Registration Taskforce, who consider that the place is likely to meet heritage significance criteria set out in Section 10 of the Heritage Act 2004.

In forming this view, the Registration Taskforce consider that the building is likely to be of heritage significance as the oldest surviving suburban post office building in Canberra, and that its form and architectural style is representative of the period and the government service it provided. Despite a later sympathetic addition, the Registration Taskforce also consider that the original building has integrity and is in good condition...

While the architectural form of the new building within Blocks 13 and 22 Section 22 Kingston is not subject to Heritage Act 2004 provisions, the Council notes that its design and materiality appear considerate of its

	<p><i>relationship to the Kingston Post Office, with the adoption of a matching brick façade finish and architectural relief that interfaces at the side of the development adjacent to the building. The setback between the Kingston Post Office and the new development also provides for separation and visual relief between the two buildings.</i></p> <p><i>The Council also notes that the new development is spatially separate from, and will not affect, the Jardine Banking Row and the Kingston Shops nominations, which the Council considers are also likely to be of heritage significance.</i></p> <p>For these reasons it is considered the proposal adequately addresses the relevant heritage concerns of the public through design.</p>
<p>Traffic/Parking</p>	
<p>Traffic concerns were noted by 31 representations as an issue of concern. Many noted this generally as ongoing consequence of the development when built, some also noting parking concerns in passing.</p> <p>Some representations detailed specific traffic concerns during the construction phase with particular attention to the submitted Temporary Traffic Management Plan and/or traffic impacts on the Eyre Street markets development, Eyre Street traffic and the traffic/parking concerns within Block 33. Generally, it was considered by these representations that the TTMP showed unacceptable levels of disruption to the traffic in the area.</p> <p>Some people mentioned both traffic and parking, but three submissions specifically noted issues with the parking but not the traffic. It was stated that the parking provided on-site was not in accordance with the generation rate and that the existing publicly available parking in the area could not accommodate the additional cars required by this perceived lack of provision.</p>	<p>General ongoing traffic concerns have been addressed by the submitted Transport Impact Assessment report by Cardno. This report shows the existing road network can accommodate the additional traffic likely to be created by this development. This report details an expected traffic generation from this proposal to be 163 trips in the morning, and 148 trips in the afternoon/evening. The report concludes that no significant impact will be felt on the nearby Wentworth Avenue/Giles Street intersection nor with regard to the safety of the Driveway proposed.</p> <p>The proponent is open to amending the Temporary Traffic Management Plan should it be concluded by the relevant authority that the submitted plan is not sufficient with regard to TCCS/EPSSD requirements.</p> <p>As detailed in the submitted Statement Against Criteria, utilising the ground floor area for the highest parking generation rate uses, the required parking for this development is 155 car parking spaces. According to the Parking and Vehicular Access General Code, these can be provided on site, within the existing street network, or in nearby long-stay commercial car parks.</p>

	<p>The spaces provided on-site include 5 at grade car spaces and two basement levels containing 94 car spaces. It is assumed that part of these 99 spaces provide for all the operational parking requirements of the development. Of the remaining 55 car spaces, some will likely be required to be short stay or visitor parking. These are able to be provided both within the street network within 200m (which permits parking time limits from 5mins to 3hrs) or within the two commercial car parks on Tench Street and Eyre Street, which are both within 200m of site. All long stay parking is expected to be able to be accommodated within these commercial car parks or on-site.</p>
<p>Setbacks</p>	
<p>Setbacks including side and front setbacks were noted as being insufficient in size or of poor design by 29 representations. It was generally considered the setback to the East of the site should be enlarged to lessen the perceived overlooking and overshadowing effects of the proposal, and to allow for substantial plantings to grow in this space. Additionally, two representations asserted this space would only be used for smoking, which would decrease the residential amenity of those adjacent.</p> <p>The representations that mentioned the front setback noted this should be enlarged and filled with vegetation to reduce the perceived bulk of the building. The setback was noted by representations when discussing the character of the Kingston Group Centre as an important component of a development .</p>	<p>Under the relevant provisions of the Territory Plan, no side setback is required. The considered side setback provided allows for a service easement and physical separation from adjacent dwellings. In this respect it is considered sufficient.</p> <p>Rule 19 of the Kingston Precinct Code states:</p> <p><i>This rule applies to development in sections 21 and 22.</i></p> <p><i>Buildings are built to the front boundary.</i></p> <p>The proposed nil front setbacks are consistent with the Territory Plan. Where possible a lower-level front boundary setback is provided to Giles Street to enhance the design of the proposal in response to the Pre-DA consultation commentary.</p>
<p>Landscaping/Tree Removal</p>	
<p>25 Representations mentioned that the proposed landscaping was lacking and/or that more landscaping should be provided and/or that the Tree Removal proposed with this application was non-compliant.</p>	<p>Landscaping has been provided within setbacks across the site. The landscaping has been provided at the front boundary in response to Pre-DA community consultation. The landscaping provided has been considered and the vegetation proposed is suitable for the locations proposed. Any further provision of landscaping would likely result in an</p>

Some representations made reference to the ACT Climate Change Strategy or the Living Infrastructure plan which seeks 30% canopy cover for the ACT. Others mentioned this lack of landscaping provided a poor response to the desired character for the site which they asserted was low-rise, setback buildings with landscaping in the setback and pale colours. People also noted that this development would remove the existing vegetation on site, and this was not welcomed. Some people noted the LMPP required trimming of street trees for access to the site during construction, which was not welcomed.

increase in height to accommodate the amount of Class A office space proposed. As detailed in the Statement Against Criteria there is no requirement for landscaping further than what has been provided. It is important to note that landscaping nor greenery or similar do not form part of the desired character for the centre either within the zone objectives for CZ2 nor within the Kingston Precinct Code statement of desired character.

It is acknowledged that the 30% canopy cover rule applies to all areas of the ACT both within private leases and government land (such as road reserves). There is no current requirement for such canopy cover within this site.

Tree removal is proposed as part of this DA. The proponent team consider the removal of the tree on Block 33 crucial to the use of the site and the efficient collection of waste, and goods loading/unloading which will use the entry of Block 33 to keep these activities away from Giles Street to result in an enhanced Giles Street streetscape. Activation of the laneway hinges on removal of the tree, with the alternative being access from Giles Street entirely with the result being a constant disruption to through traffic. The proposal in its current form enables service vehicles to access the site from the rear, but most importantly provides a thoroughfare for pedestrians through the laneway and onto Giles street. We intend this as a catalyst for future movement of pedestrians and thus an incentive for some businesses to further activate the laneway to through traffic.

It is considered that works within block 33 can be undertaken to ensure this area is revitalised as a functioning laneway and the proposed development would ensure its use through ground level visitor car spaces and pedestrian access from Giles Street to Block 33 during operational hours. In this provision, the proposal responds well to the desired character for the site which requires *commercial developments*

	<p><i>that encourage activity in Highgate Lane and other laneways and good pedestrian connections to and within the centre.</i></p>
<p>Overlooking/Privacy</p>	
<p>Overlooking/Privacy concerns were raised by 21 representations. All that did mentioned this in conjunction with the height.</p> <p>It was asserted that those within the proposed office spaces within the development, would be overlooking or invading the privacy of residents and their private open space in the adjacent blocks.</p> <p>More often than not, the representations which mentioned this did so without further detail than the above. Some representations detailed how the privacy measures (screening to the North-eastern façade) that were put into the design following the Pre-DA consultation were insufficient. Of these it was common to note that the eye height of 1.6m was not considered the common eye height for people in 2021 or that perforated screens had holes that prevented their use as screening devices.</p>	<p>Following the Pre-DA consultation, it was considered that overlooking and overshadowing were major concerns of the public. This is why additional details were provided with the DA submission for consideration at assessment with regard to overshadowing. This is also why privacy screening and changes to the fenestration of the north-eastern façade was undertaken between consultation and DA submission.</p> <p>As shown in the submitted DA310 Privacy Detail Section a person with an eye height of 1.6m standing at the edge of the office floor would not have a direct line of sight into the Private Open Spaces of the dwellings adjacent. The 1.6m height has been used to show how these privacy measures exceed compliance with the 1.5m eye height as stipulated in R60 of the Multi Unit Housing Development Code. It should also be noted that in an office, the majority of people are going to be using this space during 9am-5pm hours, Monday to Friday. Whereas home usage will fluctuate throughout the day and night and on weekends, which will reduce interaction between the buildings.</p> <p>As shown in the submitted Eastern Privacy Study, this development has responded to concerns raised by the community and the changes are considered sufficient to ameliorate overlooking to the adjacent residential properties.</p>
<p>Plot Ratio/Scale & Density</p>	
<p>Plot ratio or scale & density were raised as concerns for 18 representations. Many did so briefly, mentioning that the plot ratio for the block was 100% and that exceeding this required reasoning, that was not adequately provided in the DA submission. Scale and density</p>	<p>The scale of the building was carefully considered in design and the proponent maintains that the response provided in the submitted Statement Against Criteria against C18 – Plot Ratio of the Kingston Precinct Code. It is noted that the Commercial Zones Development Code</p>

were more often mentioned simply as being excessive without further details or were mentioned in combination with the height as one and the same.

features Rule 46 which states the Plot Ratio for the site is 100%. This rule has criteria, both codes are addressed in the planning report for surety, however only compliance with the Precinct Code is required. The precinct code does not feature a rule that provides control on plot ratio. The previously submitted response to the Criteria remains valid and a portion of this response is provided below:

the Plot ratio achieves consistency with the desired character as it permits the development to activate ground floor shopfronts and activity to the informal laneway whilst retaining enough GFA above to provide for office and business suites that are accessible to public transport, noting the nearby rapid public transport stops on Wentworth Ave (250m walk of the site). The plot ratio also enables offices to be accessible to convenience retailing and services as the site is within the Kingston Group Centre.

The plot ratio provides a building size that permits flexibility in the internal office spaces to allow for a diverse range of accommodation sizes for offices close to the Kingston Group Centre retail core.

A detailed case study of desired or existing Plot Ratios on various sites across the Group Centre is provided within the Planning Report. This study shows the consistency of this proposal with the plot ratios of the surrounding area.

Noise

Noise pollution or concerns about increased noise generated by the development were raised by 17 representations.

Some asserted that noise during construction would be at an unacceptable level. Others asserted that the additional air conditioning generated noise would be operational at an unacceptable level.

It is understood that air conditioning units that will be used when the building is operational will be fully compliant with the relevant Australian Standards which include provisions for noise emission. It is considered these levels are acceptable for the immediate area. Further, these units will be screened for visual amenity and to limit the Noise impact of their operation. It is noted this is not a planning consideration.

It is noted that the Environment Protection Act 1997 does not apply to a motor vehicle being driven on a road (as per Section 8 (1)(e) of the Act).

Some of those that mentioned this did so in relation to development's use of Block 33 both during and after construction due to the traffic the proposal will generate in the carpark.

A limited number of representations that mentioned this also brought up the issue of air pollution.

All construction will occur on-site in compliance with EPA regulations. EPA regulations dictate acceptable noise levels in relation to areas of the city and times of the day/week. It is understood that this will be managed during construction via the Building Certification process and EPA monitoring of the site.

Issues with consultation

17 representations asserted the Pre-DA Consultation was inadequate. Generally, it was considered by these representations that the use of an online meeting during the consultation period was insufficient and failed to provide access to less technically literate people (primarily older people). The majority of these representations asserted this was done on purpose, with one representation highlighting other consultations that were undertaken in person at a similar date. It was considered that an in-person meeting would provide better opportunities for the public to provide commentary to the proponent.

The other issue raised with the Pre-DA consultation process undertaken, was that the concerns of the community as discussed at the consultation event or provided via email to the proponent, were not adequately addressed in the DA submission. Issues such as setbacks, height, overshadowing, heritage and overlooking were raised as issues that had previously been discussed and not adequately addressed in the DA submission. One representation asserted that an independent (i.e. not the government or the proponent) should be used to respond to the community's submissions. One person who made a representation claimed they had not received the flyer for the consultation event but were in the flyer dropoff location as shown in the consultation report. One representation thought the lack of provision of physical plans for viewing by the public resulted in a disingenuous consultation, they also believed that 79 documents were too large for a DA.

Please refer to the submitted consultation plan for an accurate representation of the way in which the consultation was undertaken and how this complied with the *Planning and Development (Community Consultation) Guidelines 2020*. As detailed in the planning report submitted with the DA:

The subject site included a previous approach to the community in June 2020 for a 6 and 8 storey residential development. Discussions with the community informed significant changes to the proposal including reduction to a four storey, commercial development with reduced vehicle access through the rear laneway.

In short, the consultation included:

- Postcard/newsletter advice to surrounding residents and businesses
- Information on the Purdon Planning website
- Links to the Purdon Planning website from the EPSDD website
- Emails to community groups
- Virtual Consultation Session held of the 27th of July 2021
- Media articles in the Canberra Times and Riot Act website
- Opportunity for feedback during the virtual consultation as well as via phone or email to Purdon Planning

	<p>14 written submissions were received during the process. A majority of submissions received expressed general opposition to the development due primarily to the proposed height of the building and the perceived overshadowing and overlooking issues that would result from this.</p> <p>Changes to the design have been made to incorporate feedback received, such as refinement of the facades, enhanced setbacks to minimise overshadowing, mitigation of overlooking through privacy screening and clarity of utility easements.</p> <p>Notwithstanding the ongoing design development for the project during the consultation period, it is confirmed that the proposal as submitted is consistent to that shown to the community.</p>
<p>Kingston Masterplan</p>	
<p>14 representations mentioned the Kingston Centre Master Plan 2011. Most did so to state the masterplan dictated 2 storeys for the site. Some representations asserted that the masterplan’s relevance was in relation to the Kingston Precinct Code, which incorporated many elements of the masterplan. The Notifiable Instrument relating to the precinct code was raised on several occasions.</p> <p>One representation stated that the proponent was not compliant with the masterplan as it did not address the controls that were incorporated into the Precinct Code.</p>	<p>As detailed in the submitted planning report, the Kingston Group Centre Master plan 2011 proposed 4 storey height limits for the subject site. This was addressed in the planning report following the Pre-DA consultation where it was noted by several participants that the masterplan dictated 2 storey height limits for the subject site.</p> <p>The Kingston Precinct Code was addressed in the Planning Report submitted, including the height limit. Refer to the report for details.</p>
<p>Documentation Errors</p>	
<p>13 representations detailed errors or deliberate misrepresentations within the submitted documents. These primarily included (but not limited to):</p> <ul style="list-style-type: none"> • A solid wall at ground level, shown in DA401 Shadow Studies (Holford) where a chain-link fence exists with vegetation. 	<p>All details provided in the submission are made in good faith and are not deliberately false or misleading.</p> <p>It is noted that the solid wall does not exist and changes to the affected plan have been made for clarity.</p>

- An in-depth shadow study provided for shadows cast over Block 14 Section 22 but not for shadows cast over Block 19 Section 22
- Misrepresentation that dwellings at the Holford have PPOS facing Howitt Street
- General distrust in the drawings/statements submitted with the DA

No mention of the Holford dwellings PPOS facing Howitt Street has been made in the drawings or Planning report provided in the submission.

The additional drawing DA401 Shadow Studies (Holford), was made in response to the pre-DA consultation that was undertaken by the proponent team. Another in-depth shadow studies diagram has been provided with this response which shows a similar level of detail to DA401 for Block 19 to the southeast of the site.

Other comments

A number of different issues were raised less than 13 times, these included:

- Two representations highlighted the need for a Geotechnical report to certify that the construction of the basement will not damage the Kingston Post Office.

In response:

- The heritage council have also sought this as a condition of ACT Heritage support. This requires:
 1. An engineering assessment of proposed excavation works within Blocks 13 and 22 Section 22 Kingston, and their potential effects on the Kingston Post Office, is to be submitted to the Council. This assessment must also set out:
 - a. Engineering controls to be adopted during excavation works to ensure the structural stability of the Kingston Post Office; and
 - b. The appropriate vibration monitoring regime to be implemented during excavation and construction works.
 2. The above report is to be endorsed by the Council prior to the commencement of any works Blocks 13 and 22 Section 22 Kingston.

It is therefore considered this report can be a condition of DA approval, and we seek this as part of the approval process.

- Block 33/Laneway Access – where not included in the above issues, 9 representations highlighted access and did so by way of

- It is acknowledged that access off the south-eastern boundary of the site will include use of Block 33, which is currently

concern that the pedestrian access through the site as proposed, did not satisfy the precinct code needs for laneway activation. This was due to it being not a formal laneway but unleased territory land, or that access from the site would only be provided during operational hours, or that the access would not be safe for pedestrians due to the vehicle activity of the driveway/block 33.

- A small number of people asserted there was no commercial need for an office of this size in Kingston. Some representations highlighted the available office space in the Kingston area via online advertisements.
- The easements/substation as proposed were mentioned by three people as a matter of concern. Generally, it was that movement/location of the easement was considered disruptive or dangerous to nearby residents. Another representation asserted there was no turning circle provided in the public notification documentation.
- The use of the North-Eastern setback for smoking was raised as an issue of concern for a limited number of representations.

unleased territory land. For security reasons access through the subject block will be provided during building operational hours. The proponent maintains this is a significant improvement on the current situation which does not permit any through pedestrian access, and in doing so satisfies the desired character of the Kingston Group Centre as detailed in the Kingston Precinct Code. The proponent team consider the use of Block 33 crucial to the use of the site and the efficient collection of waste, and goods loading/unloading which will use the entry of Block 33 to keep these activities away from Giles Street to result in an enhanced Giles Street streetscape. This will also ensure less disruption to the operation of Giles Street as a connecting road between the Foreshore and the Group Centre.

- The commercial basis for this development has undergone internal review. This is not a planning matter. The availability of this size of Class A office space is not apparent in the Kingston area and in the provision of this office positively responds to the desired character as detailed in the submitted Planning report and throughout this document.
- Easement/substation location has been carefully considered and located to ensure there is both a setback to the north-east of the site and a substation located on-site, without limiting the provision of large-scale office space or circulation spaces across the site. It is considered the co-location of easements is able to be provided in a safe and compliant manner. The location of these services has undergone consultation with the relevant entities to ensure this compliance. Turning circles were provided with the DA submission via *C22 Waste Management Plan*.
- This is not a planning matter. As detailed previously the location of the setback was considered to provide for a large plot ratio and the provision of large scale a grade office space within the

- Some representations asserted the DA was for apartments.
 - Some representations asserted the government was corrupt or run by Geocon.
 - It was noted by some representations that this development adds no social or community amenity.
-
- Some representations asserted the North-Eastern façade wall would act as a heat sink to alter the micro-climate of the neighbouring dwellings.
 - Wind turbulence of the proposal was mentioned by some representations, however little detail was provided in relation to this point.
 - Some representations asserted the building would create general pollution or air pollution in its development or operation.

group centre which is compliant with the desired character for the site.

- For clarity, this DA is for commercial use.
- This is not a planning matter.
- The concept of amenity can take many forms, in the case of this proposal the addition of a commercial office provides a positive impact by including an additional use which will support existing businesses and promote further realisation of the day-time/night-time economy fundamental to the economic sustainability of a precinct.

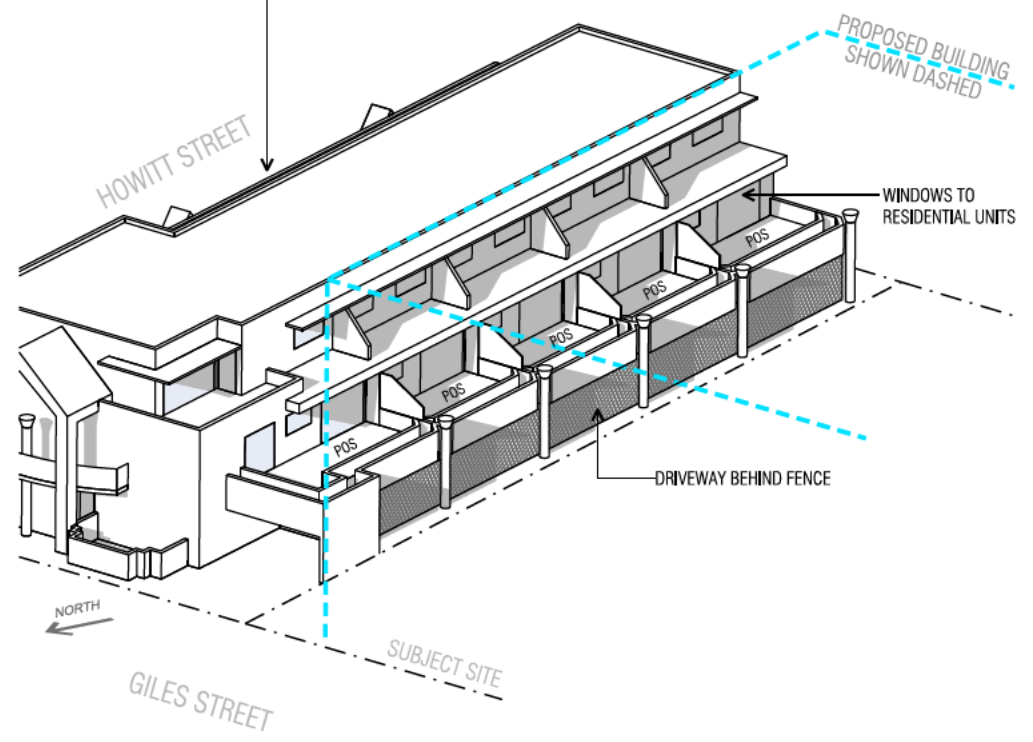
The provision of office in a central location well serviced by services and public transport is also a sought after outcome which will reduce the impact on greenfield sites to meet demand.

An increase in daytime activity on-site and in the adjacent verge, will also provide social amenity in the area.

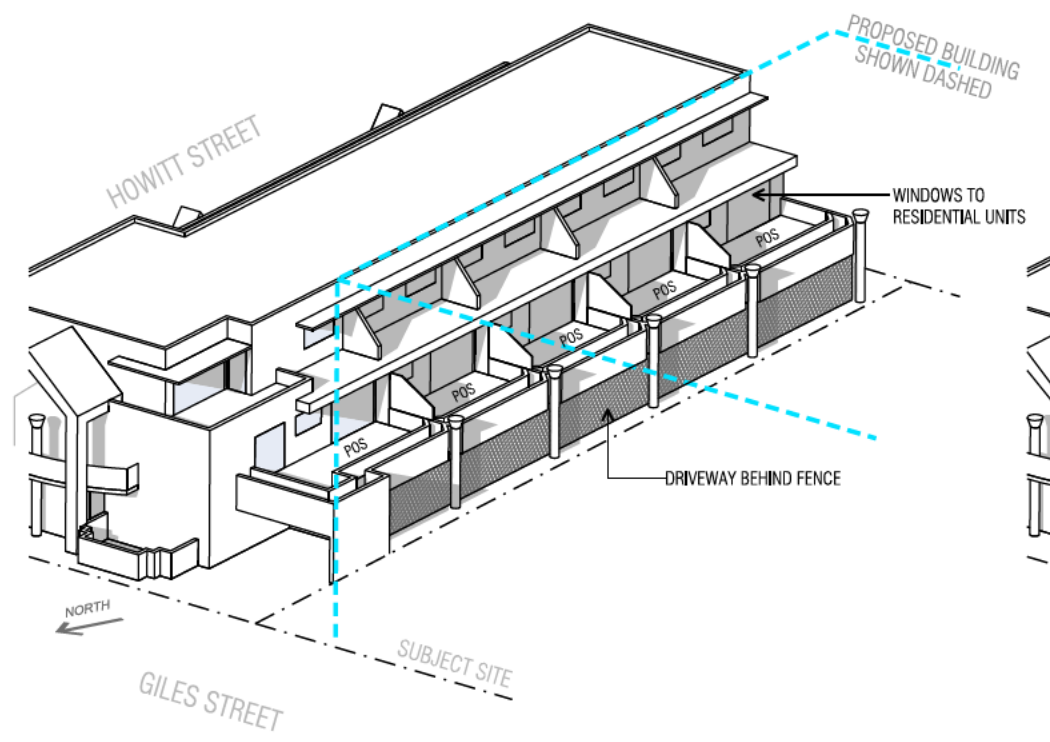
- The materiality and articulation of the façade is unlikely to produce such affects.
- It is noted that wind studies are required for building 19m high and above as per the Commercial Zones Development Code. This development does not meet that threshold.
- The construction and operation of the building will operate within EPA and related guidelines.

- One representation noted the one building over two blocks has been *used to subvert the controls that limit office size* to 2,000m² per lease.
 - One person noted the accessibility report detailed non-compliance with the requirements of the Access and Mobility General Code and other Australian Standards referenced in the DA Access Report.
 - One representation stated that the development and lack of groundwater permeability and this development will encourage flash flooding in the adjacent residential development.
- Please refer to the Site Plan submitted with the application which shows 2,000m² of office GFA on Block 22 and 1,983m² of office GFA on Block 13. This is compliant with R43 of the Commercial Zones Development Code.
 - Compliance with accessibility will be confirmed via the BA stage.
 - As detailed in the submitted documentation, the proposal has addressed the relevant controls of the Water Sensitive Urban Design General Code. It is assumed that adequate on-site measures will be used on other sites to prevent flooding on their block.

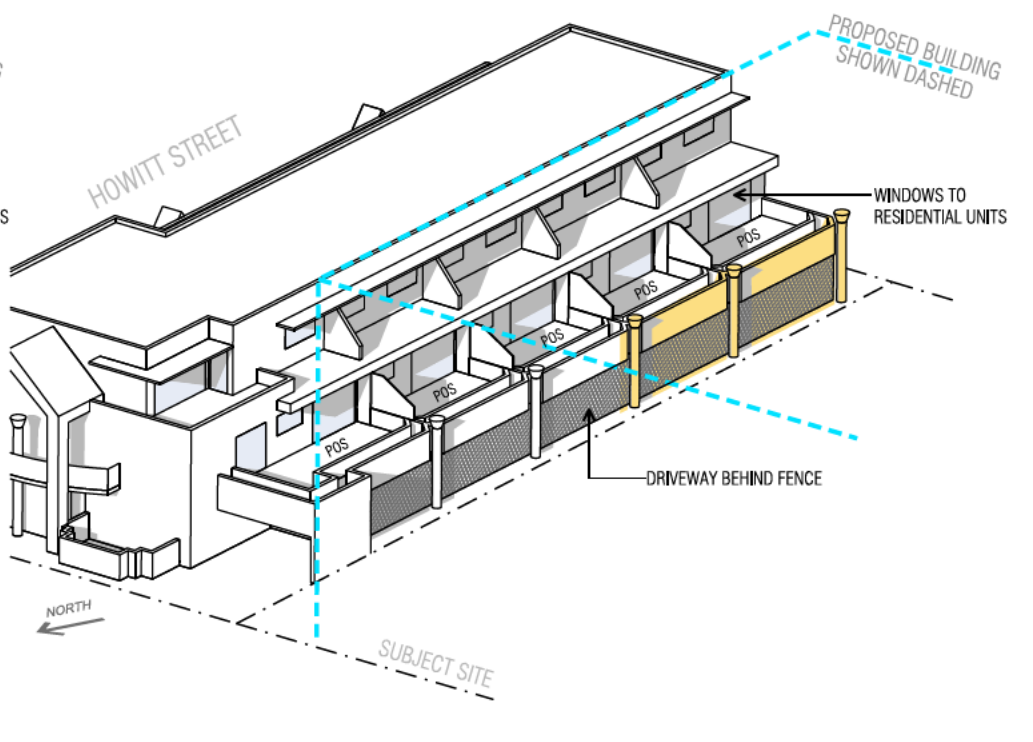
PRIVATE OPEN SPACES OFF LIVING ROOMS FACING HOWITT STREET YIELD SOLAR ACCESS FOR A MINIMUM OF THREE HOURS ON JUNE 21 FROM 9AM



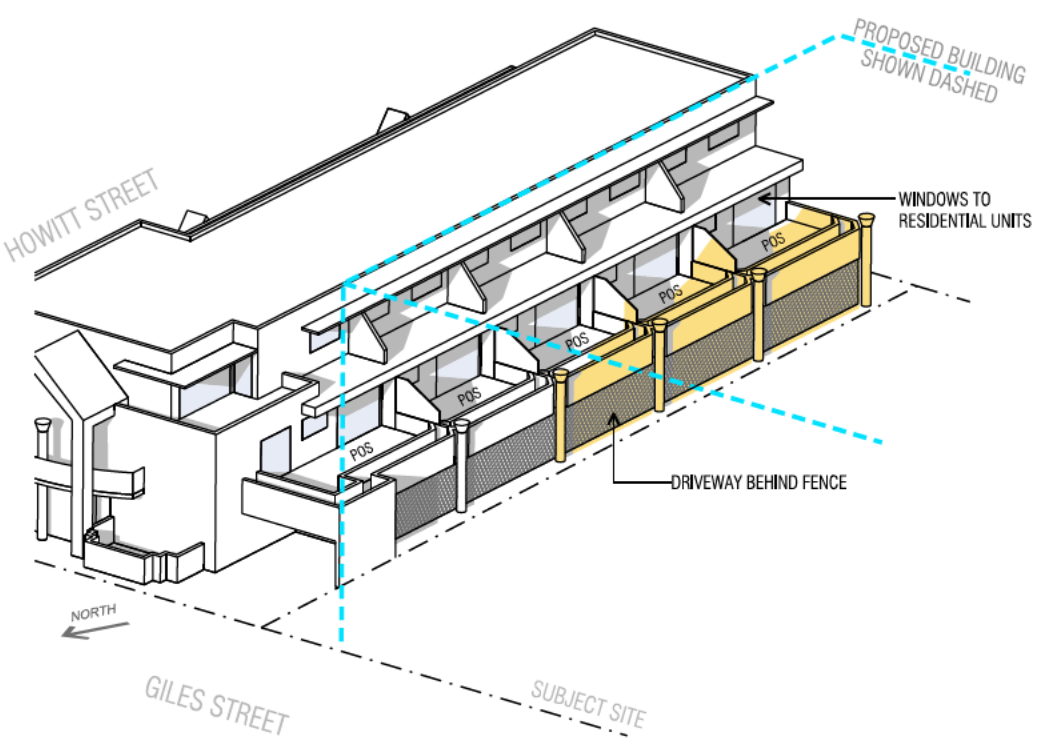
THE HOLFORD - JUNE 21 - 2:00pm



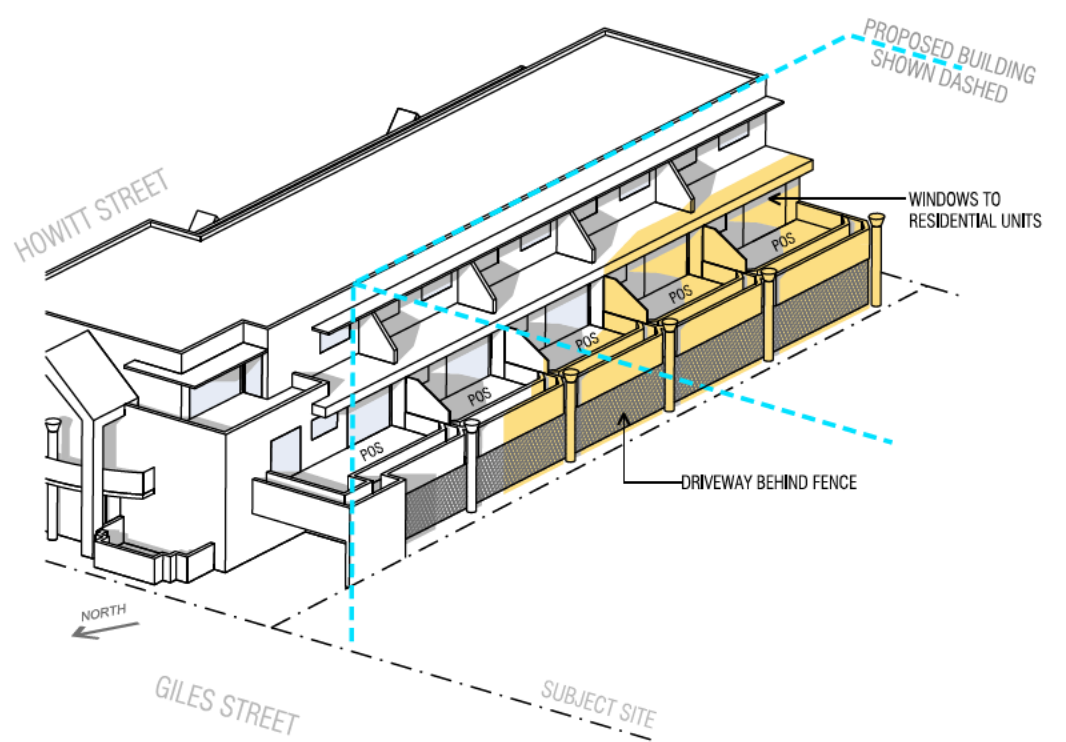
THE HOLFORD - JUNE 21 - 2:15pm



THE HOLFORD - JUNE 21 - 2:30pm




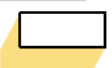
THE HOLFORD - JUNE 21 - 2:45pm



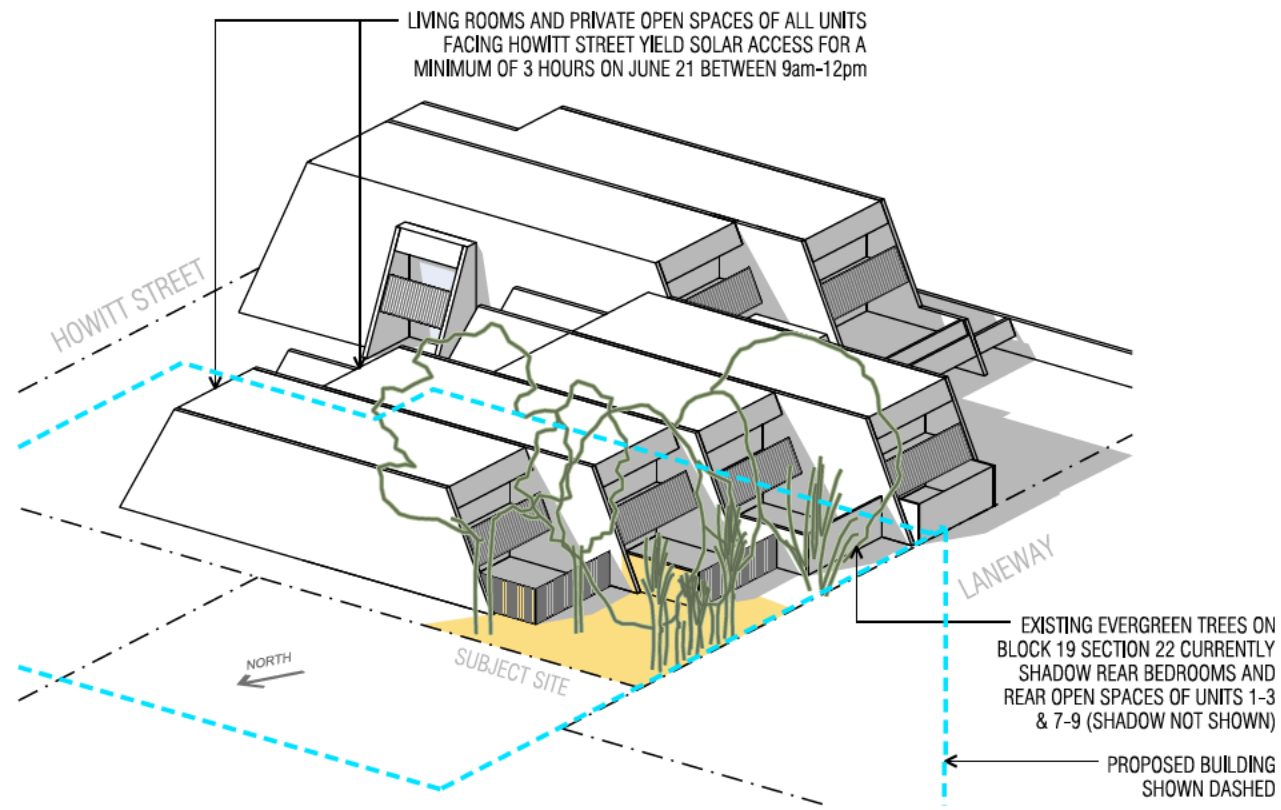
THE HOLFORD - JUNE 21 - 3:00pm

THE PROPOSED DEVELOPMENT DOES NOT CAST SHADOWS ON THE EXISTING DEVELOPMENT ON BLOCK 14 SECTION 22 KINGSTON UNTIL AFTER 2:30pm ON JUNE 21

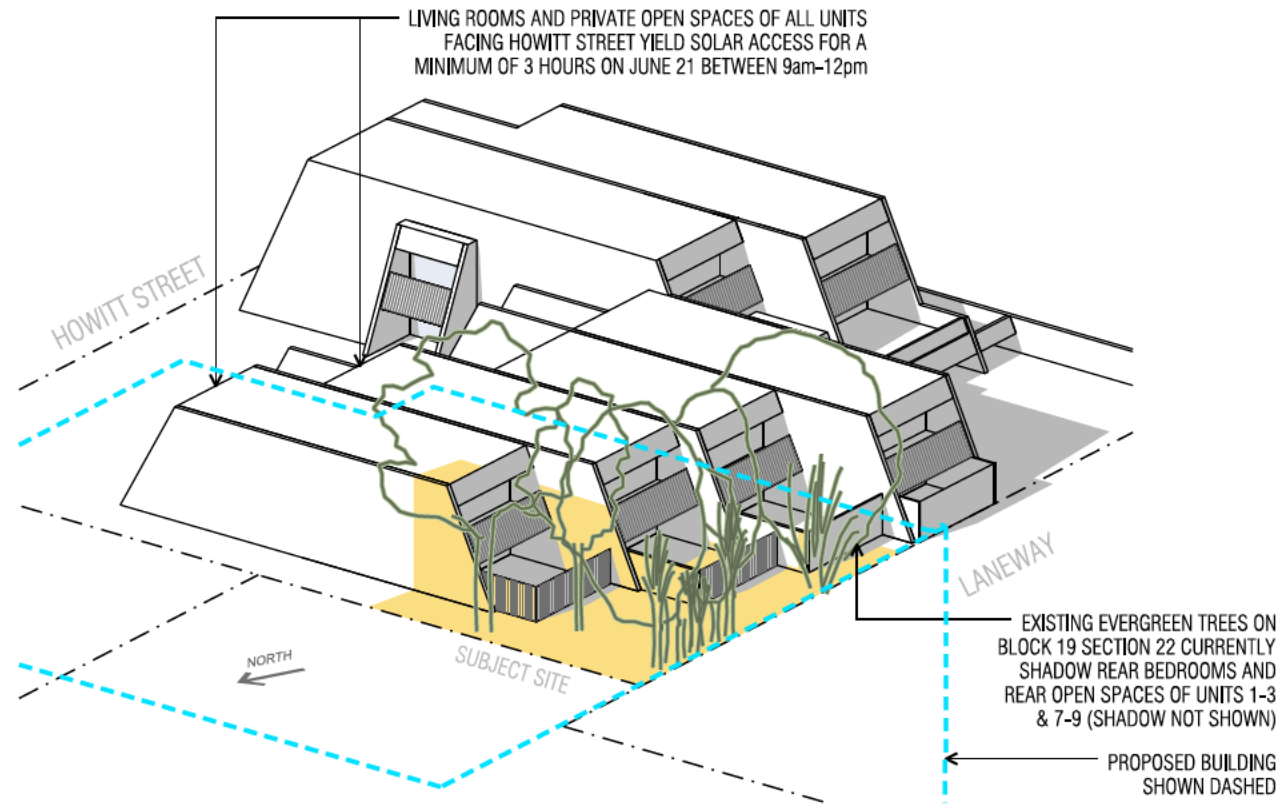
LEGEND

-  EXISTING SHADOWS CAST
-  ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

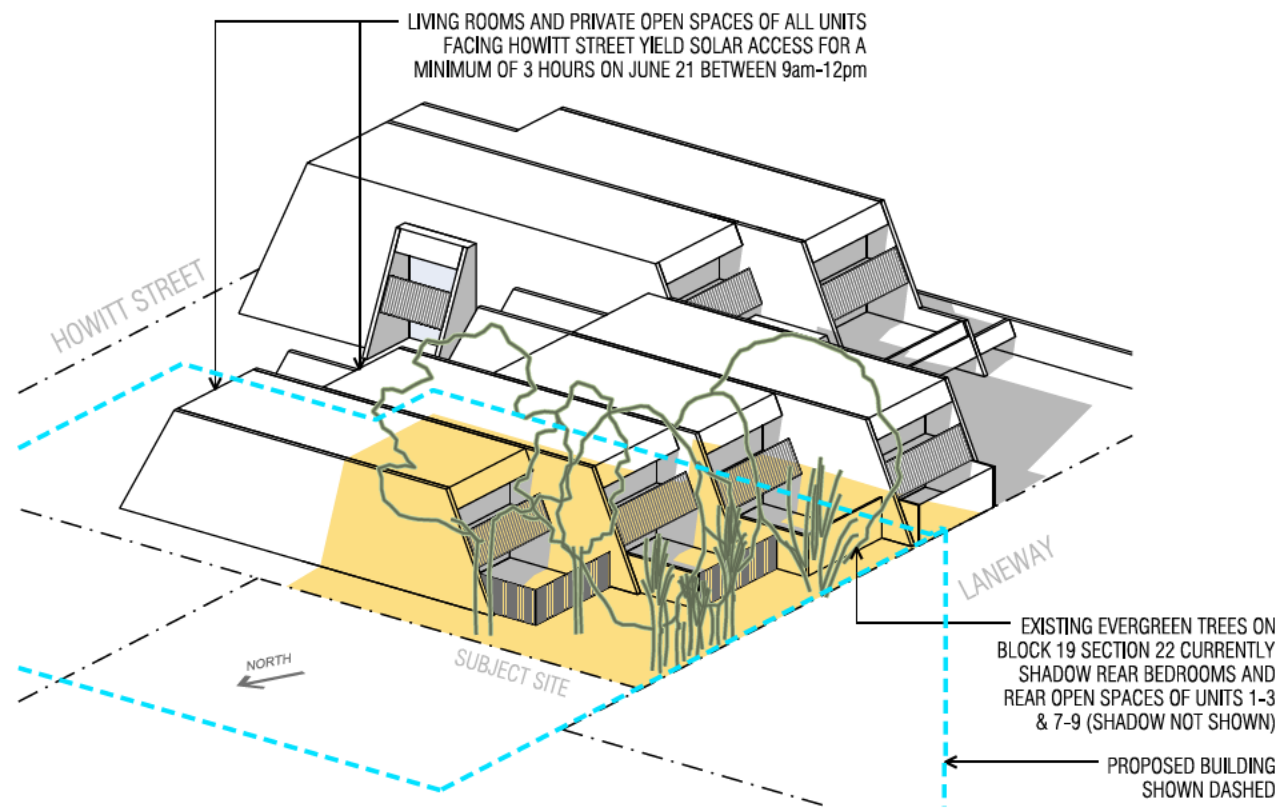
* EXISTING SHADOWS CAST ARE ESTIMATES BASED ON CURRENT INFORMATION AVAILABLE



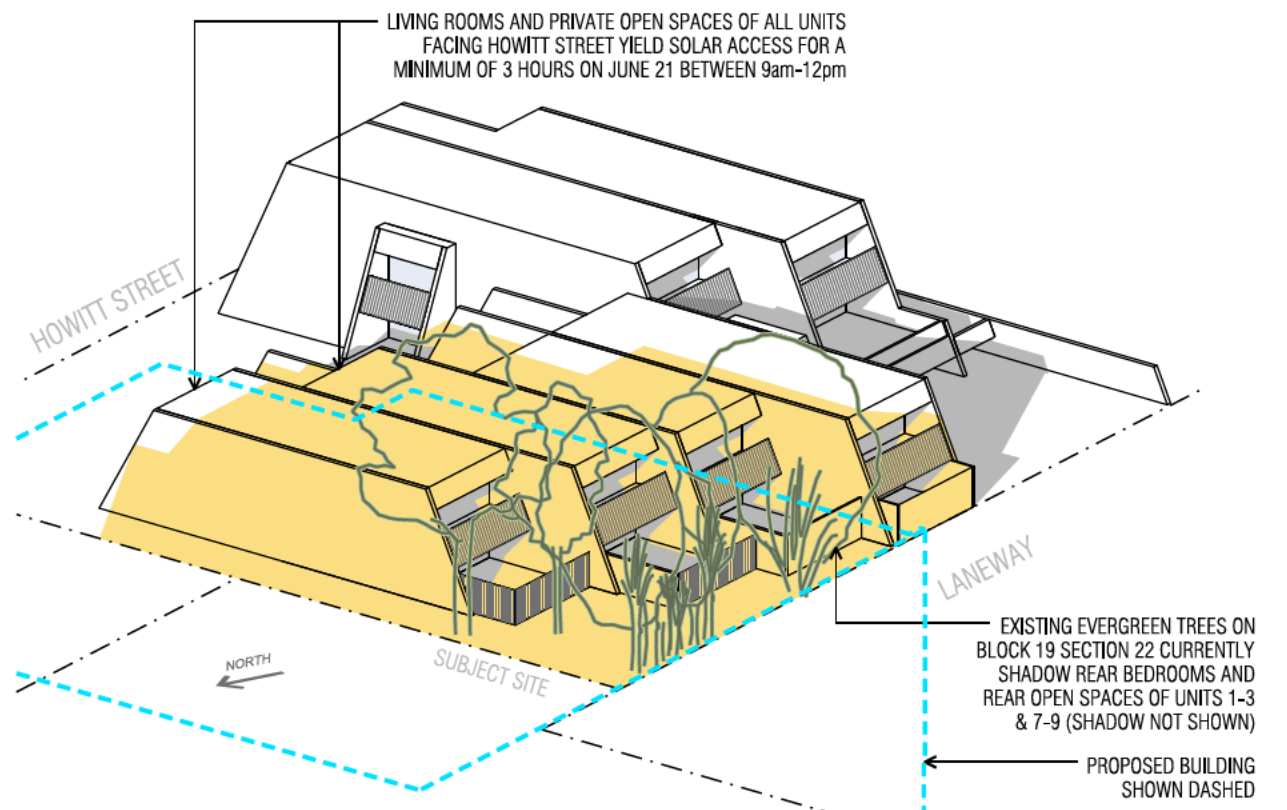
OAKLEAVES - JUNE 21 - 12:00pm



OAKLEAVES - JUNE 21 - 1:00pm





OAKLEAVES - JUNE 21 - 2:00pm



OAKLEAVES - JUNE 21 - 3:00pm

LEGEND

-  EXISTING SHADOWS CAST
-  ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT

* EXISTING SHADOWS CAST ARE ESTIMATES BASED ON CURRENT INFORMATION AVAILABLE