



ACT

Government

Environment and
Sustainable Development

Form

Internal Referral Brief for MPRG

SUBMISSION TO MAJOR PROJECT REVIEW GROUP

AGENDA ITEM NO.	
DATE OF MEETING	7 DECEMBER 2016
SUBJECT	DA 201630153 RECONSIDERATION – BLOCK 8 SECTION 35 FORREST
BRANCH	PLANNING DELIVERY
PRESENTED BY	SYED ALI

This proposal has been referred to the Major Project Review Group (MPRG) because the proposal has been previously refused, with the MPRG supporting the decision.

Purpose

1. To brief the Major Project Review Group on a reconsideration of a development proposal for the addition of a second office to a building containing an office and residence
2. To seek MPRG advice on the development proposal;

Background and Site

The site is a corner block located in Forrest, close to the Telopea Park, and opposite to Manuka Oval. The section is zoned CZ5 Mixed Use; and has a heritage overlay (Forrest Fire Station Precinct).



Map 1 - Subject block and surrounds

Issues identified for discussion:

Refusal of the original proposal

The original proposal was refused based on a cumulative impact of several departures from the requirements of the Territory Plan.

Major issues for refusal are as follows:

- Meeting ACT Heritage's requirements (did not demonstrate the roof top open space is part of the proposal) but the proposal did obtain support from ACT Heritage.
- Scale of the proposal, i.e. building envelope, setback requirements.
- Lack of open space, including principal private open space
- Inconsistency with the Crown lease

Reconsideration proposal

The reconsideration application is similar to the original proposal but provided greater clarification about compliance with the Territory Plan. Additional information was also provided, including additional advice from ACT Heritage, evidence from DA leasing about compliance with the leasing provisions, and information about the rooftop open space. A detailed site inspection was arranged within the existing building, in particular to roof top open space. The site inspection also provided greater clarity in terms of the actual use of the building.

Issues for discussion:

Heritage:

The subject land is listed in Act Heritage Register. (20015. Forrest Fire Station Precinct)

On 27 September 2016, ACT Heritage advised that the proposed development is supported subject to conditions.

Furthermore, the applicant has demonstrated by submitting further evidence (email and advice from delegates from ACT Heritage (dated 12 January 2016 and 27 May 2016) that clarifies that the use of roof top private open space with a foldable umbrella and planter box is supported. The advice also stated that the extension of proposed carport and air-conditioning unit also does not raise any concern regarding protecting heritage values.

Other entities:

All entities conditionally support the proposal.

Territory Plan

The proposed development has been re-assessed and considered a number of departures from the relevant rules (quantitative controls). Key rules/criteria are discussed below:

- o Setback (R30, MUHDC) and building envelope (R35, MUHDC)

The assessment notes that the proposal departs from the Rule and was therefore assessed against the criterion. The assessment finds the criterion is met. In this process, the zone of the land, and proximity of the adjoining buildings, solar access to adjoining dwellings and protection of privacy were considered among other considerations.

- o Site open space (R39, MUHDC) and Landscape (C25, MUHDC)

The proposed development departs from the required site open space by providing less than 20% of the site open space. The proposal was assessed against the criterion with consideration of roof-top open space and the relative proximity of Telopea Park, being slightly more than 200m from the site, was considered to meet any additional requirements for open space for office workers (or even residents) and concluded that the proposal therefore meet the criterion.

In assessing Criterion 25 (landscape), the assessment considered compliance with zone objectives, among other considerations, to confirm that the proposal meets the *desired character*.

- o Principal Private Open Space (R60, MUHDC)

The proposed principal private open space is located on the rooftop. (refer to attached photo). The area is accessed directly by a stair from the living room and meets the requirement of the Rule being more than 24m².

Representations:

Four representations were received during public notification of the reconsideration application. It is noted that there were sixteen representations in relation to the original application. All representations were predominantly concerned the impact on heritage character of the precinct, but also raised other issues. Copies of the representations are included in the relevant objective folder for consideration.

Summary of assessment:

The assessment carefully considered the additional information, included a detailed site inspection within and around the existing building(s) on the site, and also had regard to the curtilage of the site, the streetscape, and surrounding land uses.

Following the assessment, a view was formed that refusal decision (original decisions) was based on the cumulative impact of a number of aspects of the development, and that some unknown factors (lack of information/ unclear information) contributed considerably to the original decision.

Considering the new information acquired through the reconsideration application, the site visit, and the support from ACT Heritage, it was concluded that cumulative impact by the departure from relevant rules of Territory Plan were not sufficient to warrant refusal of the application.

Crown Lease

A conditional approval (DA 201425608) was previously granted to vary the Crown lease to include non-retail commercial use. The applicant has submitted evidence that the new lease has been registered.

Communications

There is no known media interest in the proposal at this stage, but media interest cannot be ruled out. A media statement is not required.

Options

The options for progressing this matter are as follows:

- (1) The proposed reconsideration to be refused due to inconsistencies with the Territory Plan and relevant codes, and for reasons provided by the MPRG.
- (2) The proposed development be conditionally approved based on the assessment of additional information and supportive Heritage advice.

Recommendation

It is recommended that option 2 is adopted and the refusal decision of the development proposal to be amended with conditional approval.

Syed Ali
Case Officer
5 December 2016

Minutes

Chair: George Cilliers

Minute Taker: Syed Ali

Present:

George Cilliers, Monica Saad, Lisa Johnson, Robert Taylor, Chris Gell, Syed Ali

The MPRG members **did not declare any potential or actual conflict of interest that may apply in respect of the development application.**

The MPRG **did not identify potential conflict of interest or other that may influence the outcome of the development proposal.**

Decision by Major Project Review Group:

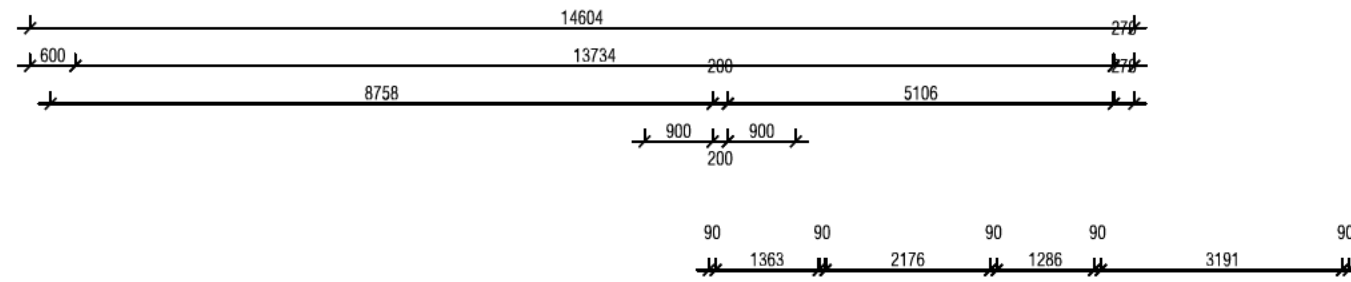
MPRG noted that the proposed development is supported by Act Heritage.

MPRG agreed that the departures from building envelope and setbacks are not inconsistent in the context of a CZ5 Mixed use zone. MPRG agreed that the addition to the heritage building was sympathetic considering the proportion, scale and reference lines. The use of materials has been selected to create a contrast which also emphasises the original building form. MPRG anonymously agreed that the proposal for reconsideration can be supported subject to relevant conditions.

Date this decision was Approved in Objective by Chair of MPRG meeting:

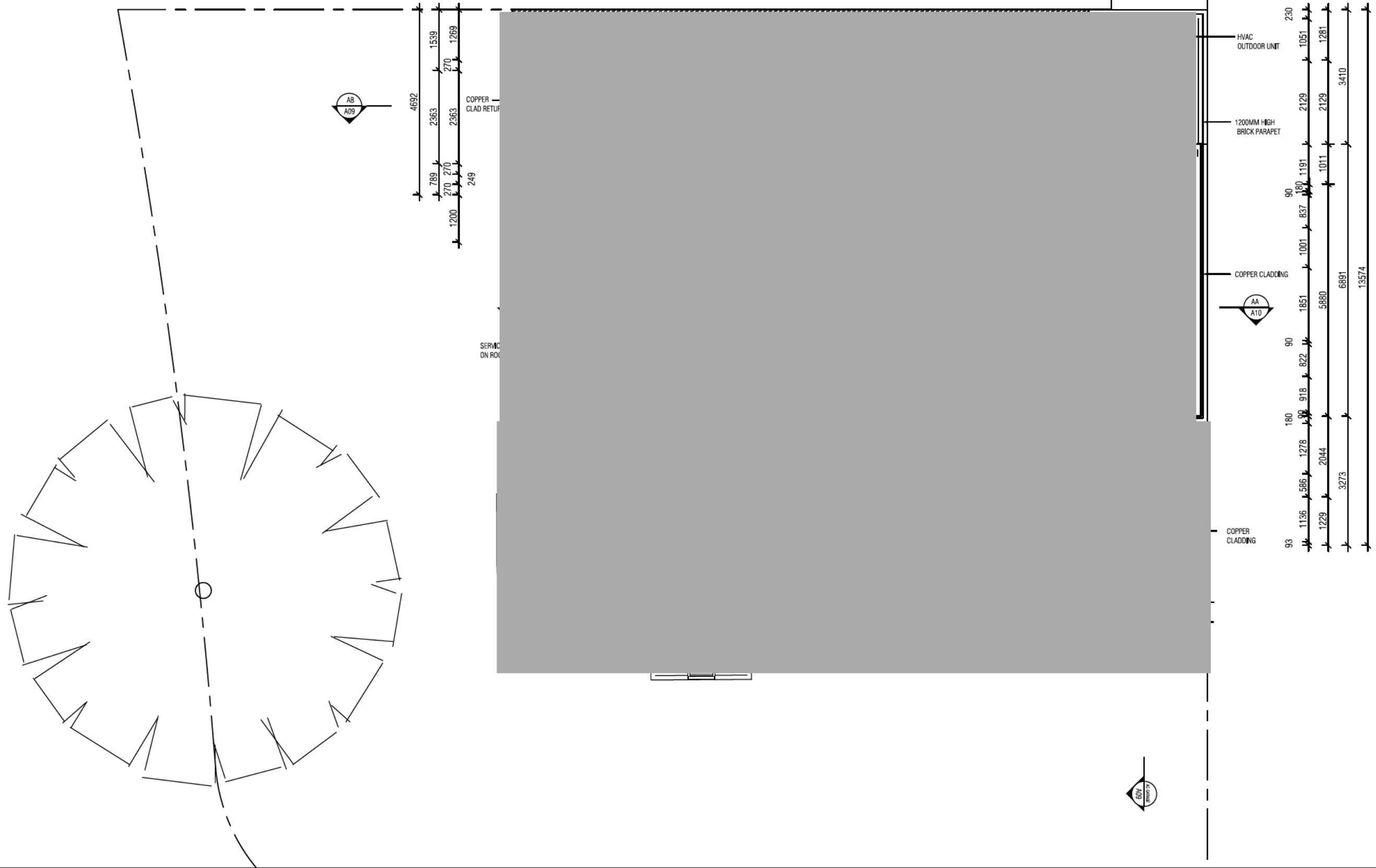
**Is additional referral required?
(If YES, highlight selection below)**

Date referred to Communications Unit:



REVISION	DESCRIPTION	DATE
A	DATE ISSUE HERITAGE	2.8.16
B	HERITAGE ADVICE AMENDMENTS	12.8.16
C	HERITAGE ADVICE AMENDMENTS	17.8.16

All dimensions must be verified on site by the contractor before the commencement of work or production of shop drawings. All dimensions are in millimeters unless otherwise stated. Do not scale of drawings.



CLIENT
GEORGE

PROJECT
8/35F

**BLOCK 8, SECTION 35
FORREST ACT**

PROJECT No.
BLK8SEC35 - FORREST



DRAWING
UPPER FLOOR PLAN

DATE **17/08/16**
SCALE **1:100 @ A3**
DRAWN **TK**

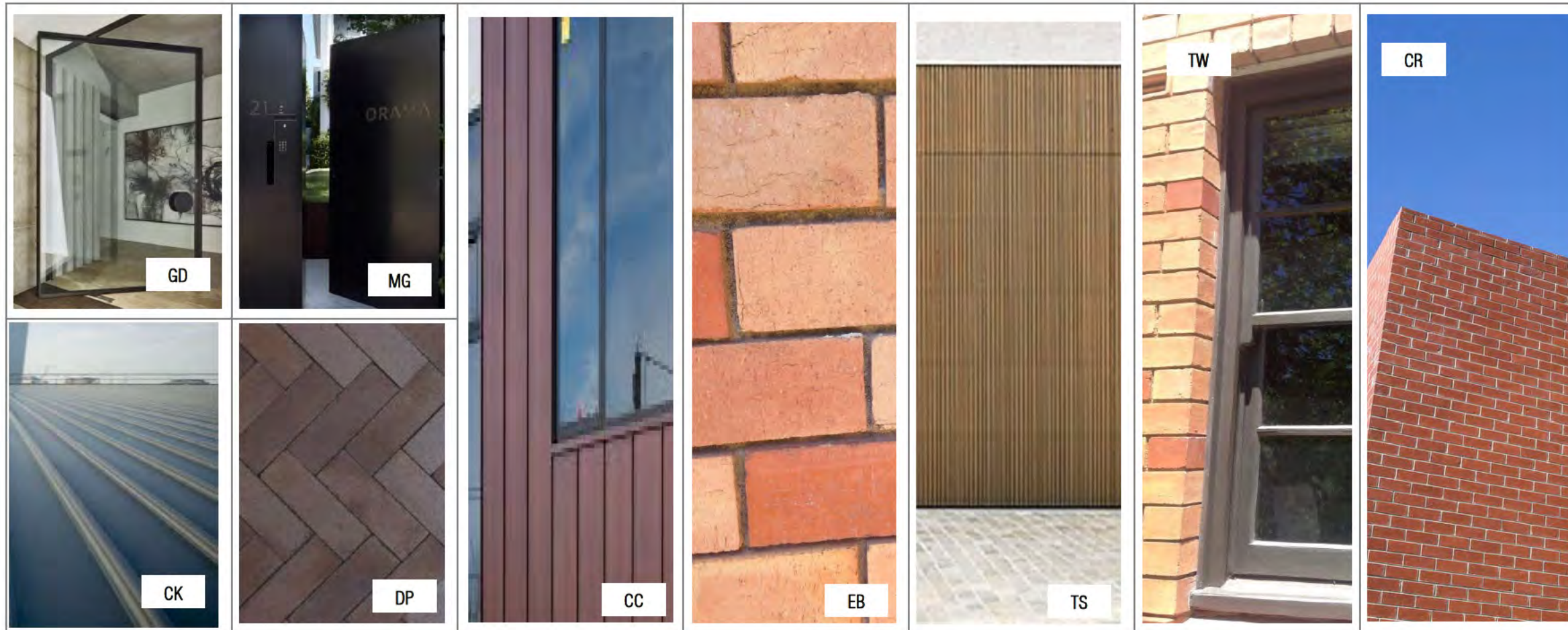
**HERITAGE
APPROVAL**

DRAWING No.

A03

Block 8 Section 35 Forrest – Materials Schedule

Mixed Use Development – 8 2 Fitzroy street Forrest
A157



CR Canberra Red Brickwork	CC Copper Cladding	TS Timber Screening	EB Existing Brickwork	CK Colourbond Klip Lok Roofing	TW Timber windows	DP Driveway pavers	
MG Metal Gates	GD Glass Entry Door						

REVISION	DESCRIPTION	DATE
A	DA FOR HERITAGE	28.16
B	RE-ISSUED FOR HERITAGE	12.8.16

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FITZROY STREET ELEVATION



MANUKA CIRCLE ELEVATION

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BLOCK 8, SECTION 35
FORREST ACT
PROJECT No.
BLK8SEC35 - FORREST

DRAWING
**COMPOSITE
STREETSCAPE
ELEVATIONS**

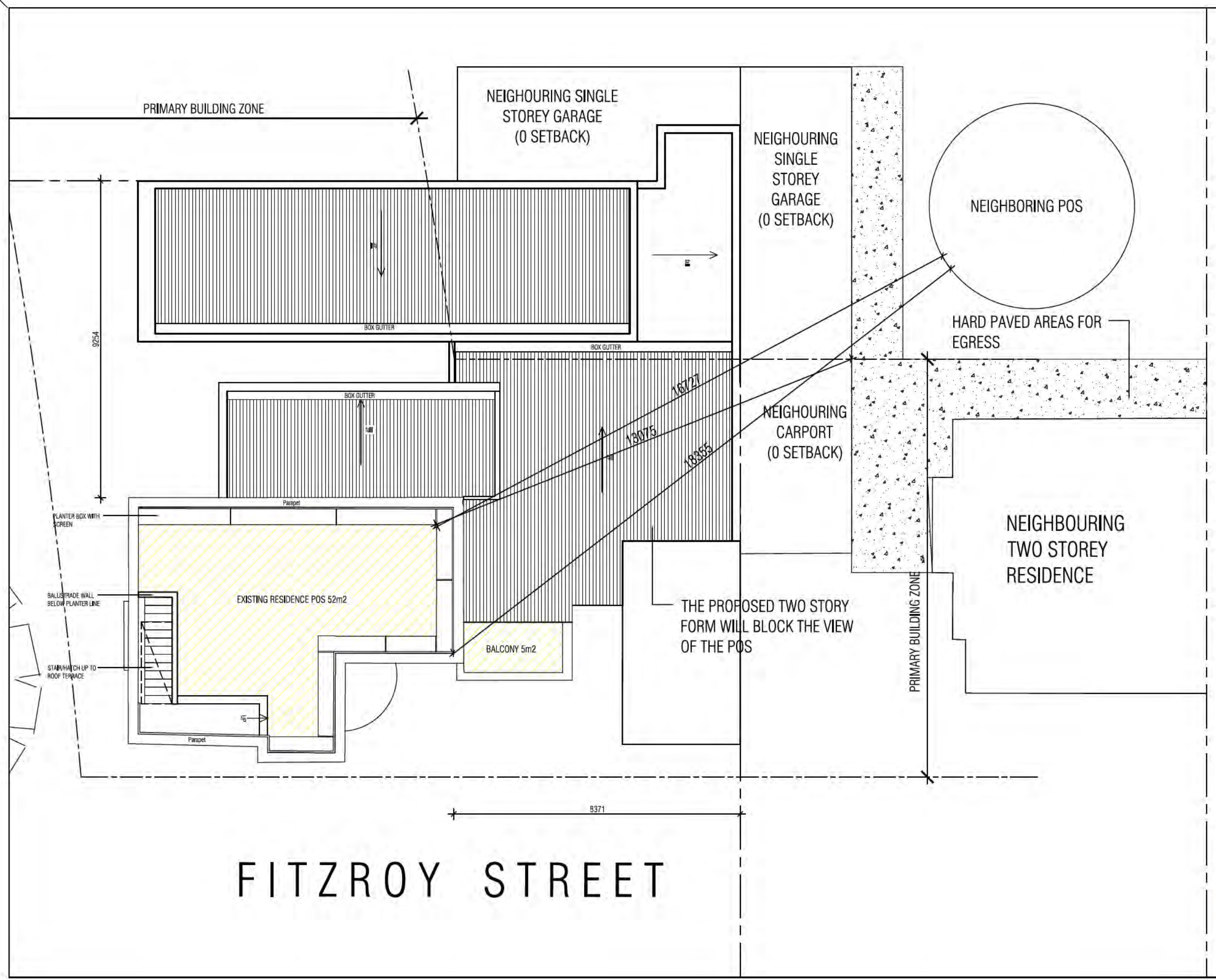
DATE 17/08/16
SCALE 1:200 @ A3
DRAWN TK

**HERITAGE
APPROVAL**
DRAWING No.

A07

REVISION	DESCRIPTION	DATE
A	ISSUED FOR DA	9.10.16

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FITZROY STREET

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PROJECT
8/35F

BLOCK 8, SECTION 35
FORREST ACT
PROJECT No.
BLK8SEC35 - FORREST



DRAWING
POS PLAN

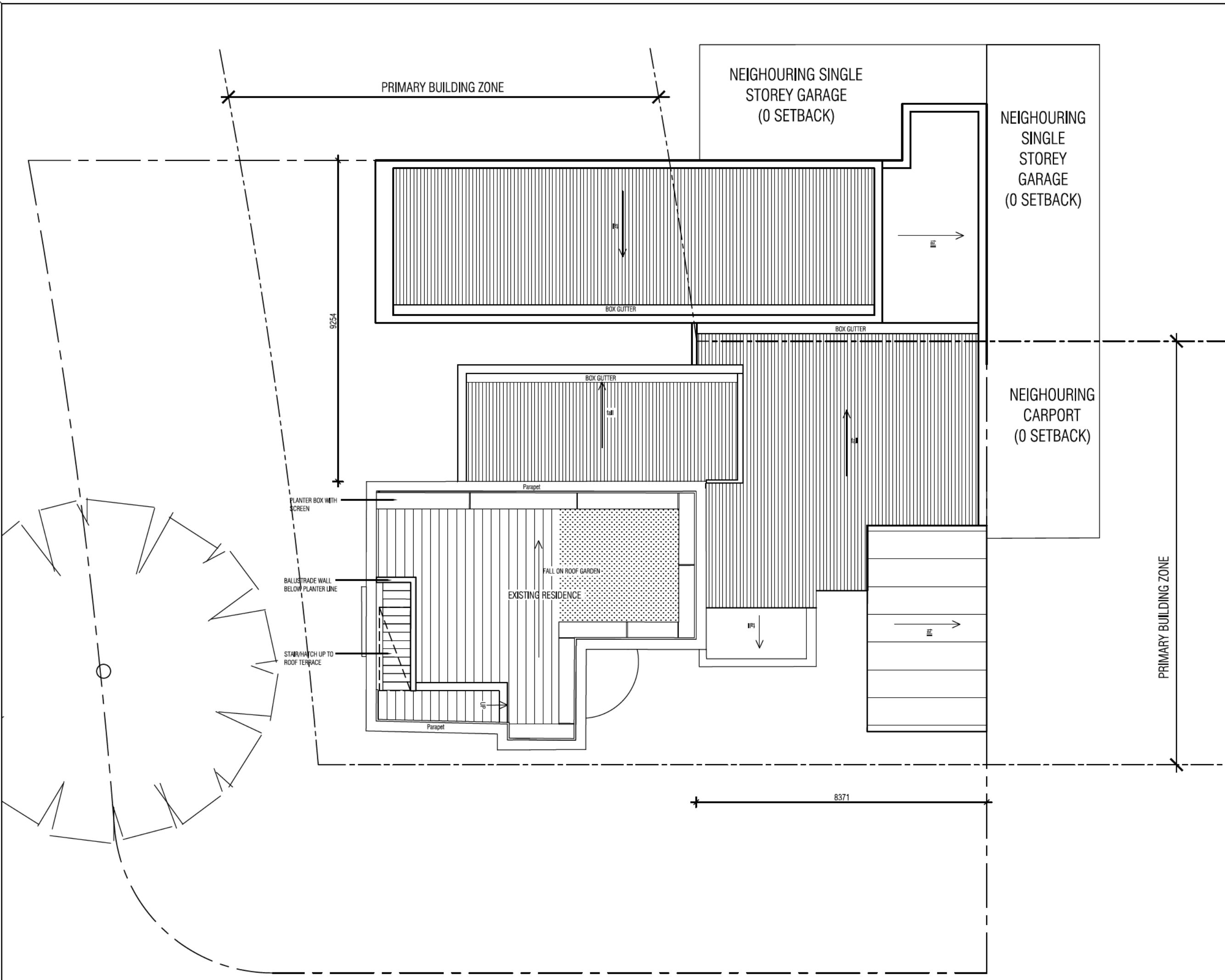
DATE 17.08.16
SCALE 1:200 @ A3
DRAWN TK

**DEVELOPMENT
APPROVAL**

DRAWING No.
A17

REVISION	DESCRIPTION	DATE
A	ISSUED FOR DA	17.8.16

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PROJECT
8/35F

**BLOCK 8, SECTION 35
FORREST ACT**
PROJECT No.
BLK8SEC35 - FORREST

DRAWING
ROOF PLAN

DATE **17.8.16**
SCALE **1:100 @ A3**
DRAWN TK

**DEVELOPMENT
APPROVAL**

DRAWING No.
A08

AREA ANALYSIS

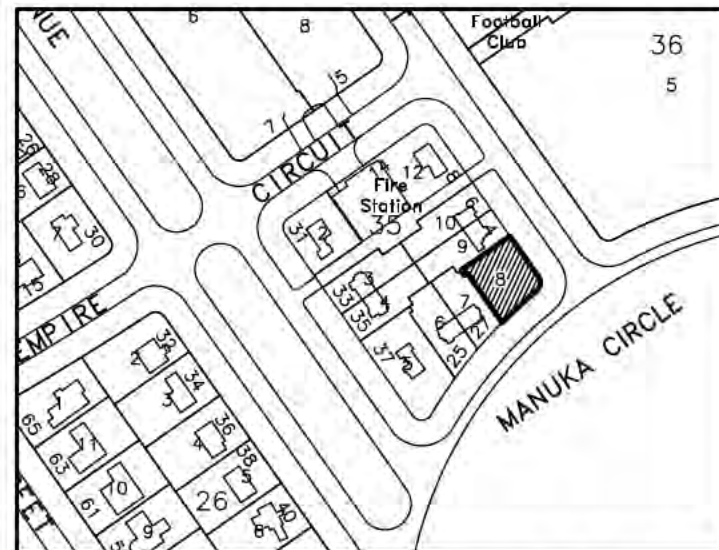
TOTAL SITE AREA = 608.00m²

- GROUND FLOOR OFFICE - 83.20m²
- GROUND FLOOR OFFICE ADDITION - 71.47m²
- UPPER FLOOR OFFICE ADDITION - 63.82m²
- GROUND FLOOR ANCILLARY USE OFFICE - 15.01m²
- PROPOSED RESIDENCE
- EXISTING GROUND FLOOR - 55.13m²
- CARPORT 1 - 22.14m²
- EXISTING UPPER FLOOR AREA - 92.70m²
- UPPER FLOOR ADDITION - 52.40m²

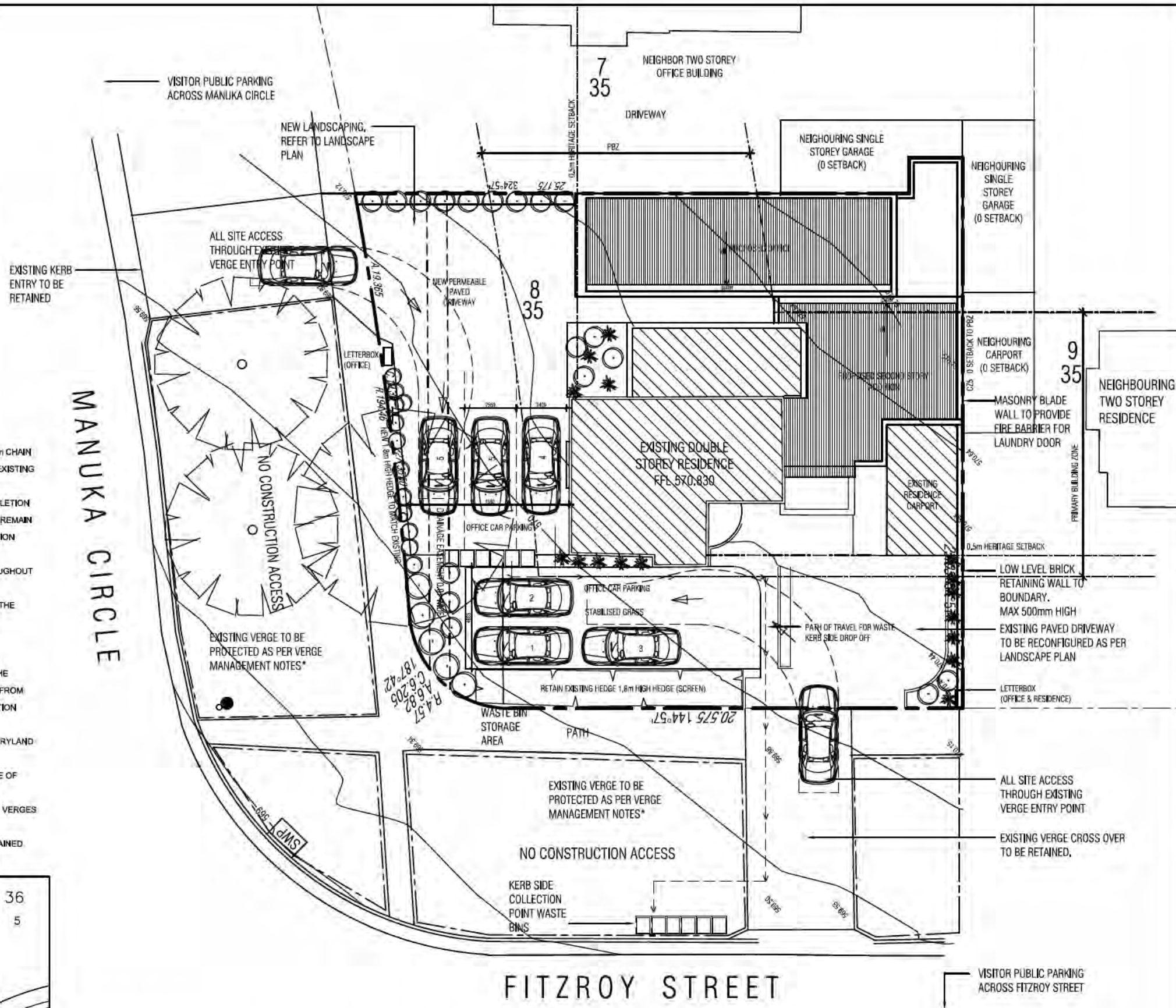
TOTAL AREA - 455.87m²

VERGE MANAGEMENT NOTES *

- INSTALL 1800MM HIGH TEMPORARY FENCING WITH CONCRETE FEET OR INSTALL 1800mm CHAIN MESH FENCE SUPPORTED BY 2400mm TALL STAR STEEL POSTS AROUND VERGES AND EXISTING VEGETATION.
- FENCING TO BE ERECTED ON COMMENCEMENT OF SITE WORK AND REMOVED AT COMPLETION OF CONSTRUCTION AND COMMENCEMENT OF VERGE RESTORATION. THE FENCE IS TO REMAIN CONTINUOUS THROUGHOUT PROJECT, EXCEPT WHERE APPROVED SERVICE INSTALLATION OCCURS.
- ENSURE ADEQUATE WATER IS APPLIED TO THE ROOT ZONE OF RETAINED TREES THROUGHOUT THE CONSTRUCTION PERIOD.
- ALL WORK IS TO BE IN ACCORDANCE WITH THE 'CANBERRA LANDSCAPE GUIDELINES' & THE BASIC SPECIFICATIONS FOR ROADS HYDRAULICS AND LANDSCAPE. JULY 1991.
- MAKE GOOD ANY DAMAGE TO EXISTING GRASS VERGES, REINSTATE AS PER BASIC SPECIFICATIONS.
- IT IS THE RESPONSIBILITY OF THE BUILDER TO ENSURE THAT ANY DISTURBANCES TO THE VERGE GROUND COVER, TREES, PATHS, KERB, ROADWAYS OR SERVICES OCCURRING FROM EITHER CONSTRUCTION WORKS OR STORAGE OF MACHINERY DURING THE CONSTRUCTION WORKS ARE RECTIFIED TO THE SATISFACTION OF RELEVANT AUTHORITIES.
- AT THE COMPLETION OF CONSTRUCTION, VERGES SHOULD STILL HAVE ESTABLISHED DRYLAND GRASS COVER, TOPSOIL IS NOT TO BE REMOVED AND LEVELS NOT TO BE CHANGED.
- NO CAR PARKING OR EQUIPMENT PARKING PERMITTED ON VERGES OR UNDER DRIPLINE OF RETAINED TREES.
- NO SITE SHEDS, STORAGE SHEDS, SITE AMENITIES OR BILLBOARDS TO BE ERECTED ON VERGES OR UNDER DRIPLINE OF RETAINED TREES.
- NO CONSTRUCTION MATERIAL TO BE STORED ON VERGES OR UNDER DRIPLINE OF RETAINED TREES.



LOCATION PLAN NTS



PROPOSED SITE PLAN 1:200

CARPARKING

- REQUIRED CARPARKS FOR OFFICE - 5 SPACES
- CARPARKS PROVIDED - 6 SPACES
- REQUIRED CARPARKS FOR RESIDENCE - 2 SPACES
- CARPARKS PROVIDED - 2 SPACES

SEDIMENT & EROSION CONTROL *

THE DEVELOPMENT WILL COMPLY WITH THE ACT ENVIRONMENTAL PROTECTION AUTHORITY, ENVIRONMENT PROTECTION GUIDELINES FOR CONSTRUCTION AND LAND DEVELOPMENT IN THE ACT, AUGUST 2007.
 PROVIDE CONTROL MEASURE IN ACCORDANCE WITH TERRITORY & MUNICIPAL SERVICES GUIDELINES
 INSTALL & MAINTAIN ALL EROSION & SEDIMENT CONTROL MEASURES DEALIED FOR THE DURATION OF CONSTRUCTION

REVISION	DESCRIPTION	DATE
A	DATE ISSUE - HERITAGE	28.16
B	HERITAGE REVISION	17.8.16

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PROJECT
8/35F

BLOCK B, SECTION 35 FORREST ACT

PROJECT No.
BLK8SEC35 - FORREST

DRAWING
SITE PLAN/VERGE MANAGEMENT PLAN

DATE **17.08.16**
 SCALE **1:200 @ A3**
 DRAWN **TK**

DEVELOPMENT APPROVAL

DRAWING No.

A01

















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