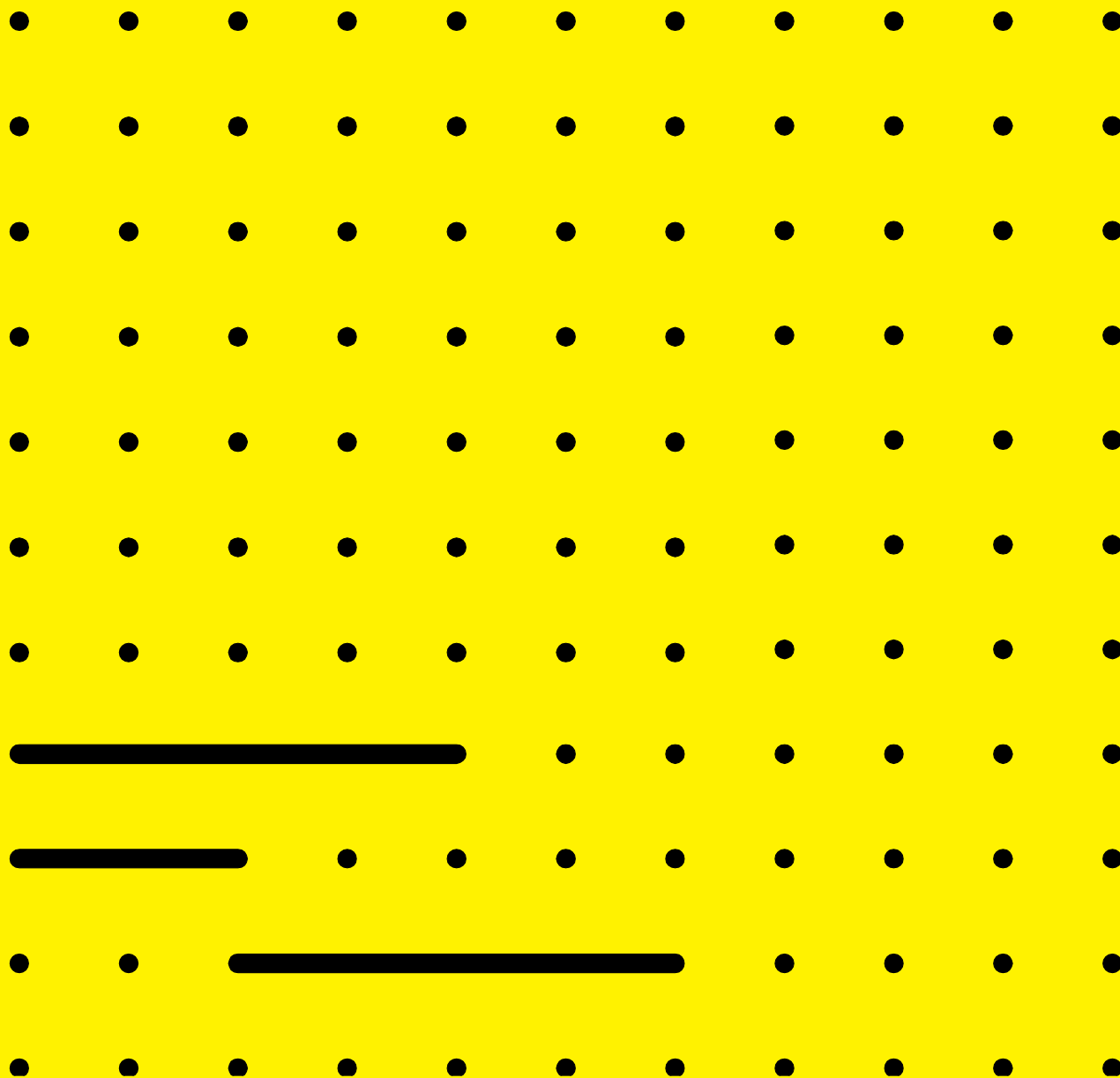




Response to Notice of Decision

Blocks 2, 7 and 8
Section 5
City

Reconsideration
Application for
DA202241098

October 2025

Prepared by:
Canberra Town Planning

Niclesse Mariette
Director
Niclesse@canberratownplanning.com.au

Alexzandra Hull Fleming
Project Officer
Alexzandra@canberratownplanning.com.au

Version Control

23/10/2025: Final (NM)

Contents

1	Background.....	4
1.1	Statutory Process and Introduction	4
1.2	Development Proposal (DA202241098).....	4
1.3	Public Comments	5
1.4	Agency Comments	5
1.5	Amendment Application (DA202241098-S144D)	5
1.6	Decision	5
1.7	Summary of Post-NOD Engagement with EPSDD	6
2	Response to Notice of Decision.....	7
2.1	Summary of Further Amendment	7
2.2	Notice of Decision Commentary	13
3	Conclusion	42

1

Background

1.1 Statutory Process and Introduction

A Development Application — DA202241098 — was submitted in the merit track by Purdon Planning Pty Ltd on behalf of the proponent, Bulum Group, on 4 December 2023. The Development Application (**DA**) was formally lodged on 12 December 2023.

Several Amendment Applications, made in accordance with section 144 of *Planning and Development Act 2007 (the Act)*, were submitted to address requests for further information pursuant to section 141 of the *Act*, made by the Environment, Planning and Sustainable Development Directorate (**EPSDD**) on 19 December 2023 and 16 April 2024. The latest of these — DA202241098-S144D — was formally accepted by EPSDD on 19 June 2024.

Pursuant to section 119 of the *Act*, the DA was assessed according to the provisions relevant to merit track applications and ultimately refused, by Chris Gell, as delegate of the Planning and Land Authority, on 5 December 2024.

This Application seeks reconsideration of this decision, pursuant to section 191 of the *Act*.

1.2 Development Proposal (DA202241098)

The development proposal encompassed the following development on Blocks 2, 7 and 8 Section 5 City:

- demolition of the existing buildings and structures;
- construction of—
 - one (1) 14- and one (1) 15-storey building, comprising ground and mezzanine level commercial units and upper level residential units;
 - a 5 level basement car park; and
 - new driveway verge crossings;
- site servicing;
- landscaping;
- associated works; and
- variation of the relevant Crown leases to—
 - add multi-unit housing as a permissible use of the land;
 - remove gross floor area restrictions; and
 - amend interpretation clauses.

1.3 Public Comments

A total of eight (8) representations were received from the community during the public notification of DA202241098.

Summarily, the representations raised concern in relation to:

- architectural significance of building to be demolished;
- building height;
- built form and scale;
- documentation inadequacies;
- inconsistency with Design Review Panel advice; and
- lack of community consultation.

1.4 Agency Comments

DA202241098 was referred to statutory entities for advice. The agencies' comments are summarised as follows:

- the ACT Emergency Services Agency (**ACTESA**) made **no objection** to the proposal;
- the ACT Heritage Council provided **advice** on the proposal;
- the City Renewal Authority (**CRA**) did **not support** the proposal;
- the Conservator of Flora and Fauna did **not support** the proposal;
- the Environment Protection Authority (**EPA**) did **not support** the proposal;
- Evoenergy Electricity did **not support** the proposal;
- Icon Water did **not support** the proposal;
- Jemena Gas provided **advice** on proposal; and
- the National Capital Authority (**NCA**) did **not support** the proposal;

- the Transport Canberra and City Services (**TCCS**) Directorate did **not support** the proposal.

1.5 Amendment Application (DA202241098-S144D)

A number of Amendment Applications were made in relation to DA202241098, in accordance with section 144 of the *Act*. The last of these was DA202241098-S144D, a submission furnished principally to address:

- assessed inconsistencies with the Territory Plan 2008; and
- entity comments, including—
 - the CRA;
 - the Conservator of Flora and Fauna
 - the EPA;
 - Evoenergy Electricity;
 - Icon Water;
 - the NCA; and
 - TCCS.

1.6 Decision

EPSDD provided a decision in relation to DA202241098 on 5 December 2024. The decision made in relation to the proposal was a refusal, for the reasons given in the Notice of Decision (**NOD**) of the abovementioned date – primarily relating to inconsistencies with the CZ1 – Core Zone Objectives; relevant codes; and advice given by entities

Key responses as per the NOD for DA202241098 are reproduced in **Section 2** of this report for consideration.

1.7 Summary of Post-NOD Engagement with EPSDD

After receipt of the NOD, the proponent engaged with EPSDD in meetings and correspondence to fully understand the extent of issues that led to the refusal of the DA. It was broadly understood that the DA as originally submitted was not adequately resolved and considered in its context and therefore had too many compounding issues to be considered approvable by the Authority.

The proponent engaged further with the professional consultant team and after consideration of the issues and engagement with EPSDD, decided to reconsider the proposal and refine the detail so the NOD issues could be adequately addressed. This refinement required a considerable amount of consultant engagement and coordination including alternate appointments of various key consultant disciplines, including the Architects involved with the design and concept development.

Based on the feedback and NOD concerns raised, the proponent and Architect started to reconfigure the bulk and massing of the buildings and resolving issues around servicing of the sites through further engagements with Transport Canberra and City Services (TCCS), the City Renewal Authority (CRA), the National Capital Authority (NCA), the Direct Sale team, and EPSDD during the design development, updating and refining the proposal as feedback was received.

Feedback from the NCA entailed reconfiguring the bulk and massing of the buildings to step the height of building elements away from University Avenue to allow the proposal to emphasise the prominence of University Avenue as a 'Main Avenue' under the National Capital Plan (NCP), and in accordance with the 'Special Provisions' applicable to the site under the NCP.

The resultant building massing and height proposal was ultimately broadly supported by the NCA and subsequently by EPSDD in further consultation allowing for further refinement and improvement of the overall built form outcome in the Reconsideration proposal as developed for this submission.

Per Attachment 1 of the NOD for DA202241098, a DA applicant is entitled to apply for reconsideration of a decision made by the Planning and Land Authority within 20 working days of being told of the decision. A longer timeframe may be available if granted in writing by the Authority. As the NOD for DA202241098 is dated 5 December 2024, an application for reconsideration of the decision was due on 6 January 2025.

A formal request for an extension of time for the making of a reconsideration application was made on by Canberra Town Planning, under 191(5)(b) of the Act. An extension of time was granted — until **12 September 2025** — pursuant to section 184(3) of the Act.

2

Response to Notice of Decision

The following discussion is provided to justify the reconsideration of DA202241098. This section of the report details further amendments proposed to support approval of the development proposal and delivers commentary pertaining to the NOD.

2.1 Summary of Further Amendment

Elements of the proposal have been reviewed and revised in response to the reasons of DA refusal. The changes to the proposed development can be described as follows:

01. UPPER LEVEL CHANGES

- Overall height of Building A reduced, and Building B increased to align with Authority discussions by shifting the bulk of the development away from University Avenue and integrating with the existing and approved RL617 buildings in this area of the City. This shift in building massing is consistent with the advice and discussions held with the National Capital Authority (NCA) and the Territory Planning Authority (TPA) in developing the updated development proposal.
- Common rooftop garden added to Building A addressing University Avenue. The common rooftop garden space provides excellent amenity for the development and contributes to the greening and planting areas on a challenging City centre site.
- Building façades design improvements that address the NCDRP feedback and better integrate with the existing City context and surrounding character. The overall design quality is considered to be significantly improved and integrated.
- Unit plans updated and unit mix amended to maximise amenity and provide generous and liveable spaces for future residents.
- Reconfiguration of building core throughout the upper levels due to the redesign of structural elements and ground floor changes.
- Winter gardens removed and replaced with dedicated balcony spaces to improve amenity and offer improved passive surveillance around the entire development.
- Upper level encroachments containing GFA removed from University Avenue frontage in accordance with NCA feedback and an overall reduction in encroachments from the existing built form currently developed on-site.
- Solar access to units maximised and demonstrated with detailed solar diagrams to highlight a total of 88% of units achieving a minimum of 3 hours of sunlight between 9am – 3pm on the winter solstice.

02. GROUND FLOOR CHANGES

- Awning added to University Avenue frontage to celebrate the existing heritage character of the ANZ building across the street and tie into the colonnade along Marcus Clarke Street to provide continuous weather protection for pedestrians throughout the development while maintaining active frontages and continuous wall of building façades.
- Ground floor commercial levels adjusted to existing verge levels and reduce stairs creating a more accessible and easy-to-navigate ground plane that better integrates with the existing public realm around the site.
- Levels adjusted in the central landscape space for accessibility and resulting in the removal of the stairs and wheelchair lift previously required. The result is a more functional and accessible public space that offers direct connections to the development and between Marcus Clarke Street and the Darwin Place laneway for improved pedestrian connections through the Section.
- Service locations updated to suit servicing requirements by consolidating servicing to the rear laneway and providing adequate clearances and unified façades for ease of servicing and improved safety for the public users of the spaces.
- Increase to landscape areas across the development including green roof spaces, upgrades to the central landscape space and retention/replacement of more street trees where possible.
- Update to waste rooms waste collection strategy by appropriately sizing waste rooms to meet Code requirements in consultation with the Authority to ensure an appropriate and serviceable solution is proposed.
- On grade parking along Darwin Place removed and relocated to the upper basement level to provide safe publicly accessible parking that does not conflict with the servicing of the site. The proposal has been discussed and supported in-principle by the Authority.

03. BASEMENT LEVEL CHANGES

- Extent of basement 5 reduced whilst meeting the carparking rates required for the updated development by splitting basement levels and improving efficiency. This minimises excavation and improves the overall basement configuration.
- Reconfiguration of building core and rationalisation of basement ramps in accordance with other design changes to coordinate appropriate access and servicing of the site.
- Reconfiguration of building services as per advice received from discussions with various Entities during design development. The services have been consolidated primarily to the rear laneway along Darwin Place to ensure appropriate spatial allocation to meet requirements, improve safety for public users, and minimise servicing requirements along other active frontages of the buildings.
- Visitor parking added to basement levels, including relocation of existing carparking on Darwin Place proposed for removal.

The following reports and plans have been provided with this report, to address the concerns regarding the performance of the development related to matters of assessed inconsistency with the relevant development codes and entity advice.

Table 1: List of supporting documentation

Document	Reference
Reconsideration Report	CITY005008 Reconsideration Report (this report)
Statement Against Relevant Criteria	CITY005008 Reconsideration SARC Oct 25 v3 - Updated Statement Against Relevant Criteria (SARC) addressing the performance of the Reconsideration proposal against the Territory Plan 2008 requirements
National Capital Design Review Panel (NCDRP) Response	CITY005008 Reconsideration NCDRP Response Oct 25 v1 – Updated NCDRP Response document addressing the changes of the Reconsideration proposal in response to the comments raised.
Architectural Plans	DA.00.00 COVER DA.00.11 DEVELOPMENT SUMMARY DA.00.50 SITE CONTEXT DA.00.51 DEMOLITON PLAN DA.00.52 SITE CONTEXT - AERIAL DA.02.00 PROPOSED DIRECT SALE PLAN - GROUND + SUB DA.02.01 PROPOSED DIRECT SALE PLAN - L 1-12 DA.02.12 KIOSK DETAILS DA.03.00 BASEMENT 05 DA.03.01 BASEMENT 04 DA.03.02 BASEMENT 03 DA.03.03 BASEMENT 02 DA.03.04 BASEMENT 01 DA.03.05 GA_LEVEL GROUND DA.03.06 GA_LEVEL 01 DA.03.07 GA_LEVEL 02 DA.03.08 GA_LEVEL 03 DA.03.09 GA_LEVEL 04 DA.03.10 GA_LEVEL 05 DA.03.11 GA_LEVEL 06 DA.03.12 GA_LEVEL 07 DA.05.00 LEVEL 01_PUBLIC REGISTER PLAN DA.05.01 LEVEL 02_PUBLIC REGISTER PLAN DA.05.010 LEVEL 03_PUBLIC REGISTER PLAN DA.05.011 LEVEL 04_PUBLIC REGISTER PLAN DA.05.012 LEVEL 05_PUBLIC REGISTER PLAN DA.05.013 LEVEL 06_PUBLIC REGISTER PLAN DA.05.014 LEVEL 07_PUBLIC REGISTER PLAN DA.05.015 LEVEL 08_PUBLIC REGISTER PLAN DA.05.016 LEVEL 09_PUBLIC REGISTER PLAN DA.05.017 LEVEL 10_PUBLIC REGISTER PLAN DA.05.018 LEVEL 11_PUBLIC REGISTER PLAN DA.05.019 LEVEL 12_PUBLIC REGISTER PLAN DA.05.020 LEVEL 13_PUBLIC REGISTER PLAN DA.05.021 LEVEL 14_PUBLIC REGISTER PLAN DA.05.022 LEVEL 15_PUBLIC REGISTER PLAN DA.06.00 LEVEL 01-10_SOLAR PLAN DA.06.04 LEVEL 11-15_SOLAR PLAN DA.06.07 SOLAR ACCESS 3D ANALYSIS NORTHERN CORNER 9AM, 10AM, 11AM, 12PM DA.06.08 SOLAR ACCESS 3D ANALYSIS NORTHERN CORNER 1PM, 2PM, 3PM DA.07.00 BUILDING A ADAPTABLE UNIT - 1 BED

Document	Reference	
	DA.03.13 GA_LEVEL 08	DA.07.01 BUILDING A ADAPTABLE UNIT - 2 BED
	DA.03.14 GA_LEVEL 09	DA.07.02 BUILDING B ADAPTABLE UNIT - 3 BED
	DA.03.15 GA_LEVEL 10	DA.08.00 BUILDING A NORTH & SOUTH ELEVATIONS
	DA.03.16 GA_LEVEL 11	DA.08.01 BUILDING A EAST & WEST ELEVATIONS
	DA.03.17 GA_LEVEL 12	DA.08.02 BUILDING B NORTH & SOUTH ELEVATIONS
	DA.03.18 GA_LEVEL 13	DA.08.03 BUILDING B EAST & WEST ELEVATIONS
	DA.03.19 GA_LEVEL 14 & ROOF-A	DA.08.04 STREETScape ELEVATION
	DA.03.20 GA_LEVEL 15	DA.09.00 OVERALL LONG SECTION 1
	DA.03.21 GA_LEVEL ROOF-B	DA.09.01 BUILDING A SHORT SECTION 1,2 & 3
	DA.03.30 TYPICAL UNIT POS	DA.09.02 BUILDING B SHORT SECTION 1 & 2
	DA.04.00 21 MAR SHADOW DIAGRAM	DA.10.00 RENDER 1
	DA.04.01 21 JUN SHADOW DIAGRAM	DA.10.01 RENDER 2
	DA.04.02 21 SEPT SHADOW DIAGRAM	DA.10.02 RENDER 3
	DA.04.03 21 DEC SHADOW DIAGRAM	DA.10.03 RENDER 4
		DA.10.04 RENDER 5
Landscape Plans	TP-2.01 Moodboard - Kiosk	TP-5.05 Planting Palette - L00 Site
	TP-2.02 Moodboard - Pergola	TP-5.03 Planting Plan - L00 North
	TP-2.03 Moodboard - Green Roof	TP-5.04 Planting Plan - L00 South
	TP-2.04 Moodboard - Surfaces	TP-5.07 Planting Palette - L14 (A) Rooftop
	TP-2.05 Moodboard - Fixed Furniture	TP-5.06 Planting Plan - L14 (A) Rooftop
	TP-2.06 Moodboard - Loose Furniture	TP-6.00 Soil Volume
	TP-2.07 Moodboard - Tree Canopies	TP-6.01 Soil Volume Plan - L00 North
	TP-2.08 Moodboard - Garden Beds	TP-6.02 Soil Volume Plan - L00 South
	TP-2.09 Moodboard - Garden Beds	TP-6.03 Soil Volume Plan - L14 (A) Rooftop
	TP-2.10 Moodboard - Raised Planters	TP-7.00 Canopy Coverage
	TP-2.11 Moodboard - Rooftop	TP-7.01 Canopy Coverage Plan - L00 Site
	TP-3.00 Landscape Plans	TP-8.00 Irrigation
		TP-8.01 Irrigation Plan - L00 North

Document	Reference	
	TP-3.01 General Management and Install Specification	TP-8.03 Irrigation Plan - L00 South
	TP-3.02 Landscape Plan - L00 Site	TP-8.02 Irrigation Plan - L14 (A) Rooftop
	TP-3.03 Landscape Plan - L00 North	TP-9.00 Contour Plans
	TP-3.04 Landscape Plan - L00 South	TP-9.01 Existing Contour Plan - L00 Site
	TP-3.05 Landscape Plan - L14 (A) Rooftop	TP-9.02 Proposed Contour Plan - L00 Site
	TP-4.00 Sections and Elevations	TP-10.00 Tree Assessment Plans
	TP-4.01 Sections and Elevations - AA	TP-10.01 Tree and Landscape Management Specifications
	TP-4.02 Sections and Elevations - BB	TP-10.02 Tree Assessment Plan
	TP-4.03 Sections and Elevations - CC	TP-10.03 Tree Management Plan
	TP-4.04 Sections and Elevations - DD	TP-11.01 Typical Details
	TP-5.00 Planting	TP-11.02 Typical Details
	TP-5.01 Planting Plan - L00 Site	
Civil Plans	C01 GENERAL ARRANGEMENTS PLAN	C04-03 SEDIMENT AND EROSION CONTROL PLAN
	C07 GENERAL CONSTRUCTION NOTES AND DETAILS	C05 EXTERNAL SERVICES PLAN
	C03 LANDSCAPE MANAGEMENT & PROTECTION PLAN	C06 CIVIL WORKS PLAN
	C04-01 SEDIMENT AND EROSION CONTROL NOTES 1	C07 CIVIL WORKS DETAILS
	C04-07 SEDIMENT AND EROSION CONTROL NOTES 2	C08 STORMWATER MANAGEMENT PLAN
		C20 TRAFFIC CONTROL DEVICES
Access Report	CA230037-DA-B Canberra 17-21 University Ave DA Report - Amendment B	
Noise Management Plan	PS227600-WSP-CBR-ACO-NMP-001	
Survey	2022-379_DETAIL SURVEY_221213	
Traffic	Traffic Impact Assessment 22304TREP001F06	

Document	Reference
Valuation	FINAL_LVC Valuation Report B2 & B7_S5City_29_08_2025 FINAL_LVC Certificate_B2 S5 City_29_08_2025 FINAL_LVC Certificate_B7 S5 City_29_08_2025
Waste Management Report	Waste and Recycling Management Plan - 22304WREP02F01.2
Wind Assessment	30N-25-0331-TRP-115636-1 - Desktop Wind Impact Study

Amendments to the development are proposed in response to the matters raised in the NOD as described above. Specific responses to the issues raised in the NOD are provided in the following section.

2.2 Notice of Decision Commentary

The Notice of Decision raised a number of detailed reasons for the previous design proposal not being consistent with the Territory Plan 2008 and key considerations for development in this prominent City location, as well as the lack of support and concerns raised by the various referral entities. The reasons for the refusal and their associated responses are provided in the following table.

The responses below should be read in conjunction with the supporting consultant plans, documents, and/or reports that support the Reconsideration submission as well as any of the materials from the original DA submission that remain relevant to the updated development proposal. The updated plans, documents, and reports are also listed further below for ease of reference.

Table 2: Response to NOD for DA202241098

Reason	Comment
Part A – Reasons for the Decision	
In accordance with section 119 of the Act, the application was refused because it failed to comply with the legislated requirements for merit track applications. The application was considered inconsistent with: - the CZ1 – Core Zone Objectives; - the relevant codes, being — - the City Precinct Map and Code; - the Commercial Zones Development Code; - the Multi Unit Housing Development Code; and - Parking and Vehicular Access General Code; - advice given by entities, being — - the Transport Canberra and City Services Directorate; - the Environment Protection Authority; - the Conservator of Flora and Fauna; - the National Capital Authority; - the City Renewal Authority; - Evoenergy Electricity; and - Icon Water; and - Design Review Panel requirements.	

Reason	Comment
Inconsistencies with Zone Objectives	
Following assessment against the relevant code the view was formed that the proposal could not be considered consistent with the following zone objectives for the CZ1 – Core Zone:	
Objective e)	
In its current form, the proposed development is not consistent with the objective of maintaining and enhancing a high standard of urban design or design consistency and compatibility. The planning of Darwin and Hobart Places, together with Knowles Place opposite was carefully considered by the NCDC, resulting in a built form that is generally uniform, symmetrical and gives prominence to the significance of the law courts, University Avenue and views to the bush and sky beyond. This group of 1960's and 70's modernist buildings are recognised for their cohesiveness and simple forms while being individually distinctive. In particular, the strong horizontal elements and consistent heights of buildings fronting University Avenue, including the CML Building, and heritage listed ANZ Bank Building set a high standard of urban design that the proposed development fails to maintain or enhance. It is considered the height of the building proposed to replace the CML building fails to acknowledge the symmetry of the precinct and diminishes the quality of University Avenue. The National Capital Design Review Panel recognised the importance of this site and recommended further analysis of the surrounding urban fabric to inform a sympathetic architectural response. The supporting design report indicates the design inspiration was instead drawn from Canberra bus shelters rather than the surrounding context. This has resulted in what is considered to be a confusing architectural response that does not respond to the development's immediate surroundings.	Considered to be Met. <i>e) Maintain and enhance a high standard of urban design through use of sustainable design and materials and ensure that buildings retain a high level of design consistency and compatibility</i> The reconsideration proposal now addresses the urban design concerns through a stepped building height approach that directly responds to the University Avenue context. Building A steps from RL607.862 (12 storeys) at the University Avenue frontage up to RL614.7 (14 storeys) adjacent to Block 8, while Building B extends to RL617 (16 storeys) further away from University Avenue. This graduated height transition creates a more sensitive interface with University Avenue while maintaining coherence with the surrounding modernist buildings. The architectural expression has been refined with a material-focused approach that respects the horizontal emphasis and simple forms of the existing precinct buildings, moving away from the previously criticized bus shelter references to create a more contextually appropriate design response. The updated proposal also includes a significantly improved interface and utilisation of the Darwin Place laneway through convenient connections through the Section and activation of the ground plane along University Avenue, Marcus Clarke Street, and to the central plaza space on Block 8. The rear lane servicing arrangements are considered to offer a significantly improved outcome for all Blocks adjacent to the Darwin Place laneway and provides for community benefit within the development by the provision of integrated basement parking for public use to offset the removal of parking spaces on Darwin Place, ensuring better safety, accessibility, and efficient use of space in a challenging area of the City.

Reason	Comment
Objective h)	
As detailed above, the symmetry of this particular area of Canberra City reflects the importance of the law courts and the strong connection to the Australian National University. It is considered the proposal fails to properly acknowledge the important cultural and community identity of this location for Canberra through both the proposed building height and architectural treatment.	Considered to be Met. <i>h) Promote the establishment of cultural and community identity that is representative of, and appropriate to, the place.</i> The updated proposal better acknowledges the cultural significance of the University Avenue precinct through the stepped height configuration that respects the axial importance connecting the Law Courts to the ANU campus. The enhanced ground floor activation along University Avenue and Marcus Clarke Street, combined with the high-quality landscape plaza on Block 8, reinforces the community identity of this location. The continuous awning treatment along University Avenue ties into the Marcus Clarke Street colonnade and connects with the existing ANZ Building awning treatment, supporting the cultural continuity of the streetscape while providing practical pedestrian amenities like weather protection while celebrating and reinforcing the historic character in the area.
Inconsistencies with the Relevant Codes	
City Precinct Map and Code	
Criterion 6 – Building Height	
This criterion requires building height to be compatible with the existing or desired future character of adjacent development and to not cause detrimental impacts, including excessive scale. The proposed development has not sufficiently demonstrated how the proposed building heights align with the existing or desired future character of adjacent developments, particularly in relation to the adjacent buildings on University Avenue. The current design fails to demonstrate that the building heights are compatible with the surrounding area and is considered to create a disproportionate visual impact that is not in harmony with the existing streetscape. Without adequate evidence to demonstrate that these heights are appropriate for the location, the project does not satisfy the requirements of C6.	Considered Satisfied. <i>C6</i> <i>Building heights comply with all of the following:</i> <i>i) are compatible with existing, or desired future character of, adjacent development</i> <i>ii) are appropriate to the scale and function of the use</i> <i>iii) do not cause detrimental impacts, including overshadowing and excessive scale.</i>

Reason	Comment
	The reconsideration proposal demonstrates compatibility with existing and desired future character through the stepped building approach that transitions from lower heights at University Avenue to taller heights away from the Main Avenue. The building heights are considered appropriate to the mixed-use function with residential towers above ground floor commercial uses. The stepped configuration minimizes detrimental impacts by reducing visual bulk at the University Avenue interface while maintaining development objectives that support housing delivery and commercial activation in a key node in the City centre. Shadow analysis provided in the architectural drawings demonstrates that the development does not create excessive overshadowing impacts on surrounding public spaces.

Criterion 9 – Front Boundary Setback

The proposed development is not consistent with C9, which requires that buildings either abut the front property boundary or, if alternative setbacks are established by existing adjacent development, maintain consistency with the intended design themes of the area. In this case, the upper floor levels of the building encroach into the front setback, disrupting the established rhythm of the streetscape and failing to align with the design themes of the surrounding area. No justification has been provided to explain how this encroachment is appropriate or necessary for the development. As a result, the project does not comply with C9, and further clarification is required to address how the design will harmonize with the adjacent developments and the intended character of the area.

Considered Satisfied.

C9

Buildings abut the front property boundary unless alternative setbacks are established by existing adjacent development, in which case setbacks are consistent with the intended design themes of the area.

The updated design maintains consistency with the intended design themes of the area by providing continuous colonnade treatment along Marcus Clarke Street that aligns with the established pedestrian network. The upper level encroachments have been significantly reduced from the previous proposal, with Building B now having no encroachments and Building A limiting encroachments to minimal architectural articulation elements and minor extensions to the Marcus Clarke and Darwin Place frontages only, as well as Block 8. The ground floor built form abuts the front boundary as required, while the colonnade provides appropriate pedestrian amenity consistent with the area's character to ensure continuity in pedestrian movement while also offering amenity and visual interest along all the front boundary interfaces.

Reason	Comment
Rule 10/Criterion 10 – Pedestrian Shelters	
The proposed development is not consistent with R10 and C10, which require the provision of continuous awnings or colonnaded walkways at ground floor level abutting the street frontage to provide sheltered and convenient pedestrian access. Specifically, the development does not incorporate a colonnaded walkway along University Avenue, as required by the code. This omission fails to align with the intended design themes for the area, where pedestrian-friendly spaces and shelter at street level are essential for enhancing accessibility and public experience. Without the inclusion of these features, the project does not provide adequate protection for pedestrians from the elements, nor does it contribute to the cohesive design envisioned for this area.	Considered Satisfied. <i>R10</i> Buildings provide continuous awnings or colonnaded walkways at ground floor level within the site abutting the street frontage. Continuous shelters, in the form of awnings or colonnades, have a minimum clear width of 2.5m and minimum ceiling height of 3.6m. <i>C10</i> Sheltered and convenient pedestrian access is provided in the main retail and commercial areas at street level by incorporating colonnades or awnings, in a form that is consistent with the established/intended design themes for the area. The reconsideration proposal now includes continuous awnings along University Avenue that connect with the colonnade system along Marcus Clarke Street, providing the required pedestrian shelter. The awning treatment specifically references and connects with the existing heritage-listed ANZ Building awning, demonstrating consistency with established design themes. The colonnade provides a minimum clear width of 2.5m and minimum ceiling height of 3.6m as required, creating sheltered pedestrian access throughout the development frontages.
Criterion 38 – City Sections	
The proposed development is not consistent with C38, which requires that new buildings within an intensive inner-city redevelopment be consistent with a comprehensive design for the whole section, as identified in a Planning Report under section 97 of the Planning and Development Act 2007. Additionally, existing low-rise buildings or building elements that are integral to the comprehensive design may be required to retain their existing heights.	Considered Satisfied. <i>C38</i> Where comprehensive redevelopment is proposed to an intensive inner city scale, each new building is to be consistent with a comprehensive design for the whole section identified in a Planning Report under section 97 of the Planning and Development Act 2007. Existing low rise buildings or building elements that are integral to the comprehensive design may be required to retain their existing heights.

Reason	Comment
In this case, no justification has been provided to explain how the proposed development integrates with or is complementary to the existing low-rise buildings or building elements in the area. Without such justification, the proposal appears disconnected from the surrounding built form, failing to demonstrate that it is part of a cohesive design strategy for the section as a whole. Therefore, the development does not comply with C38, and further clarification is needed to address how it aligns with the existing context and the intended design objectives.	The updated proposal demonstrates consistency with a comprehensive design approach for the whole section through the coordinated treatment of both buildings and the landscape plaza on Block 8. The stepped height configuration respects the existing low-rise building elements while providing appropriate intensification. The integration of services, landscape, and built form across the multiple blocks shows consideration of the section as a cohesive whole, supported by the consolidated access and servicing arrangements.
Commercial Zones Development Code	
Criterion 3 – Building Design and Materials	
The proposed development is not consistent with C3, which requires buildings to contribute to the amenity and character of adjacent public spaces, provide functional facades and enhance the streetscape and pedestrian experience. No justification has been provided to demonstrate how the proposed development contributes to the overall amenity and character of the section. It is noted the Heritage Council requested consideration of character of the Darwin Place and Hobart Place precinct, which includes buildings of matching height and scale. The existing buildings in this area have a strong emphasis on simple forms and horizontal façade elements, which reinforce the axial importance of University Avenue, connecting the Supreme Court to the ANU. The design of the proposed buildings, which include references to bus shelters and a complicated mix of materials and colours, do not contribute to the character of this area.	Considered Satisfied. <i>C3</i> <i>Buildings achieve all of the following:</i> <i>a) a contribution to the amenity and character of adjacent public spaces</i> <i>b) interesting, functional and attractive facades that contribute positively to the streetscape, pedestrian and cycling experience</i> <i>c) minimal reflected sunlight</i> <i>d) articulated building forms</i> <i>e) a contribution to permeability by providing pedestrian access through or around buildings and connections to external path networks</i> <i>f) floor plans that encourage walking within the building, including the use of stairwells</i> <i>g) physically open or visually permeable stairwells to facilitate natural surveillance.</i>

Reason	Comment
	The architectural plans demonstrate that the buildings contribute to the amenity and character of adjacent public spaces through active ground floor commercial uses, continuous colonnade treatment, and landscape plaza integration. The facades provide functional and attractive streetscape interfaces with appropriate articulation and materials that respond to the modernist context. The design promotes permeability through multiple pedestrian connections and the cross-block plaza link. The buildings include physically open stairwells visible in the architectural sections that facilitate natural surveillance, and the floor plans encourage walking within the buildings through efficient circulation arrangements.
Criterion 14 – Landscaping	
The proposed development is not consistent with C14, particularly regarding the provision of deep root planting, which is critical for contributing to the landscape and streetscape. While landscaping is expected to complement the streetscape and provide adequate shade and energy efficiency, the lack of appropriate deep root planting raises concerns about long-term sustainability and compatibility with site attributes. The lack of deep-rooted vegetation may also adversely affect the integration with public spaces, parks, and transport corridors, and it does not support amenity of the proposed and adjoining buildings. Without a suitable level of such landscaping, the development may fail to offer substantial shade in summer. Justification is needed to demonstrate how the landscaping plan addresses these concerns, particularly in relation to C14's focus on the impact of deep-root planting on energy efficiency, safety, and the surrounding environment.	Considered Satisfied. <i>C14</i> <i>Landscaping associated with the development achieves all of the following:</i> <i>a) response to site attributes, including streetscapes and landscapes of documented heritage significance</i> <i>b) appropriate scale relative to the road reserve width and building bulk</i> <i>c) vegetation types and landscaping styles which complement the streetscape</i> <i>d) integration with parks, reserves and public transport corridors</i> <i>e) minimal adverse effect on the structure of the proposed buildings or adjoining buildings</i> <i>f) contribution to energy efficiency and amenity by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor living areas</i> <i>g) minimal overlooking between buildings</i> <i>h) satisfies utility maintenance requirements</i> <i>i) minimises the risk of damage to aboveground and underground utilities</i> <i>j) screens aboveground utilities</i> <i>k) provides adequate sight lines for pedestrians, cyclists and vehicles, especially near street corners and intersections</i>

Reason

Comment

l) *does not obscure or obstruct building entries, paths and driveways to reduce the actual or perceived personal safety and security.*

The landscape design shown in the architectural drawings includes substantial tree planting and green roof areas that provide deep root planting opportunities. The species selection and landscape areas are designed to complement the streetscape while providing adequate shade and energy efficiency benefits. The landscape plaza on Block 8 integrates with the broader public space network and transport corridors, while the green roof systems minimize adverse effects on building structure and provide amenity benefits for residents.

Multi-Unit Housing Development Code

Rule 29/Criterion 29 – Front Boundary Setbacks

The proposed development is not consistent with R29 and C29, particularly in relation to the upper floor airspace encroachments into the front boundary setback. While the front boundary setbacks are intended to ensure consistency with the desired character of the area and provide reasonable amenity for residents, the upper-level encroachments reduce the space available for these objectives to be met. Specifically, the encroachments limit the area for street trees to grow to maturity. The encroachments are not considered to be consistent with the desired character of the area, increasing the apparent scale and bulk of the development, making it inconsistent with adjacent buildings and the University Avenue streetscape. There was insufficient justification provided to explain how these upper floor encroachments comply with the requirements of criterion 29.

Considered Satisfied.

R29

Front boundary setbacks comply with Table A5. Minimum boundary setbacks for corner blocks apply only to the street frontage nominated as a secondary street frontage. If street frontages on corner blocks are of equal length, the minimum setbacks apply only to one secondary street frontage. Chamfers may be included in the secondary street frontage.

Minimum front boundary setbacks					
floor level	blocks in subdivisions approved on or after 18 October 1993	blocks in subdivisions approved before 18 October 1993	exceptions		
			corner blocks		public open space or pedestrian paths wider than 6m
			secondary street frontage - mid-sized blocks	secondary street frontage - large blocks	
lower floor level	4m	6m	3m	4m	4m
upper floor levels	6m	6m	3m	6m	4m
garage	5.5 m with a minimum of 1.5 m behind the front building line	6m	5.5m	5.5m	4m

Figure 1: Table A5 (Multi Unit Housing Development Code, 10 June 2023)

Reason	Comment
	<i>C29</i> <i>Front boundary setbacks achieve all of the following: a) consistency with the desired character b) reasonable amenity for residents c) sufficient space for street trees to grow to maturity.</i> The updated proposal significantly reduces upper floor encroachments, with Building B having no encroachments and Building A limiting encroachments to minimal architectural elements. The setback design provides sufficient space for street trees to grow to maturity by limiting encroachments to upper levels in these areas and maintains consistency with the desired character of the area. The ground floor colonnade treatment provides reasonable amenity for residents and visitors while respecting the streetscape character. Noting the existing encroachments along all sides of the existing buildings on the site, the updated Reconsideration proposal is considered to significantly improve the interfaces with adjoining areas, offering passive surveillance and added amenity to future residents without significantly impacting the public amenity of the ability for street trees to grow to maturity.
Criterion 43 – External Facilities	
The proposed development is not consistent with C43, as no details have been provided regarding the screening or adequate separation of external facilities, particularly for clothes drying areas and air conditioning units. The criterion requires that these elements are either screened or adequately separated from public areas to ensure they do not detract from the visual amenity of the development or surrounding public spaces. Without the required details, it is unclear how the development addresses this requirement, and further information or justification is necessary to demonstrate compliance with C43, particularly in terms of maintaining the aesthetic and functional integrity of the external spaces.	Considered Satisfied. <i>C43</i> <i>The following external facilities or equipment are screened or adequately separated from public areas:</i> <i>a) external storage areas</i> <i>b) water tanks</i> <i>c) waste storage enclosures</i> <i>d) mechanical services (including air conditioners and hot water storage units)</i> <i>e) clothes drying areas.</i>

Reason	Comment
	The architectural drawings show that external facilities including mechanical services are appropriately screened or separated from public areas. Air conditioning units and other mechanical equipment are integrated into the building design and located to minimize visual impact from public spaces. Waste storage areas are enclosed within the building structure and screened from public view.

Rule 58/Criterion 58 – Solar Access	
The proposed development is not consistent with R58 and C58, as the plans provided do not adequately demonstrate that at least 70% of the apartments' daytime living areas receive the required 3 hours of direct sunlight between 9am and 3pm on the winter solstice. Instead, the current plans show solar access primarily reaching the principal private open space or winter garden areas, rather than the internal living areas. To demonstrate compliance with the requirements, a detailed solar diagram focusing on the internal layout should have been provided. Without this, the application fails to ensure reasonable sunlight access to apartment living spaces.	Considered Satisfied. <i>R58</i> <i>This rule applies to apartments.</i> <i>The floor or internal wall of a daytime living area of not fewer than 70% of apartments on a site is exposed to not less than 3 hours of direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).</i> Note: Where a development comprises a mixture of apartments and other multi unit housing, this rule will apply to the apartments. Note: Overshadowing from vegetation is not considered when assessing solar access. <i>C58</i> <i>Daytime living areas have reasonable access to sunlight.</i> The solar access analysis provided in drawings DA.06.07 and DA.06.08 demonstrates that 88% of apartments (136 units out of 154) receive the required minimum 3 hours of direct sunlight between 9am and 3pm on the winter solstice, exceeding the 70% requirement. Building A achieves 90% compliance (80 units) and Building B achieves 85% compliance (56 units), with detailed solar diagrams showing sunlight penetration to internal living areas rather than just balconies or winter gardens.

Reason

Comment

Parking and Vehicular Access General Code

The proposed development is not consistent with the parking code, as it fails to provide adequate visitor car parking spaces within the site boundary. The absence of designated parking areas for visitors compromises accessibility and convenience for residents and their guests. There is no clear justification provided for the lack of visitor parking.

Considered Satisfied.

Commercial centre	Long stay parking	Short stay parking	Operational parking	Visitor parking
City centre	(i) CZ1 and CZ2 zones - on-site or in publicly available car parks up to 1km distant	(i) CZ1 and CZ2 zones - on site or within 400m	On-site or immediately adjacent	(i) CZ1 and CZ2 zones - on site or within 400m

Figure 2: Locational requirements (*Parking and Vehicular Access General Code, 17 June 2022*)

Development	City centre	Town centres
Office	CZ1 Zone 1 space/100m ² GFA CZ2 Zone 2.0 spaces/100m ² GFA CZ3 Zone 2.0 spaces/100m ² GFA	Belconnen & Woden CZ1 and CZ2 1 space/100m ² GFA CZ3 Zone 2.5 spaces/100m ² GFA Gungahlin 2.5 spaces/100m ² GFA Tuggeranong 2 spaces/100m ² GFA
RESIDENTIAL USE	CZ1 and CZ2 zones No minimum requirement CZ3 zone 0.8 spaces per single bedroom unit 1.3 spaces per two bedroom unit 1.8 spaces per unit with three or more bedrooms	CZ1 and CZ2 zones No minimum requirement CZ3 zones 0.8 spaces per single bedroom unit 1.3 spaces per two bedroom unit 1.8 spaces per unit with three or more bedrooms.
Shop	4 spaces/100m ² GFA	

Figure 3: Provisional requirements (*Parking and Vehicular Access General Code, 17 June 2022*)

3.2.1

The objectives for the provision of parking and vehicular access in commercial zones are to ensure:

- a) **Amenity**
 - i) no regular overspill of parking occurs in neighbouring residential areas which detracts from the amenity of these areas
 - ii) the provision of parking does not detract from creating vibrant, interesting and lively centres
- b) **Safety**

Reason	Comment
	i) <i>no traffic hazards are created by the provision of access and parking facilities for a development</i> ii) <i>the safety of all users, especially pedestrians and cyclists, is considered</i> iii) <i>the creation of community surveillance of car parking areas by people using neighbouring areas</i>
	c) <i>Efficiency</i> i) <i>the efficient use of existing and future public parking provision by the consideration of sharing of facilities, wherever possible</i> ii) <i>the effectiveness of travel demand management measures to reduce the overall demand for long stay, commuter parking of private vehicles in the city and town centres</i> iii) <i>commercial vehicles delivering or collecting goods are accommodated</i>
	d) <i>Access</i> i) <i>safe and efficient access to commercial centres by all users of the centre, including business, workers, residents, shoppers and visitors as well as by operational and commercial vehicles</i>
	e) <i>Equity</i> i) <i>the maintenance of an adequate supply of public parking for the level of development and activity approved in a centre</i>
	f) <i>Commercial viability</i> i) <i>the commercial viability of a centre is not adversely affected by the inappropriate provision of parking</i>
	g) <i>Non-commercial use</i> i) <i>the successful operation of non-commercial uses in centres, especially community uses which will require adequate set-down and pick-up facilities</i>
	The updated basement design provides adequate visitor parking spaces within the development, with the consolidated basement arrangement offering efficient parking provision across multiple levels. The B1 level specifically includes public access parking areas that can accommodate visitors, addressing the previous concern about visitor parking provision. Also refer to the updated traffic report submitted.

Reason	Comment
Inconsistencies with Entity Advice	
Transport Canberra and City Services Directorate	
LMPP/Street Trees	
[T]here is information missing relating to our previous comments on Tree Management and soil volumes.	The updated landscape plans restore and retain the existing regulated <i>Styphnolobium japonicum</i> specimens in the plaza area adjacent to Farrell Place with protective tree pits, and introduce deep soil volumes considered appropriate to accommodate root growth in accordance with TCCS soil volume requirements.
[R]equest the 'Tree Survey' document to be sent through again. The current one uploaded is just a cover page, not the full document. Perhaps it failed to upload or be saved properly as PDF by applicant. For TCCS to provide appropriate advice, the missing Tree Survey and Management document is required	The updated Tree Assessment and Tree and Landscape Management Specifications are included in the Landscape Plan set demonstrating the measures proposed for the trees on site and adjacent in the Reconsideration proposal. Refer to Landscape Plans TP-10.01, TP-10.02, and TP10.03 in this regard.
Traffic and Parking	
Based on review of the updated traffic report prepared by SALT dated 23/05/24, all previous traffic and parking comments have been adequately addressed. Following is a condition: Queuing analysis shows minimal queuing at the entrance to the site. However, this is based on existing arrangements and does not account for future light rail. Hence, the proponent shall implement keep clear road marking along University Avenue, at the Darwin Place entrance/exit, to minimise queuing, particularly onto the light rail tracks.	Based on the updated proposal and the updated TIA analysis, SALT confirms minimal queuing, and 'keep clear' markings at Darwin Place ramp prevent light rail track obstruction. Waste access arrangements have been clarified with consolidated service areas on the ground floor, allowing safe vehicle manoeuvring as demonstrated in detailed swept-path diagrams.

Reason	Comment
Waste	
Provided the development is currently unclear, TCCS will only give basic advice assuming that this is to be one block (consolidated).	
Are buildings A and B on one block or are they two separate developments?	The proposed development is currently proposed over Blocks 2, 7 and 8 Section 5 City, with a consolidated basement and shared servicing. The Direct Sale of the subterranean area connecting the various Blocks will necessitate consolidation of the Blocks into a single Block to encompass the entire development. It is therefore considered appropriate to have the consolidated proposal centrally serviced and a condition to require consolidation of the Blocks post-approval is considered appropriate.
Section 2 of the report states: (see image 1) This statement is incorrect. Why is the applicant requesting a Territory waste collection service in section 1 but then states that they don't need it in section 2?	The updated proposal has been discussed with TCCS, and it was established that a combined waste collection arrangement as presented would be the most optimal solution despite not meeting the standard conditions in the Waste Code. In the updated proposal therefore, approval is sought for a Performance Solution for the use of an 8.8m rear-loading MRV, based on physical site constraints demonstrated via multiple swept-path analyses. Bin quantities and frequencies (residential: 7x1100L waste, 6x1100L recycling, 4x240L green per week; commercial: 3x1100L waste, 1x1100L recycling, 3x240L organics/week) meet or exceed Code minimums. All residential waste is Territory-collected, commercial waste will be privately collected and kept fully separate as now clearly documented. The WMP and appended forms demonstrate explicit code compliance for all controls, including DDA path, internal and external storage, route gradient, and collection point. The collection bay layout avoids overspill onto public domain and provides all lost on-street parking within the basement.
The applicant claims that waste will be divided in the general waste, recycling, food organics, hard waste, charity and e-waste. The Territory only collects general waste, recycling, green waste, bulky waste and food organics (FOGO) in selected areas.	The comprehensive Waste & Recycling Management Plan prepared by SALT demonstrates compliance with Territory requirements. The plan provides separate residential and commercial waste collection systems with appropriate bin allocations and collection frequencies.

Reason	Comment
Under section 8.2.5, the applicant has miscalculated green bin space required at the kerb. As per the DCC, every bin requires a minimum of 0.2m between them. Therefore, if one were to use SALT's calculations of 0.8m per bin, the space required would be 3.8m (and not 3.2m) plus 1m on each side of the outside bins from objects. Detailed drawings showing bins on the kerb as required under the DCC are not submitted. The carting distances are not nominated. Section 10.1 then describes green bins collected onsite (image 3). Is the yellow highlighted line the property boundary? Where are the truck turning templates? Where are the detailed drawings.	Bin quantities and frequencies (residential: 7x1100L waste, 6x1100L recycling, 4x240L green per week; commercial: 3x1100L waste, 1x1100L recycling, 3x240L organics/week) meet or exceed Code minimums.
8.2.3 states: (see image 2) Only those hoppers collected by the Territory must be stored in the waste enclosure. Bulky waste and services must not be located in the enclosure.	All residential waste is Territory-collected, commercial waste will be privately collected and kept fully separate as now clearly documented. The WMP and appended forms demonstrate explicit code compliance for all controls.
The statement in image 3 is incorrect. All heavy rigid vehicles must be depicted as 12.5m vehicles. The sizes of each truck listed in the Waste Code are for information only. All front-load, rear-load, side-load and roll-on roll-off (RORO) collection vehicles are heavy rigid vehicles (HRV). Table 2.1 of Australian Standard AS2890.2 requires HRVs to be depicted as 12.5m long vehicles. Austroads also require HRVs to be depicted as 12.5m long vehicles in turning templates. Section A7.2 of the Waste Code states: "Swept vehicle software may not be accurate and does not account for driver error. To compensate for inaccuracies and driver error, the distances between wheels and kerb when navigating bends must show a minimum of 1.0m by using a vehicle length of 12.5m." When designing a site, one needs to consider the largest possible vehicle in its class and not the smallest. The Territory cannot restrict vehicles entering this site to only 10.5m or smaller. The Territory's waste contractor has a range of vehicles of varying shapes and sizes which change over time as their fleet is refreshed. Therefore, all sites where a HRV will access the site on behalf of the Territory, must be able to accommodate the largest possible vehicle in its class which is 12.5m.	The updated proposal has been discussed with TCCS, and it was established that a combined waste collection arrangement as presented would be the most optimal solution despite not meeting the standard conditions in the Waste Code. In the updated proposal therefore, approval is sought for a Performance Solution for the use of an 8.8m rear-loading MRV, based on physical site constraints demonstrated via multiple swept-path analyses. Bin quantities and frequencies (residential: 7x1100L waste, 6x1100L recycling, 4x240L green per week; commercial: 3x1100L waste, 1x1100L recycling, 3x240L organics/week) meet or exceed Code minimums.

Reason	Comment
The report has superfluous material and often refers to Victorian WHS requirements. Please have the applicant refer to ACT WHS requirements.	These comments are noted. Refer to the updated WRMP submitted.
As commercial waste will not be collected by the Territory, it should not be in the residential waste application. Please remove it.	These comments are noted. Refer to the updated WRMP submitted.
According to Image 5 (SALT-22304-SK-029), green bins will be collected at the disabled car park. The rear end of the truck would protrude onto Darwin Place. This is not permitted. Parking restrictions would have to be introduced in Darwin Place all day for waste, recycling and green bin collections. What if FOGO is introduced or residents want bulky waste collection. What about commercial trucks? Based on this, the application will need to apply for all parking on Darwin Place to be removed (No parking 24/7, 365 days a year).	All residential waste is Territory-collected, commercial waste will be privately collected and kept fully separate as now clearly documented. The WMP and appended forms demonstrate explicit code compliance for all controls, including DDA path, internal and external storage, route gradient, and collection point. The collection bay layout avoids overspill onto public domain and provides all lost on-street parking within the basement.
No waste enclosure plans, sections or elevations have been provided no operations management plan, no proper turning templates etc.	These comments are noted. Refer to the updated WRMP submitted.
There are multiple documents missing. The applicant must familiarise themselves with the DCC and Territory relevant legislation, codes and standards and not refer to other jurisdictional materials.	These comments are noted. Refer to the updated WRMP submitted.
The applicant needs to cut down on the irrelevant materials and remove the commercial waste plan and submit a separate document. For example, the Sustainability Action Plan and Initiatives etc. is not required to assess a Territory waste collection service. Remove such superfluous materials. Why are superfluous items (table 22), such as "Vehicle operators would be trained to make sure the tailgate is closed...". Or, "Vehicles should meet relevant Australian design rules...." Or, "Maintain sufficient or frequent communication between driver and runner...." There is only one person in the truck. Or, "Ensure collection is to only occur off-peak..." The Territory does not collect off-peak! So, why propose these items in this application? None of the items noted above, or many of the other items, are relevant to compliance with the DCC, legislation, codes and standards. The applicant must submit all required documents as noted in the DCC and stick to that. Also, see EAN24.	These comments are noted. Refer to the updated WRMP submitted.

Reason	Comment
As per the DCC, every site must be designed and constructed to allow a waste collection service. This requirement is for residential and commercial waste. It is not for the Territory to approve an unrealistic, dangerous and non-compliant sites and to find bespoke waste collection services. The site's design must accommodate a Territory waste collection service.	These comments are noted. Refer to the updated WRMP submitted.
Even if the site cannot accommodate residential waste collection, the same requirements apply to commercial contractors. At the end of the day, regardless of the site's limitations, it needs to be designed and constructed to accommodate a waste collection.	These comments are noted. Refer to the updated WRMP submitted.
Environment Protection Authority	
Rule 35 of the Commercial Zones Development Code specifies the demolition of commercial or industrial premises for which a certificate of occupancy was issued before 2005 is undertaken in accordance with hazardous materials survey. No hazardous materials survey report is found in these application documents. As a result, the applicant should provide a hazardous materials survey report (within 5 years) and get EPA endorsement before the DA could be supported by EPA.	These comments are noted and considered that conditions of approval can address the requirement for hazardous materials survey prior to commencement of works. The development acknowledges these requirements and commits to compliance with EPA guidelines for site assessment, remediation, and hazardous materials disposal.
Rule 23 of the Commercial Zones Development Code specifies that certain developments must comply with a noise management plan prepared by a suitably qualified person and endorsed by the Environment Protection Authority. The lease for Block 7 Section 5 City includes Tavern as a permitted used which is considered to be a drink establishment. A noise management plan should be provided for EPA endorsement before the DA could be supported by the EPA.	An updated Noise Management Plan is submitted with this application for referral and endorsement by the EPA as required.
Please provide a hazardous materials survey report dated within the last 5 years.	These comments are noted and considered that conditions of approval can address the requirement for hazardous materials survey prior to commencement of works. The development acknowledges these requirements and commits to compliance with EPA guidelines for site assessment, remediation, and hazardous materials disposal.

Reason	Comment
The following recommended preliminary conditions and advice are provided for the applicant's information noting further conditions of approval will be required following review of the required reports.	These comments are noted.
Preliminary Conditions EPA would support the development subject to the following conditions: • The site must be assessed and remediated, if necessary, in accordance with the guidelines endorsed by the EPA by a suitably qualified environmental consultant. • All spoil identified at the site must be managed in accordance with EPA Information Sheet – Spoil Management in the ACT. • All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT. • No soil is to be disposed from site without approval from the Office of the Environment Protection Authority. • Appropriately ACT licensed contractors and consultants able to perform the full range of licensable duties in the ACT must be engaged for the assessment, removal, transport and disposal of all hazardous materials present at the site. • All hazardous materials found on the site must be disposed of to a facility lawfully licenced/ authorised to accept the waste.	These comments are noted and considered appropriate for inclusion in the Notice of Decision as required.
Conservator of Flora and Fauna	
The proposed tree removals are not supported. The proponent proposes removing three very large trees which were planted as part of the original landscape in Farrell Place.	These comments are noted and the proposal has been updated accordingly. Refer to the updated Landscape Plan set and Tree assessment included.
The proponent proposes removing three mature regulated <i>Styphnolobium japonicum</i> noted as (Trees 9, 10, and 11) and one unregulated <i>Ulmus</i> species noted as Tree 8.	Mature <i>Styphnolobium japonicum</i> and <i>Ulmus</i> trees (Trees 9–11) are preserved in situ within deep-root planters; minor pavement adjustments ensure tree protection zones are respected. Replacement plantings achieve equivalent canopy contribution.

Reason	Comment
The Tree Assessment Plan, page 9_TP_02, dated October 20, 2023, noted tree 9 as being in average condition and Trees 10 and 11 as poor condition. The Tree Protection Unit would rate the condition of three trees to be good, however they form, and habit would be fair given the location of trees and effect of growing next to large buildings.	These comments are noted and the proposal has been updated accordingly. Refer to the updated Landscape Plan set and Tree assessment included.
Tree 9 would be considered a medium to high quality tree given its size and stature and good health and large canopy.	These comments are noted and the proposal has been updated accordingly. Refer to the updated Landscape Plan set and Tree assessment included.
Trees 10 and 11 would be medium quality trees. The trees and are in fair to good health, are large specimens, and are significant within the landscape.	These comments are noted and the proposal has been updated accordingly. Refer to the updated Landscape Plan set and Tree assessment included.
Trees 10 and 11 are causing some lifting of the pavement however, this issue could be alleviated with landscape improvements within the tree protection zone (primarily relieving some of the surface to better accommodate the trees future growth).	Mature Styphnolobium japonicum and Ulmus trees (Trees 9–11) are preserved in situ within deep-root planters; minor pavement adjustments ensure tree protection zones are respected. Replacement plantings achieve equivalent canopy contribution.
The trees currently don't meet criteria for removal under the Tree Protection (Approval Criteria) Determination 2006 (No 2).	These comments are noted and the proposal has been updated accordingly. Refer to the updated Landscape Plan set and Tree assessment included.
The Tree Protection Unit recommends the trees be retained and incorporated into any new landscape proposed for the zone. • The trees currently don't meet criteria for removal under the Tree Protection (Approval Criteria) Determination 2006 (No 2). • The trees are large mature specimen approximately 60 years old in good condition. • The trees provide a high landscape and aesthetic component within the landscape. • Replacing the trees and reaching the same extent of canopy contribution would take a significant time. • The proposed landscape should consider landscape and aesthetic qualities of trees before considering their removals to simply renew the landscape with new tree plantings.	Mature Styphnolobium japonicum and Ulmus trees (Trees 9–11) are preserved in situ within deep-root planters; minor pavement adjustments ensure tree protection zones are respected. Replacement plantings achieve equivalent canopy contribution. These comments are noted and the proposal has been updated accordingly. Refer to the updated Landscape Plan set and Tree assessment included.

Reason	Comment
National Capital Authority	
National Capital Plan, section 4.25	
The Plan envisions various building heights in the City Centre to emphasise the Griffin Plan, with RL617 reserved primarily for sites adjacent to Main Avenues as the key elements of the Griffin Plan, such as University Avenue. The NCA has no objections with RL617 proposed for Building A as it is located on the corner of a Main Avenue. The NCA is not supportive of buildings near RL617 where Building B is located as the site is not directly adjacent to a Main Avenue and appears as a separate building above ground. The Plan generally advises the maximum building height is to be nine storeys, with the exception of sites where taller buildings may be permitted to emphasize key elements of the Griffin Plan.	Considered Satisfied. 4.25 <i>The height of buildings in City Centre may be less than but not more than nine storeys provided that:</i> • <i>plant rooms and other service elements may be allowed above this height subject to being set back from the building edges and screened from street level view.</i> • <i>one or more taller building(s) per section up to a maximum height of RL617 will be considered only in accordance with an approved comprehensive design for the whole section. Comprehensive section designs should seek to use building height to emphasise and reinforce the geometry of the Griffin Plan and the symbolic Main Avenues radiating out from City Hill.</i> • <i>where an existing building exceeds the height limitations set out above it will be permissible to consider rebuilding to the same height as the existing building or lower.</i>
The revised design of Building B shows rooftop plant directly on the building edge of the eastern elevation. The Plan section above states that rooftop plant and service elements for buildings above nine storeys need to be setback from building edges	Based on the further engagement with the Authority and NCA, the feedback received shaped the proposed updated building bulk and positioning. The stepped height approach directly addresses NCA concerns by providing RL617 height only for Building B (away from University Avenue) while Building A steps down to RL607.862 at the University Avenue frontage. Building encroachments have been substantially reduced, with Building B having no encroachments and Building A limiting encroachments to minimal architectural elements and necessary ground floor services. The design respects the geometry of the Griffin Plan through the stepped height configuration.
The NCA is not supportive of the proposed building encroachments for internal GFA over Marcus Clarke Street, Darwin Place and Block 8 Section 5 City. Encroachments for balconies, architectural features or similar minor matters would be supported if the encroachment matches the size and scale of any existing building encroachments over public space	Also refer to the updated Section 97 Planning Report Addendum submitted with the Reconsideration application that addresses these issues in greater detail.
The unit layout for 'typical unit 0.2 and 0.3' shows bedrooms with windows directly facing an internal open space, adjacent to an external corridor in Building A. The NCA would like to understand what amenity is provided to these bedrooms.	
The City Centre Special Requirements Section 4.25 of the National Capital Plan (NCP) are applicable to the proposal.	

Reason	Comment
The arrangement of buildings on Sections 3 and 5 City is highly symmetrical, with heights on both sections generally identical. This emphasises the geometry of the Griffin Plan as associated with University Avenue.	
The “ANZ bank building” (former ES&A Bank) located on Block 1 Section 3 at the corner of University Ave & London Circuit is heritage listed and matches the building height opposite (Block 1 Section 5). These are expected both to remain at the current height.	
With respect to the proposed development of Tower A to RL617 on Block 2 Section 5, it is noted that there is currently no building or development approval on Block 22 Section 3 of a similar height to match the proposed height of Tower A.	
City Renewal Authority	
The Authority notes the amendments to Tower B has received a slight reduction in height to RL 613.50 and Tower A remains at RL 617.00. However, several issues borne out of the tower heights remain unaddressed (see overshadowing, solar access etc below).	Since receiving the NOD, the proponent has engaged with the CRA on the development of the updated proposal for Reconsideration, highlighting key improvements made to the design that directly address the CRA concerns raised.
As per previous comments on Dec 2023 the Authority notes this amendment does not address building projections beyond the site boundaries (including habitable GFA) which the Authority does not support.	The reconsideration proposal addresses CRA concerns through comprehensive urban design improvements including:
The Authority reiterates previous concerns on the potential to create CPTED issues in and around the central green space and kiosks. Further detail is required to fully mitigate these concerns. The Authority notes improvement to circulation through this green space, but strongly encourages the proponent to explore opportunities to provide equitable access (particularly noting the provision of DDA parking spots nearby).	• integrated accessible pathways throughout the site; • enhanced CPTED outcomes through improved sightlines and natural surveillance opportunities; • appropriate material selection consistent with Canberra Central Design Manual; • improved solar access through building orientation and reduced overshadowing; • elimination of most building encroachments; • enhanced public realm connectivity; and

Reason	Comment
The Authority notes the proponent's intention to add more greenery to the street however the Authority's expectation is that any proposed off site works within the streetscape would align with the established city palette found in the Canberra Central Design Manual. As such, the proposed off-site works require amending to match the city palette for the Authority to provide support.	comprehensive landscape strategy that provides significant public benefit.
The Authority notes the change in tree species from Chinese Elm to Gleditsia 'Continental.' The Authority raises question around this species suitability due to shade intolerance. Refer to TCCS comments.	The design demonstrates clear integration with surrounding urban fabric while providing high-quality residential and commercial accommodation in the heart of the City centre. The updated proposal is considered to be a significant improvement in the overall outcome for the development as well as for the public realm.
As previously mentioned in comments in December 2023, the Authority requests calculations of canopy cover and permeable surfaces in the landscaped open space to make a full assessment against this principle.	
The Authority notes the updated Purdon response to the Authorities previous comments, however the items mentioned are not easily found in the plans. Could the sustainability items be made more visible on the plans and forwarded back for review please.	
As mentioned under the landscape principle, the Authority notes the amended landscape plans show a new stepped connection between the kiosk courtyard to Darwin Place and into Block B building. The proponent is encouraged to make this important site link universally accessible, to ensure improved safety and legibility of the public realm is achieved.	
To demonstrate the above is achieved, the Authority requests additional information in the form of a plan showing the accessible routes and pedestrian paths around the site. In addition, further clarification on how the level changes along Marcus Clarke Street are handled to provide access from the footpath to the proposed colonnades of both buildings. The proponent could provide this via architectural sections that illustrate the functionality of the design such as a section through the road, footpath and colonnade which should provide a better understanding of the way pedestrians move through these spaces.	

Reason	Comment
With consideration of pedestrians moving along Marcus Clarke Street, the Authority encourages a review of colonnade alignment and any imposed impediments to this circulation path (landscape elements interrupt this path). It is important to provide weather protection that follows an intuitive route on Marcus Clarke.	
The Authority notes the amendment to Tower B, with a modest height reduction to RL613.50. Noting the modest nature of this reduction, the Authority refers to previous comments on appropriate heights for this site and their impact on solar access, overshadowing to public spaces.	
The Authority reiterates previous comments that building projections beyond the boundary line (including habitable GFA) are not supported.	
The Authority notes the amended plans now reflect all internal connections to bedrooms now and the removal of internal spiral staircases adjacent to a balcony removed.	
As per previous comments in Dec 2023 we still have concerns that the external circulation corridor remains for two apartments on each level of Tower A. This is not a desirable outcome and should be re examined please.	
The Authority also requests to see where the air conditioning units are represented on the plans. These need to be identified and located in a position that has minimal detrimental impact on quality of life for residents.	
The Authority notes the new amendment of the previous landscape design; however, we ask the proponent to consider a better way to link Darwin Place to the Marcus Clarke place to ensure safe and equitable access through the space.	
As per previous comments in Dec. 2023 there are legibility and safety concerns in relation to the public realm plans in this application. Refer to new comments in Principles 2 and 4.	

Reason	Comment
As per previous comments Dec 2023, the Authority notes there has been no design development with the two items below which should be addressed for safety and functionality. i. The storage lockers along/behind the basement carpark ramps present a CPTED issue – a long, narrow access path with no surveillance or means to escape would cause an entrapment issue. ii. The general basement configuration for circulation, parking and access to waste and storage needs to be reconsidered from a functionality and safety perspective.	
As per the previous comments Dec 2023, the Authority notes the dwelling mix should have no more than 40% of each type of dwelling to ensure a diversity of housing choices within the city centre.	
As per the previous comments Dec 2023, the proponents proposed designs negatively influence the connectivity, safety and legibility of the public domain. Refer to the authority's new comments in Principles 2, 4 and 7 in relation to public realm and community benefit.	
As per the previous comments Dec 2023, It was acknowledged that the proponents have taken on the Authority's previous advice regarding the design of two unique buildings with separate architectural expression. However, the current proposal reflects a design outcome which is somewhat too literal in trying to create an architectural expression that reflects the Canberra context. A more refined and material-focused expression of façade articulation would help to create a higher quality design outcome for these buildings.	

Reason	Comment
Inconsistencies with Design Review Panel Requirements	
This development proposal was presented twice to the National Capital Design Review Panel, with the last advice provided in December 2021. This development application was lodged 14 December 2023, so is not consistent with the requirements of the Planning and Development Act 2007, as it was not submitted within 18 months following the provision of design advice. Consequently, the Panel's Advice issued for this proposal at Blocks 2, 7, 8 Section 5 City has expired. Further, it is noted the development application is substantially different from that presented to the Panel and the proposal fails to adequately respond to a range of issues raised in the panel advice, including demonstrating an appropriate response to the location of the site.	The updated proposal substantially responds to all previous Panel comments: • Architectural Response: Façade articulation now balances materiality and reference to surrounding modernist context rather than literal Canberra motifs. • Architectural Symmetry: The revised stepped massing respects the precinct's symmetry along University Avenue, reinforcing the Griffin Plan's geometry. • Responding to Surroundings: Architectural form and street interfaces draw directly from adjacent building datum lines, respecting the strong horizontal emphasis of the ANZ Building and CML Building precedents. • Materiality: A coherent and high-quality material palette addresses previous concerns about conflicting textures and colours. • Legibility and Safety: Accessible routes and pedestrian wayfinding are clearly identified; ramped and level transitions ensure universal access throughout the public realm.
Part B – Public Notification and Entity Advice	
Public Notification	
Pursuant to Division 7.3.4 of the <i>Planning and Development Act 2007</i>, the application was publicly notified from 18 December 2023 to 31 January 2024. Eight written representations were received during public notification period. The issues raised in the representations were considered in the assessment and making of the decision for this development application. The issues raised included:	
A lack of consultation with surrounding neighbours.	The issues raised in the representations to the development have been considered and are largely reflected in the comments from the various referral entities as addressed in this report.
The CML building, proposed to be demolished, is of architectural significance and is on the Australian Institute of Architects Register of Significant Architecture.	
The height of RL 617m is inappropriate in this location.	

Reason	Comment
A detailed submission on the planning significance of the Hobart and Darwin Place precinct, together with an analysis of the architectural significance of the CML building.	The amended proposal is considered to substantially improve on the areas highlighted and have been addressed with the design changes and additional information provided. The overall outcome of the updated proposal is therefore substantially improved and warrants favourable consideration based on the supporting documentation submitted.
Inconsistency with the recommendations of the Design Review Panel.	
Concerns with the privatisation of public open space and upper level encroachments.	
The building is in breach of the RL 617m maximum height limit.	
Incomplete documentation. The design report is inadequate to justify an RL 617m building.	
Concerns with built form and scale.	

Entity Advice and Requirements

Pursuant to Division 7.3.3 of the Planning and Development Act, the application was referred to the entities below.

Evoenergy Electricity

Evoenergy (Electricity) provided advice stating that the proposal is not supported.

The following advice was issued with the Notice of Decision:

An area for a substation must be allowed for within the developed block/s. The substation requirements will be determined when the proponent submits the electrical load (to AS3000) of the development to Evoenergy. The area will be 14.2m (L) x 6.2m (W) for all padmount substation loads within 1,500kVA. If a compliant padmount substation location cannot be provided (including earthing system) then the proponent must allow for an Indoor Chamber Type Substation. If the load exceeds 1.5MVA an Indoor Chamber Type substation will be required. Evoenergy may consider an Indoor Chamber Type Substation for loads <1.5MVA to suit project and spatial requirements if requested by the proponent.	The architectural drawings show a dedicated substation area within the ground floor service areas that can accommodate the required electrical infrastructure. The location provides unhindered 24/7 access while meeting setback requirements from other building elements. Refer to the updated proposal documents for referral and endorsement by Evo Energy as required.
---	--

Reason	Comment
Evoenergy may determine that twin padmount substations will be installed if the load does not exceed 3MVA. The required area for twin padmount substations is project specific. Proponent is required to submit the Request for "Preliminary Network Advice" via https://www.evoenergy.com.au/Forms/PrelimElecNetworkAdvice prior to commencement of any development activity to negotiate the connection of new and/or relocation of existing electricity assets. Proposed substation location is not acceptable. The proponent is responsible for ensuring that Evoenergy's Design and Siting requirements for substations are met. This includes but not limited to meeting all the requirements of Evoenergy Drawing 3832-018, in particular that no underground uninsulated metal work, metal pipes, metal fencing or metal clad buildings are within 7 meters of any part of a padmount substation. Unhindered direct access to the substation will be required 24/7.	
Icon Water	
Icon Water provided advice stating that the proposal is not supported. The following advice was issued with the Notice of Decision:	
Design Acceptance for External Services or off site works must be in principle design approved by Icon Water Hydraulic Assets. Phone Icon Water Asset Acceptance on ph.: 02 6248 3111 or email to hydraulicassetacceptance@iconwater.com.au. This needs to be referred back to Icon Water Building Approvals area for approval prior to any DA/BA Approval by ACTPLA or certifiers.	These comments are noted and considered appropriate for inclusion as a condition of development approval, noting relevant documentation can be submitted directly to Icon Water to obtain in-principle acceptance on all listed matters prior to commencement of construction.
Please complete attached Icon Water Design Form Pack, Hydraulic servicing plans and email to hydraulicassetacceptance@iconwater.com.au. Icon Water will then identify whether your development falls into the capital contribution code scheme, and will write you a letter to confirm.	

Reason	Comment
On confirmation, please resubmit Development Application to Icon Water for Building Approval prior to any DA/BA approval by ACTPLA or certifiers.	Water and Sewerage Capital Contribution (WSCC) are paid by developers towards future water and sewerage infrastructure upgrades necessitated by increased urban density in established suburbs. WSCC is not a matter considered under the <i>Planning and Development Act 2007</i> (ACT) or the planning policies of the Territory Plan 2008. It is noted that WSCC is typically dealt with at the Building Approval stage.
The cut depicted in the submitted drawings impacts on the Excavation – 'no go zone' set out Icon Water's building guidelines. The stability of the assets must be verified and confirmed in writing (with computations) by a licensed structural engineer and approved by Icon Water in writing. All excavation methods, anchor details and protections must have Hydraulic Design Acceptance prior to excavation.	The proponent appreciates that a WSCC may be payable as a consequence of the development proposed, if approved.
Icon Water is unable to assess the current application until an 'In-Principle' acceptance of the External Services Plan is obtained. A resubmission is required apply once an 'In-Principle' accepted ESP is submitted.	It is respectfully submitted that the calculation and payment of the WSCC is most appropriately undertaken following approval of the Development Application, prior to the issue of a Certificate of Occupancy and Use, to afford the proponent security.
Transport Canberra and City Services (TCCS) Directorate	
TCCS provided advice stating that the proposal is not supported.	
Comments are outlined in Part A of the Notice of Decision.	Please refer to the responses above addressing comments received from TCCS.
Jemena Gas	
The following advice was issued with the Notice of Decision:	
Please note this must comply with the ACT Government regulations & Development/Building Approvals https://www.legislation.act.gov.au/View/a/2010-41/current/html/2010-41.html	This comment is noted.
It is noted that there is a High Pressure gas network in the vicinity however, all care is to be taken around our underground assets & please ensure appropriate Before You Dig Australia (BYDA) processes are followed as part of the construction process.	Noted and agreed.
If a meter relocation or service pipe relocation is required, you must comply with Evoenergy standards please contact your gas retailer, only people accredited by Evoenergy can carry out this work.	Noted and agreed.

Reason	Comment
ACT Heritage Council	
The following advice was issued with the Notice of Decision:	
The Former CML Building is unlikely to be of heritage significance under Section 10 of the Heritage Act 2004.	This comment is noted.
As such, its demolition is unlikely to diminish heritage significance values, and Heritage Act 2004 provisions would not apply to any new development.	This comment is noted.
However, the ACT planning and land authority is encouraged to consider local context and character in its decision, including the potential heritage values of the Darwin Place and Hobart Place precinct.	Please refer to the response above addressing the context and character of Darwin Place and Hobart Place.
ACT Emergency Services Agency	
The ACT Emergency Services Agency provided advice stating that the proposal is supported.	

3

Conclusion

This reconsideration application presents significant design changes to the proposal that directly and comprehensively address each reason for refusal in the Notice of Decision. The key changes, as more fully detailed above, include:

01. UPPER LEVEL CHANGES

- Overall height of Building A reduced, and Building B increased to align with Authority discussions
- Common rooftop garden added to Building A addressing University Avenue
- Building facades design improvements
- Unit plans updated and unit mix amended
- Reconfiguration of building core throughout the upper levels
- Winter gardens removed and replaced with dedicated balcony spaces
- Upper level encroachments containing GFA removed from university avenue frontage
- Solar access to units maximised and demonstrated

02. GROUND FLOOR CHANGES

- Awning added to University Avenue
- Ground floor commercial levels adjusted to existing verge levels and reduce stairs
- Levels adjusted in the central landscape space for accessibility
- Service locations updated to suit service locations
- Increase to landscape areas
- Update to waste rooms waste collection strategy
- On grade parking along Darwin Place removed and relocated to the upper basement level

03. BASEMENT LEVEL CHANGES

- Extent of basement 5 reduced whilst meeting the carparking rates
- Reconfiguration of building core and rationalisation of basement ramps
- Reconfiguration of building services as per advice received
- Visitor parking added to basement levels, including relocation of existing carparking on Darwin Place proposed for removal

These changes have been informed by ongoing consultation with EPSDD officials and relevant entities in refining and improving the proposal for a pivotal development in the City centre.

The application was refused for primarily for inconsistencies with elements of the CZ1 – Core Zone Objectives; relevant codes; and advice given by entities. As demonstrated in Section 2.2, all these matters have been comprehensively addressed through specific design changes and technical solutions supported by the updated consultant documentation submitted with this application. In summary and noting the revisions proposed, it is concluded that the combined design and siting and lease variation proposal for Blocks 2, 7 and 8 Section 5 City is considered consistent with the Territory Plan 2008 and provides a high-quality development outcome that will make a positive contribution to the City. The changes made also demonstrate the proponent’s commitment to responsive design and genuine engagement with the planning process.

Therefore, the updated proposal, as presented, is considered to satisfy the requirements to achieve development approval.

