



**Australian Government**  
**National Capital Authority**

# Consultation Report

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## Works Approval No 101565

12 Hobart Avenue, Forrest

Demolition of Existing Dwelling and Construction of  
Three Dwellings

*June 2020*

# Contents

<b>Contents</b>	<b>2</b>
<b>Introduction</b>	<b>3</b>
<b>Public Consultation requirements</b>	<b>3</b>
1.1 National Capital Plan (NCP)	3
1.2 Commitment to Community Engagement	4
<b>Summary of Public Consultation</b>	<b>4</b>
2.1 The public consultation process	4
2.2 Key issues raised in public submission and NCA response	5
<b>Conclusion</b>	<b>6</b>
<b>Attachment A – The Canberra Times Public Notice and Site Notice</b>	<b>7</b>
<b>Attachment B – Summary of Submissions and NCA Response</b>	<b>8</b>

# Introduction

**Under the *Australian Capital Territory (Planning and Land Management) Act 1988*, the National Capital Authority (NCA) prepares and administers the National Capital Plan (NCP) to ensure Canberra and the Territory are planned and developed in accordance with their national significance.**

The Plan sets out the broad planning framework for the Australian Capital Territory (ACT). Areas designated as having special characteristics of the National Capital are subject to detailed planning policies and guidelines.

Any buildings or structures, demolition, landscaping or excavation works in Designated Areas require the approval of the NCA. The NCA considers such proposals in the context of the relevant provisions of the Plan.

## BACKGROUND

On 13 August 2019 the NCA received a works approval application for demolition of the existing dwelling and construction of three dwellings and associated landscape works at 12 Hobart Avenue, Forrest.

The proposal for three dwellings (two storey with basement) presents as two asymmetric building forms with a similar architectural expression from the Hobart Avenue street frontage. Access to the basement garage is via one driveway adjacent the northern boundary (relocated). The dwellings are separated via a central water feature and all dwellings are encircled with soft landscaping. Primary living areas have northern orientation while maintaining privacy for and to neighbouring properties.

The distinctive architectural style proposes a highly modulated built form with articulated facades with an open air concealed basement. Materials and finishes are proposed to be of high quality with minimalist neutral finishes.

The dwellings share one entry point from the street. The site features heavily screened planting to the Hobart Avenue frontage, and canopy trees to the rear and side gardens, ensuring a garden setting presentation to the street. Hedge planting is proposed to the perimeter of the block.

# Public Consultation requirements

## 1.1 National Capital Plan (NCP)

Under the NCP, requirements for public consultation apply to:

- Major developments proposed for Section 9 Barton;
- A landmark building to RL617 adjacent to Commonwealth Avenue (within the Constitution Avenue and Anzac Parade Precinct);
- Detailed plans for development at Academy Close, Campbell;
- High-impact telecommunications facilities;
- All residential proposals within the Deakin/Forrest Residential Area Precinct; and
- All residential and commercial development proposed for Section 5 Campbell.

Public consultation was undertaken on the application as it is mandatory under the National Capital Plan.

## 1.2 Commitment to Community Engagement

The NCA's 'Commitment to Community Engagement' details how the NCA conducts consultation. The purpose is to achieve a greater level of consistency and transparency in the NCA's decision making process.

The 'Commitment to Community Engagement' describes the minimum requirements for consultation, and the process by which Works Approval (WA) applications that are released for public consultation will be assessed.

Part 2.7 *Works Applications and Attachment C Protocol for Development Applications for Works Which Require Consultation* of the NCA's 'Commitment to Community Engagement' describes the consultation process for WA applications. The NCA undertakes an assessment of whether a proposal is consistent with the National Capital Plan and level of public consultation required. An assessment is made in relation to adverse impacts on:

- public space and community amenity;
- environment, heritage or landscape values;
- amenity of the locality in terms of materials, finishes, scale, massing, design and quality; and
- consistency with an existing Heritage Management Plan.

When an application for works is lodged and public consultation is required, consultation with the community and stakeholders will be undertaken by the applicant, the NCA or both. Where consultation is undertaken by the applicant, the NCA may choose to stipulate specific requirements that the applicant is required to implement.

The NCA may set aside the requirement to undertake full public consultation where:

- previous consultation has been undertaken on the proposal;
- minor amendments to previously approved works are required;
- the NCA determines no stakeholders will be affected; and
- proposals are given exemption, as outlined in Part 2.3 of the 'Commitment to Community Engagement'.

Public consultation was undertaken as it is a mandatory requirement under the NCP, and significant community interest has been demonstrated in recent developments of the precinct and in planning policy proposals for the Deakin Forrest Residential Area Precinct.

## Summary of Public Consultation

### 2.1 The public consultation process

Public consultation was undertaken on the WA application by the NCA between 2 and 20 September 2019. Consultation took the form of:

- On Saturday 31 August 2019, the NCA published a public notice in *The Canberra Times* detailing the proposed works and inviting submissions to be made to the NCA in relation to the proposal ([Attachment A](#)).
- Between 2 and 20 September 2019, the NCA published the proposal and plans on the NCA's website.
- On 3 September 2019, two A3 size signs were placed on site.
- On 2 September 2019 the NCA wrote to key stakeholders and community groups via email advising of the consultation process and inviting comments (including Forrest Residents

Group, Inner South Community Council, Forrest Primary School and Forrest Early Childhood Centre).

- On 2 September 2019 the NCA provided hard copy letters to all adjoining and near-by neighbours advising of the consultation process and inviting comments (Hobart Avenue and Talbot Street).

On 18 September 2019 the NCA met with the adjoining property owner of 14 Hobart Avenue, and on 30 September 2019 the NCA met with the adjoining property owner of 10 Hobart Avenue to discuss the proposal and their concerns.

On the 26 September 2019 the applicant was provided with a copy of all submissions made during the consultation process, omitting names and personal information.

Following public consultation, on 1 November 2019 the NCA provided formal advice to the applicant on changes that would be required to the proposal to address community concerns. The applicant provided revised plans on 22 November 2019. On 2 December 2019 the revised plans and additional sketches were provided to the adjoining neighbours for further consultation and comment.

On 16 December 2019 a meeting was held with the adjoining neighbours to 12 Hobart Avenue, the NCA and the applicant to discuss concerns raised and how the proposal was amended to address their concerns. On 23 December 2019 following the group meeting, additional information and sketch plans were provided by the applicant and sent to the adjoining neighbours. Hard copy revised plans were provided to adjoining neighbours in January 2020.

On 5 February 2020 the NCA received a further submission from the property owners of 10 Hobart Avenue for consideration as part of the consultation process. On 19 February 2020 the NCA received a further submission from the property owner of 14 Hobart Avenue for consideration as part of the consultation process.

On the 18 March 2020 the NCA's Chair, Chief Executive and relevant NCA officers met with the neighbours on site to discuss their concerns regarding the proposal.

On 17 April 2020 the NCA received revised and final documentation from the applicant. Following review of the revised information, on 22 April 2020 the revised documentation was provided to the neighbouring property owners.

On 9 June 2020 the NCA's Chair, Chief Executive and Chief Planner met with the neighbours on site. As a result of the meeting, overshadowing to 14 Hobart Avenue was further considered by the NCA.

On the afternoon of 24 June 2020 the NCA's Chief Executive and Chief Planner undertook a site inspection to view existing solar conditions. The NCA determined that the shadow diagrams provided as part of the application are accurate. The NCA's assessment concluded that there will be limited overshadowing to the property of 14 Hobart Avenue as a result of the proposal.

The NCA has kept the neighbouring property owners and Forrest Residents Group (FRG) informed of the assessment process and has provided revised documentation and additional information throughout the assessment process.

## **2.2 Key issues raised during consultation and NCA response**

The NCA received a total of 16 submissions on the proposal. All submissions objected to the whole or parts of the proposal. Key themes raised in the submissions included:

- The proposal is not in keeping with the character of the area;
- Traffic and parking impacts;
- Overshadowing of development to neighbouring sites;
- Privacy of adjoining neighbours;
- Setbacks; and
- Soft landscape ratio.

Emails of acknowledgment were sent to submitters advising them that their submission would be taken into consideration before a decision is made on the application. Issues raised in the submissions and NCA response to all issues raised is detailed in [Attachment B](#) of this report.

## Conclusion

The NCA's consultation process was carried out in accordance with the Plan and the NCA's 'Commitment to Community Engagement'.

The NCA has considered all issues raised by submitters, including adjoining neighbours, as part of the assessment process.

Consultation resulted in adjustments being made to the proposal. Adjustments focussed largely on increasing soft landscape areas and reducing impacts on neighbours including protection of privacy and solar access.

The NCA determines that the proposal is not inconsistent with the National Capital Plan and the NCA's *Landscape and Sustainability Guidelines – Deakin/Forrest Residential Area Precinct Code* (July 2018).

The NCA granted works approval on 25 June 2020.

# Attachment A – The Canberra Times Public Notice and Site Notice



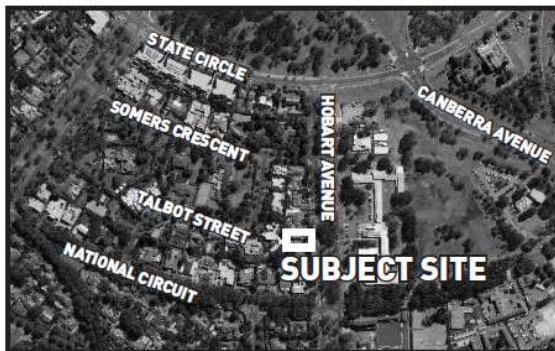
**Australian Government**  
**National Capital Authority**

## WORKS APPROVAL

Open for Public Consultation

### **Block 13 Section 7 Forrest (12 Hobart Avenue) Demolition of Existing Dwelling and Construction of Three Residential Dwellings**

On 13 August 2019 the National Capital Authority (NCA) received a Works Approval application for the demolition of the existing dwelling and construction of three residential dwellings and associated landscape works at 12 Hobart Avenue, Forrest.



The plans and supporting documentation for the application can be viewed at the NCA's website. The NCA welcomes feedback on this application **by COB Friday 20 September 2019**. Submissions can be made via email to [worksapproval@nca.gov.au](mailto:worksapproval@nca.gov.au). Please contact the NCA for further information on (02) 6271 2888.

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*Building the National Capital in the hearts of all Australians*

**HAVE YOUR SAY**



### **WORKS APPROVAL BLOCK 13 SECTION 7 FORREST (12 HOBART AVENUE)**

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Please contact the NCA for further information on (02) 6271 2888

[www.nca.gov.au](http://www.nca.gov.au)

## Attachment B

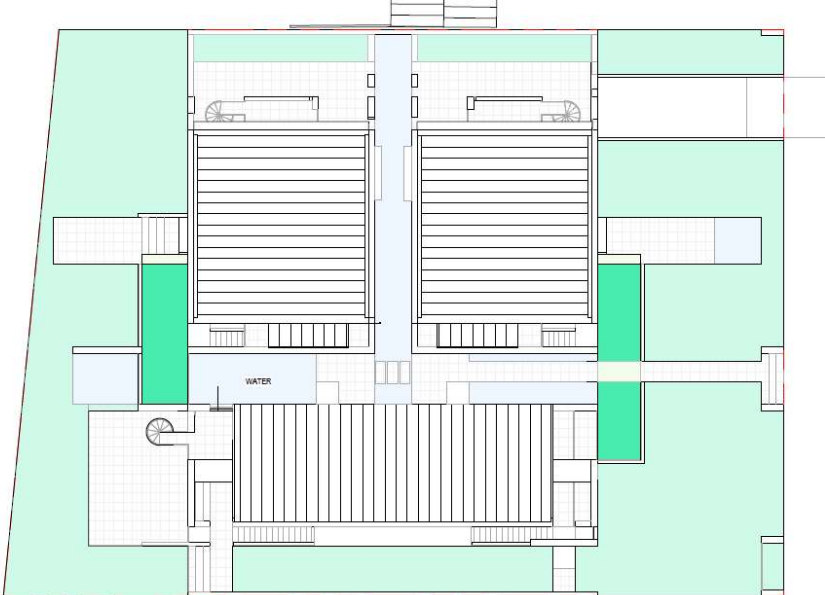
The National Capital Authority (NCA) undertakes an open and transparent works approval application process. As part of this process the NCA prepares a Consultation Report for publication on the NCA website, which includes each submission, along with the name of each person making the submission.

Submission	Comment/Issue	NCA Response
1.	Mr Ernst Willheim	
1.1	<p>I write as a long term resident of Forrest (38 years) to object to the proposed development at 12 Hobart Avenue.</p> <p>The proposed development is not compatible with the historical character of our suburb.</p> <p>Further developing 3 houses on one block is undoubtedly completely contrary to the key characteristic which Forrest residents and the Inner South Community Council have identified as one of the most important characteristics of the suburb, single houses on large blocks.</p> <p>The unfortunate fact that such developments have been allowed nearby notwithstanding objections from residents should not lead to further degradation of the suburb.</p> <p>It was widely understood that the NCA had recognised it erred in approving some nearby developments and had agreed to give proper weight to the historical character of the suburb and the key characteristic, single houses on large blocks.</p> <p>Forrest residents have an expectation that planning authorities will respect the character of their suburb. The NCA in its decisions should recognise the key values of this suburb and reject developments inconsistent with those values.</p>	<p>The site is located within Figure 28 – Deakin Forrest Residential Precinct of the National Capital Plan (NCP). The land use policy for the site is Residential. The proposal will not alter the land use policy for the site.</p> <p>The residential character of the area will be retained as the land will be continued to be used for residential purposes.</p> <p>The importance of the Deakin/Forrest residential area precinct stems from its frontage to the Main Avenue of State Circle and close proximity and relationship to Parliament House, its location within the Griffins’ land axis, and as an example of twentieth century ‘Garden City’ planning concepts that the Griffins’ adopted in their design for Canberra.</p> <p>The Deakin/Forrest Residential Area has been subject to detailed planning control by the NCA since the establishment of the National Capital Plan (NCP) in 1990. Since that time the area has been subject to a number of planning reviews. Most notably in 2004 and 2005 which resulted in Amendment 39 to the NCP and again between 2016 and 2018 when the NCA undertook a review of the Deakin/Forrest Residential Area Precinct. The latter work followed community concerns about the construction of multi-unit dwellings and further development proposals submitted to the NCA for consideration. This later work included consultation on an ‘Issues and Policy Response Paper’ and subsequently resulted in the NCA proposing Draft Amendment 89.</p> <p>The NCA received 37 submissions in response to the Issues Paper and 280 submissions in response to Draft Amendment 89 (DA89). Feedback from the community was diverse, with many submissions supporting the current development capacity of the precinct, whilst others argued for greater restrictions to be placed on development. A</p>



Submission	Comment/Issue	NCA Response
		<p>common theme was the importance of the landscape character of the Deakin/Forrest precinct.</p> <p>Following consultation of DA89, the NCA determined that greater emphasis and clarification was required in regards to the landscape and sustainability policies within the NCP, therefore the NCA prepared <i>Landscape and Sustainability Guidelines</i> (the Guidelines) in July 2018. The Guidelines are advisory only and aim to support existing objectives and policies of the NCP to preserve the Garden City character of the Precinct.</p> <p>The NCP and the Guidelines for the Precinct do not place a limit on the quantity of dwellings per block, however future development, including single dwelling proposals, will need to comply with specific requirements outlined in the Guidelines. The NCA considers that the proposal for three dwellings on the block allows sufficient space for landscaped areas, maintaining and enhancing the City Beautiful and Garden City concepts and character of the residential environment.</p> <p>Implementation of policies outlined in the NCP and the Guidelines naturally limit the built and hardscape environment in order to protect the Garden City and City Beautiful character of the Precinct.</p>
2.	Mr James Koundouris	
2.1	<p>We write to you on behalf of the residents at 43 National Circuit, 19 Tasmanian Circle and 21 Tasmanian Circle who are all copied in to this email.</p> <p>We make the following comments in regards to the proposed development on the Development Application for 12 Hobart Avenue.</p>	
2.2	<p>Front setbacks need to be in keeping with the existing home. How can the character of the area continue if there is substantial change in the setback of the streetscape. No consideration has been given to the existing set back of the existing home. Not only is the setback at 10m the proposed heavy screen wall encroach that envelope. The result is, that the setback is effectively 7.5m.</p>	<p>Part 4.19 of the National Capital Plan (NCP) provides performance and quantitative standards for setbacks, stating:  <i>Buildings of more than one storey</i>  <i>The building line of buildings of more than one storey may be more than but not less than 7.5 metres from the front property boundary.</i></p>

Submission	Comment/Issue	NCA Response
		<p>The dwellings are setback 10m from the front property boundary. The basement is located wholly below natural ground level and is setback 7.5m(min.)-10m(max.) from the front property boundary. The proposal does not impact on the outlook of neighbouring buildings. The 7.5m to 10m building set back allows for substantial planting to the street frontage (large canopy trees and hedge planting is proposed).</p>
2.3	<p>The above application proposes three homes which are on a 1232sqm2 block i.e: One dwelling per 410sqm. The existing character of the area, as defined by the NCA in their 'Issues and Policy Response Paper' dated April 2017 on page 6 under clause 1.2 states; the majority of blocks have a single dwelling. This proposal is there for not in keeping with the character of the area.</p> <p>The NCA also (on the same page), makes the comment that residential blocks are typically large, ranging in size from 1050m2 to 3,832m2. We believe that this is fundamental to the character of the area. This assertion is also supported in the Martin report.</p> <p>We also draw your attention to recent Land and Environment Court decisions including <i>Sterling Projects Pty Ltd v The Hills Shire Council</i> [2011] NSWLEC 1020 where the Commissioner said in its consideration of compatibility with neighbouring character:</p> <p>a. Character is not limited to a consideration of streetscape but includes the wider context of the site, in particular the characteristics of the properties which adjoin the site (predominantly detached homes on large allotments).</p> <p>b. The length of the proposal (including its intrusion into a green zone) is uncharacteristic of the area</p> <p>Our assertion is that the character of the area includes all planning principals not just the front streetscape e.g. built form, number of dwellings per block size, driveways, canopy setback, landscaping, proximity and impact on neighbours to the rear and side. The case above is just one of many we could point to in terms of the way the word character should be considered in assessing applications. The existing proposal has 12 facades.</p>	<p>Refer to response at 1.1.</p> <p>The NCA assesses each proposal against the relevant provisions of the NCP, and requires all proposals to be of a high standard demonstrating excellence in urban design and planning. This includes compliance with provisions outlined in:</p> <ul style="list-style-type: none"> <li>- Part 4.5 Deakin Forrest Residential Area Precinct Code,</li> <li>- Part 2.3 Sustainability Objectives,</li> <li>- Part 3.3. Urban Areas,</li> <li>- Part 4.1. The Central National Area,</li> <li>- Part 4.19 the Design and Siting General Code and</li> <li>- Part 4.15 Main Avenues and Approach Routes</li> </ul> <p>For example, the NCA considers site context and locality, site coverage, height, plot ratio, setbacks, the external appearance of buildings, facades, roofs, screening walls, structures in front of buildings, materials and finishes, landscaping, access and parking, amongst other considerations.</p> <p>The street and immediate locality contain a diversity of building scale, architecture and development types. Substantial landscaping is proposed to the Hobart Avenue frontage, rear and sides of the block to ensure that the garden city character, which is a major feature of suburban Canberra. The NCA considers that the proposal will not have a detrimental impact on the character of the area.</p> <p>The subject site is located outside of the Blandfordia areas and heritage precincts of Forrest. The site is within close proximity to the City Centre, transport corridors (Adelaide Avenue, State Circle (potential future light rail route) and Canberra Avenue), and major employment and recreation hubs within Parkes, Barton, Kingston and Manuka. The Designated Deakin/Forrest precinct is a suitable place for redevelopment and urban intensification to reduce urban footprints, improve city sustainability and</p>

Submission	Comment/Issue	NCA Response
		<p>make better use of existing infrastructure, in accordance with Part 2.3 <i>Sustainability</i> and Part 3.3 <i>Urban Areas</i> of the National Capital Plan.</p>
2.4	<p>The soft landscaping calculation is incorrect and does not comply with the definition on page 5 of the landscape and sustainability guidelines documents. Further, the 40% is a minimum noting that the existing character of the area substantially exceeds 40%.</p>	<p>The soft landscape ratio is correct (in accordance with the definition outlined in the Guidelines) and complies with the requirement of 40%. Visual diagram provided below.</p> 
2.5	<p>The applicant makes mention of other developments within the zone of dual occupancies or small multiunit developments. The approval of previously developed blocks which do not comply with planning guidelines, is not a precedent to approve further non complying applications.</p>	<p>The NCA assesses proposals against the current planning framework (as registered on the Australian Government’s Federal Register of Legislation). The proposal has been assessed as not inconsistent with the current planning framework.</p>
2.6	<p>There has been no meaningful consultation with residents in the area. This does not accord NCA’s commitment to community engagement document in particular clause 2. Consultation.</p>	<p>Public consultation was undertaken on the application as significant community interest has been demonstrated in recent developments of the precinct and in planning policy proposals for the Deakin Forrest Residential Area Precinct. Consultation is also a</p>

Submission	Comment/Issue	NCA Response
		<p>mandatory requirement under the National Capital Plan for the Deakin/Forrest Residential Area Precinct.</p> <p>Public consultation was undertaken on the application by the NCA between 2 and 20 September 2019. Consultation took the form of:</p> <ul style="list-style-type: none"> <li>• On Saturday 31 August 2019, the NCA published a public notice in The Canberra Times detailing the proposed works and inviting submissions to be made to the NCA in relation to the proposal (<a href="#">Attachment A</a>).</li> <li>• Between 2 and 20 September 2019, the NCA published the proposal and plans on the NCA's website.</li> <li>• On 3 September 2019, two A3 size signs were placed on site.</li> <li>• On 2 September 2019 the NCA wrote to key stakeholders and community groups via email advising of the consultation process and inviting comments (including Forrest Residents Group, Inner South Community Council, Forrest Primary School and Forrest Early Childhood Centre).</li> <li>• On 2 September 2019 the NCA provided hard copy letters to all adjoining and near-by neighbours advising of the consultation process and inviting comments (Hobart Avenue and Talbot Street).</li> </ul> <p>The NCA has also met with the adjoining neighbours of Hobart Avenue a number of times to discuss their submissions and concerns. The architect made revisions to the plans based on issues raised during consultation, particularly in relation to privacy and overshadowing. The neighbours were consulted on the revised plans.</p>
2.7	There is no 2m tree root protection zone. The roots of this tree will get damaged and this significant tree will die.	The NCA assumes the large Plane Tree is the tree being referred to. The applicant has provided an arborist report which outlines tree protection measures. In addition, the landscape architect has provided a Tree Management Plan which details tree protection zones and tree protection notes to be adhered to.
2.8	There is no traffic impact report. There has been no consideration given to higher density developments in the area and what effect this will have on parking, traffic, etc.	The proposal is not of significant scale. The proposal is for three residential dwellings with basement parking (minimum of three spaces per dwelling). The proposal meets the parking requirements outlined in the Design and Siting code of the NCP. Internal vehicular movements will be accommodated wholly within the basement, and provide safe front in front out vehicular movements.

Submission	Comment/Issue	NCA Response
2.9	The overshadowing diagram confirms there is overshadowing which is not in keeping with the standard.	Refer to response at 16.2 below in this report.
2.10	The basement is not fire separated from the internals of the upper floor (there is no separation of the levels) The driveway ramp is too steep and it is too close to the boundary. There should be a 6m at grade of 5% inside the site. This is dangerous to children.	The NCA provides planning approval, not building approval or certification. The applicant has advised that the basement stairs are external to the residences and open, hence separation, and that the ramp is compliant with Australian Standards (refer 2.14 below).
2.11	Any approvals in the area should include a Traffic Management plan during construction. With the school across the road, there are serious safety issues during construction that need to be considered.	A traffic management plan will be prepared by the builder for construction, and is subject to a future/separate works approval application.
2.12	The report refers to SK07 however this drawing seems to be missing from the bundle.	SK07 is provided on Page 11 of the planning report.
2.13	The basement plan shows the retaining walls of inadequate thickness for a self-supporting wall.	The basement walls are shown at 200mm thick. Wall details will be specified and detailed by a structural engineer prior to construction.
2.14	The report mentions the drive way is 3.2m. This does not comply with the rules as it needs to be 3.6 wide between walls. The ramp is at a 1:4 gradient which is very steep and therefore cars coming up from the basement will need to accelerate up the hill at a decent speed. This is dangerous especially near a school where children are using the foot path. Additionally, the driveway on the north side of the blocks make it much closer to the children's pedestrian crossing. Again, this seem very dangerous.	<p>The NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i> require a single driveway (maximum of 3.6 metres wide). The driveway is proposed to be 3.6m wide.</p> <p>The NCA requested the gradients of the driveway be amended based on advice received from ACT Transport Canberra and City Services (refer to response at 9.9 below), noting that the advice related to industrial driveways only. A 1:20 gradient for the first 5-6m from the footpath is achieved. The footpath is located away from the site boundary, further away from the start of the ramp. Revised gradients of the driveway will alleviate safety concerns and maintain clear sightlines.</p> <p>The proposal is not of significant scale, and the NCA requires one driveway to service the block only to minimise impacts on the streetscape and landscape character. The proposal is for three residential dwellings with basement parking (three spaces per dwelling). Internal vehicular movements will be accommodated wholly within the basement, and provide safe front in front out vehicular movements. The NCA does not</p>

Submission	Comment/Issue	NCA Response
		consider a safety audit report would be warranted for this type and scale of residential development.
2.15	House 1 and 2 share a very close window in the very minimalist north south vertical void. This does not meet the fire separation rules.	Glazing located between the dwellings is proposed to be translucent to maintain privacy. Fire separation is to be considered as part of compliance and certification with the National Construction Code.
2.16	The upper floor plans do not adequately indicate where windows are which makes assessment near impossible.	Windows are marked on the plans and cross referenced on the elevations and sections.
2.17	Two storey private stair cases will overlook neighbouring properties which sets a very poor standard for the area. No dimension is given but looks like it is less than 6m.	The proposal has been revised to include solid balustrades to upper balconies at 1.8m, and setbacks have been taken into consideration as part of the assessment. In addition to solid balustrades, there is sufficient space to allow for vegetative screening.
<b>3. PM &amp; LL Ffrench</b>		
3.1	We strongly disapprove of the proposed above development.	Noted.
<b>4. Mr and Mrs Hoff</b>		
4.1	On a cursory look at the proposal it does not fit the character of Forrest.	Refer to response at 1.1.
4.2	Should be only 1 residence per block (NCA rule).	Refer to response at 1.1.
4.3	Probably another development without sufficient tree cover.	<p>The proposal is not inconsistent with NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i>.</p> <p>The proposal includes a landscape plan prepared by Harris Hobbs Landscape Architects. The landscape plan indicates that 40% of the site area is given to soft landscaping. This includes trees, shrub species, groundcovers, climbing species and irrigated turf.</p> <p>A total of 16 new trees are proposed, 11 of which are large canopy trees. The NCA considers that the proposed compensatory planting will provide a sufficient canopy effect across the site, particularly to the Hobart Avenue frontage. The arborist report included in support of the application indicates that the large Plane Tree to the rear of</p>

Submission	Comment/Issue	NCA Response
		the block will be retained and protected during construction, which retains a significant canopy cover for the block.
4.4	Frontage is not in keeping with Forrest norms.	<p>The proposal is not inconsistent with the front setback provisions of the National Capital Plan and the NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i>. Refer to response at 2.2.</p> <p>In addition, the proposal is not inconsistent with <i>Buildings in relation to front boundaries</i>, Part 4.19 of the National Capital Plan. A balustrade handrail for the open basement is setback 7.5m from the front property boundary line (compliant with building setback zones, above). There are no structures in the front setback zone with the exception of small feature/retaining walls to the pedestrian entry points which incorporate letterboxes.</p>
<b>5. National Trust of Australia</b>		
5.1	The National Trust is greatly concerned with this proposed development and considers it inconsistent with the character of the area and NCA Design Principles for the area. The issues of great concern are outlined below.	Refer to response at 1.1.
5.2	Lack of suitable space for landscape	Refer to response at 2.4 and 4.3.
5.3	A basement that occupies about 50% of the site area which will lower the ground water level in the area and reduce the potential of the growth and probably affect the street trees	<p>The basement also includes soft landscape areas and is not inconsistent with the provisions of the National Capital Plan and the NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i>. The basement is setback approximately 17 from the existing street trees.</p> <p>A Tree Management Plan has been prepared by Harris Hobbs Landscape Architects to ensure all existing trees to be retained (whether located on the block, adjacent the block or street trees) are protected during construction.</p>
5.4	The houses are separated by 2000mm (house 1 and 2) and 2370mm (house 3) which is not an effective separation, especially as windows exist between House 1 and 2 and the space exists over 2 storeys.	Refer to response at 2.15.
5.5	The void to the basement is well forward of adjacent houses	Refer to response at 2.2.

Submission	Comment/Issue	NCA Response
5.6	Private open space for each house is very limited.	<p>The NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i> states:</p> <p><i>The following provisions are relevant for proposals consisting of more than one dwelling. Each dwelling should have an area of principal primary open space located at ground floor level, with a minimum dimension of four metres and minimum area of 20m<sup>2</sup>.</i></p> <p><i>Private open spaces should be oriented predominantly to the north, east or west. Private open space should provide sufficient space for deep rooted planting, particularly trees with deep root systems.</i></p> <p><i>A minimum of one canopy tree (capable of achieving a crown diameter of a minimum of eight metres when mature) should be provided in the private open space of each dwelling.</i></p> <p>The proposal is compliant with the Guidelines. Each dwelling has a private open space area of at least 43m<sup>2</sup>. Private open spaces are oriented to the north (dwelling 1 and 2), with each private open space having two large trees, that have a crown diameter of 5-8m at maturity. Dwelling 3 has an open space area to the west that also receives a northerly aspect (and two canopy trees).</p>
5.7	We understood that the guidelines for this area were implemented to prevent such large developments on existing sites which are not consistent with the garden city concept.	Refer to response at 1.1 and 4.3. A single dwelling could occupy the same building footprint.
6.	Gillian & Ian Graham – Comments duplicate Submission 2	Refer to responses at Submission 2.
7.	Anne Forrest	
7.1	<p>I wish to register an objection to the proposed redevelopment of the block at 12 Hobart Avenue, Forrest.</p> <p>The combined footprint, the massing, the loss of open space combined</p>	<p>Part 4.19 <i>Design and Siting Conditions</i> of the National Capital Plan (NCP) states:</p> <p><u>Coverage</u></p> <p><i>Unless otherwise specifically provided for, the area occupied by buildings including any outbuildings on a block should not exceed one-half of the total area of the block.</i></p>



Submission	Comment/Issue	NCA Response
	with the reduced setback, are all outside the guidelines which were adopted as a result of the Martin Report.	<p>Part 4.5.5 Detailed Conditions of Planning, Design and Development for the Deakin/Forrest Residential Area Precinct Code also prescribes a maximum plot ratio of 0.4.</p> <p>In line with the NCP definitions, the proposal is considered a semi-detached (multi-unit) dwelling. Therefore the Gross Floor Area calculation does not include any areas used for car parking. The site has a total area of 1232.5m<sup>2</sup>. The proposed Gross Floor Area (GFA) is 493m<sup>2</sup> providing a plot ratio of 0.4.</p> <p>The proposed development does not exceed the plot ratio or site coverage requirements.</p> <p>The proposed work complies with the setback requirements of the NCP (refer response at 2.2) and the NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i>.</p>
7.2	The proposal is an overdevelopment of the block in a prominent position in Hobart Avenue.	Refer to response at 1.1 and 2.3.
7.3	The proposed driveway, and the increased no. of vehicular movements would compromise the safety of the well-used children's school crossing.	Refer to response at 2.14.
7.4	The proposed development as depicted in the online material does not respect the character and setting of the residences in the precinct.	Refer to response at 1.1. The street and immediate locality of the Deakin/Forrest precinct within an NCA Designated Area contain a diversity of building scale and development types.
<b>8.</b>	<b>Chair, Forrest Residents Group</b>	
8.1	We are committed to the preservation of the character of our suburb, exemplified by single houses on large blocks. The proposal to develop three two-storey houses at 12 Hobart Avenue is entirely inappropriate. Matters of concern to residents are outlined below.	Refer to response at 1.1.

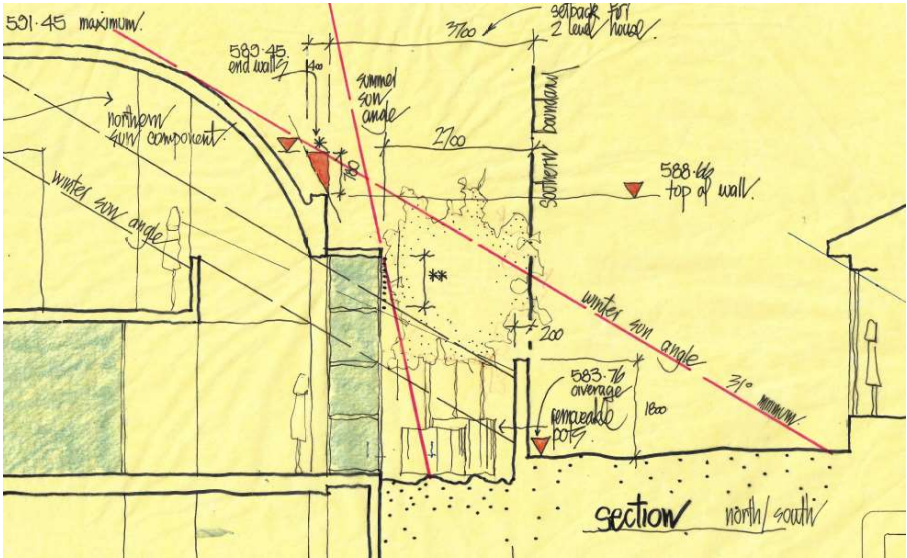
Submission	Comment/Issue	NCA Response
8.2	Over-densification and loss of open space.	<p data-bbox="1073 282 1325 315">Refer to response at 1.1.</p> <p data-bbox="1073 342 1934 399">The proposal is not inconsistent with NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i>.</p> <p data-bbox="1073 435 1961 521">The proposal includes a landscape plan prepared by Harris Hobbs Landscape Architects. The landscape plan indicates that 40% of the site area is given to soft landscaping. This includes trees, shrub species, groundcovers, climbing species and irrigated turf.</p> <p data-bbox="1073 557 1961 732">A total of 16 new trees are proposed, 11 of which are large canopy trees. The NCA considers that the proposed compensatory planting will provide a sufficient canopy effect across the site, particularly to the Hobart Avenue frontage. The arborist report included in support of the application indicates that the large Plane Tree to the rear of the block will be retained and protected during construction, which retains a significant canopy cover for the block.</p> <p data-bbox="1073 768 1325 800">Refer to response at 5.6.</p>
8.3	Overshadowing and loss of privacy for immediate neighbours.	<p data-bbox="1073 829 1955 886">The Part 4.19 of the National Capital Plan (NCP) prescribes setback requirements. The NCP states:</p> <p data-bbox="1129 922 1528 946"><b><u>Building in relation to side boundaries</u></b></p> <p data-bbox="1129 954 1367 979"><b><u>Performance standard</u></b></p> <p data-bbox="1129 987 1835 1044"><i>Requirements for side distances are intended to achieve the following objectives:</i></p> <ol data-bbox="1140 1052 1885 1255" style="list-style-type: none"> <li data-bbox="1140 1052 1885 1101"><i>a. to allow adequate light and ventilation and to preserve the privacy of neighbours</i></li> <li data-bbox="1140 1109 1885 1157"><i>b. in some cases to provide a space wide enough for vehicles to pass by the house on one side at least</i></li> <li data-bbox="1140 1166 1885 1198"><i>c. to provide access for fire control and to inhibit the easy escape of fire</i></li> <li data-bbox="1140 1206 1885 1255"><i>d. to create a spatial separation between detached buildings for reasons of civic design.</i></li> </ol> <p data-bbox="1129 1295 1373 1320"><b><u>Quantitative standards</u></b></p> <p data-bbox="1129 1328 1472 1352"><b><u>Buildings of more than one storey</u></b></p>

Submission	Comment/Issue	NCA Response
		<p><i>The minimum distance between the side wall of a building of more than one storey and the side boundary will be H/2 for an effective frontage of up to 23 metres, plus an additional 0.5 metres for every 3 metres of effective frontage over 23 metres, provided that the distance between the side wall and the boundary are at least 3 metres.</i></p> <p><i>H = Height of building</i></p> <p><i>'Height of building' means the difference between the mean natural ground level of that length of the side boundary which is adjacent to the building and the highest point or points of the parapet, eaves or fascia in the case of flat roofs or roofs pitched at less than 45 degrees. Where the roof is pitched at more than 45 degrees the highest point will be measured to a line midway between the top of the eaves or fascia and the ridge.</i></p> <p>The proposed height of the buildings meets the quantitative standards for height limit. The privacy of neighbours, light and ventilation is maintained. The architect has revised the proposal to include translucent glazing and privacy screens/walls to the upper level balconies to ensure privacy of neighbouring properties is maintained, and mitigate overlooking. Sufficient landscape screening will be provided to all boundaries.</p> <p>Dwelling 3 has a revised minimum setback of 3m - 3.7m from the southern (side) boundary which is sufficient width for a vehicle to pass by the house. This minimum setback also provides access for fire control.</p> <p>The setbacks to adjoining properties are compliant and the dwellings are carefully sited to ensure appropriate solar access to neighbours and each other whilst maintaining privacy to each dwelling.</p> <p>The side walls of Dwellings 1 and 2 are setback 5.4m from the northern boundary. The building has balcony projections setback 3.8m. The required quantitative setback for the northern boundary is 5.25m with a minimum distance of 3m. Whilst there are encroachments of balconies into the 5.25m building setback zone these are not considered to be the side wall of the building. In addition, the NCA considers that the 1.8m high balustrades to balconies protects the privacy of the neighbouring site. The</p>

Submission	Comment/Issue	NCA Response
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NCA also considers that the soft landscape zone is sufficient to provide an adequate landscape buffer/screening, capable of plants reaching full maturity, providing further screening and privacy to neighbours. The buildings, including balconies, do not project into the minimum setback zone of 3m.

Dwelling 3 is setback 3.7m from the southern boundary, with a central building projection setback 3m. The NCA considers that the setback meets the performance and quantitative standards, given there is limited overshadowing and overlooking to the neighbouring dwelling to the south. The applicant provided shadow diagrams, and further information to detail the impact of the proposal on the neighbouring dwelling, see diagram below. The NCA also considers that the soft landscape zone is sufficient to provide an adequate landscape buffer/screening, capable of plants reaching full maturity, providing further screening and privacy to neighbours.



8.4	Inadequate setbacks from the street and side fences	Refer to response at 2.2 and 8.3.
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Submission	Comment/Issue	NCA Response
8.5	Architecture unsuited to the neighbourhood.	Refer to response at 1.1. In addition, the proposed development is of high quality and not discordant with the design character of the locality. The street and immediate locality of the Deakin/Forrest precinct within an NCA Designated Area contain a diversity of building scale and development types.
8.6	<p>We commend the views expressed in the detailed submission made on behalf of NCA zone residents. We support the views of immediate neighbours and regret the stress the application is causing them. We endorse comment made by Ernst Willheim. We recognise and support the desire of Forrest residents to retain their local amenity.</p> <p>There are two multiple occupancies already in the NCA segment of Hobart Avenue, but this is no reason to permit more. Quite the contrary. The existing multiple occupancy zone in Forrest provides ample opportunities for developers and downsizers. There is no justification for its extension to 12 Hobart Avenue.</p>	<p>Refer to response at 1.1.</p> <p>Adjoining property owners of Hobart Avenue (submitters 9 and 16) have been in consultation with the NCA in regards to the proposal. The NCA considers that their key concerns have been adequately addressed. The proposal is not inconsistent with the relevant planning provisions of the National Capital Plan and the NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i>.</p>
<b>9. Simon and Kerry Weiss</b>		
9.1	<p>We are owner occupiers of 10 Hobart Avenue Forrest. Our single level refurbished cottage shares the northern boundary with the proposed residential development application for 12 Hobart Avenue.</p> <p>We are a family with two young children (aged 1 and 3). We purchased our home in 2016 as it personifies Forrest's signature character: single homes, large blocks, established gardens with mature boundary plantings for privacy, amenity, and noise reduction.</p> <p>We are shocked by the audacity of the proposal and as immediate neighbours it distresses us greatly as the proposed residential development of three dwellings goes against the very essence of why we moved to Forrest.</p> <p>We strongly oppose the planned redevelopment. Our strong view as immediate neighbours is that the planned redevelopment be rejected outright.</p>	<p>The site is located within Figure 28 – Deakin Forrest Residential Precinct of the National Capital Plan (NCP). The land use policy for the site is Residential. The proposal will not alter the land use policy for the site.</p> <p>This proposal does not change the character of the area as it already contains a mix of single lot residential and multi-unit residential developments and will continue to be used for residential purposes.</p> <p>The importance of the Deakin/Forrest residential area precinct stems from its frontage to the Main Avenue of State Circle and close proximity and relationship to Parliament House, its location within the Griffins' land axis, and as an example of twentieth century 'Garden City' planning concepts that the Griffins' adopted in their design for Canberra.</p> <p>The NCA's 'Issues and Policy Response Paper' formed the first part of the NCA's investigation into the Deakin/Forrest Precinct, to ascertain whether current planning and design controls within the National Capital Plan (NCP) were adequate to maintain</p>

Submission	Comment/Issue	NCA Response
	<p>The proposal as presented has strong detrimental and negative effects (outlined below)</p>	<p>the ‘Garden City’ and ‘City Beautiful’ concepts on which the area is based. The NCA determined that greater emphasis and clarification was required in regards to the landscape and sustainability policies within the NCP, therefore the NCA prepared <i>Landscape and Sustainability Guidelines</i> (the Guidelines), July 2018. The Guidelines are advisory only and aim to support existing objectives and policies of the NCP to preserve the Garden City character of the Precinct.</p> <p>The NCP Guidelines for the Precinct do not place a limit on the quantity of dwellings per block, however future development, including single dwelling proposals, will need to comply with specific requirements outlined in the Guidelines.</p> <p>The NCA considers that the proposal for three dwellings on the block allows sufficient space for landscaped areas, preserving and enhancing the City Beautiful and Garden City concepts and character of the residential environment.</p> <p>Implementation of policies outlined in the NCP and the Guidelines naturally limit the built and hardscape environment in order to protect the Garden City and City Beautiful character of the Precinct.</p>
9.2	<p><b>Urban densification</b></p> <p>Three dwellings are excessive on a respectively small Forrest block.</p> <p>Essentially, this proposal creates ten bedrooms across three households on a 1,200sqm block.</p> <p>The proposal replicates what was done on the corner of National Circuit and Hobart Avenue. But, on a block half the size.</p> <p>The audacious scale of each dwelling has no regard to the neighbourhood or character of Forrest.</p> <p>The proposal’s negative impact is exacerbated by its footprint which dominates the middle of the block, so much so that there is no reasonable space for and thus, prohibiting sympathetic plantings to mature and soften the proposal into the landscape – as is characteristic in Forrest.</p>	<p>Refer to response above. A single dwelling could also exhibit a similar scale to what is proposed.</p> <p>The proposal is not inconsistent with NCA’s <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i>.</p> <p>The proposal includes a landscape plan prepared by Harris Hobbs Landscape Architects. The landscape plan indicates that 40% of the site area is given to soft landscaping. This includes trees, shrub species, groundcovers, climbing species and irrigated turf.</p> <p>A total of 16 new trees are proposed, 11 of which are large canopy trees. The NCA considers that the proposed compensatory planting will provide a sufficient canopy effect across the site, including the Hobart Avenue frontage. The arborist report included in support of the application indicates that the large Plane Tree to the rear of</p>

Submission	Comment/Issue	NCA Response
	<p>The proposal concedes this, with numerous plantings needing to be in pots, rather than in the ground.</p> <p>This is a significant concern as once the construction has been certified, there is nothing that we can do if the residents dispose of them or cause damage to our residence (for example tree roots lifting concrete, or tree branches overhanging the roof and our property).</p>	<p>the block will be retained and protected during construction, which retains a significant canopy cover for the block.</p> <p>The pot planting has been removed from the design and the NCA considers that the soft landscape (deep rooted planting) zone is sufficient to provide an adequate landscape buffer/screening, capable of plants reaching full maturity, providing further screening and privacy to neighbours. The Viburnum tinus hedge proposed to the boundary is capable of maturing to a height of 3m, providing sufficient screening.</p>
9.3	<p><b>Character</b></p> <p>We deliberately purchased 10 Hobart Avenue for the suburb's known large blocks with single homes and generous backyards with mature private landscapings.</p> <p>At very significant cost and personal sacrifice, we purchased in Forrest for its amenity and quality of living, not in one of Canberra's newer greenfield suburbs or a brownfields urban infill site.</p> <p>The audacious scale of each dwelling has no regard to the neighbourhood, streetscape of Hobart Avenue and the character of Forrest.</p> <p>The existing character of the area, as defined by the NCA in their 'Issues and Policy Response Paper' dated April 2017 on page 6 under clause 1.2 states; the majority of blocks have a single dwelling. This proposal is therefore not in keeping with the character of Forrest.</p> <p>The NCA also (on the same page), makes the comment that residential blocks are typically large, ranging in size from 1050m<sup>2</sup> to 3,832m<sup>2</sup>. We believe that this is fundamental to the character of the area.</p> <p>We also draw your attention to recent Land and Environment Court decisions including <i>Sterling Projects Pty Ltd v The Hills Shire Council</i> [2011] NSWLEC 1020 where the Commissioner said in its consideration of compatibility with neighbouring character:</p>	<p>Refer to response at 9.1.</p> <p>The NCA assesses each proposal against the relevant provisions of the NCP, and requires all proposals to be of a high standard demonstrating excellence in urban design and planning. This includes compliance with provisions outlined in:</p> <ul style="list-style-type: none"> <li>- Part 4.5 Deakin Forrest Residential Area Precinct Code,</li> <li>- Part 2.3 Sustainability Objectives,</li> <li>- Part 3.3. Urban Areas,</li> <li>- Part 4.1. The Central National Area,</li> <li>- Part 4.19 the Design and Siting General Code and</li> <li>- Part 4.15 Main Avenues and Approach Routes</li> </ul> <p>For example, the NCA considers site context and locality, site coverage, height, plot ratio, setbacks, the external appearance of buildings, facades, roofs, screening walls, structures in front of buildings, materials and finishes, landscaping, access and parking, amongst other considerations.</p> <p>The street and immediate locality contain a diversity of building scale, architecture and development types. Substantial landscaping is proposed to the Hobart Avenue frontage, rear and sides of the block to ensure that the garden city character, which is a major feature of suburban Canberra. The NCA considers that the proposal will not have a detrimental impact on the character of the area.</p> <p>The subject site is located outside of the Blandfordia areas and heritage precincts of Forrest. The site is within close proximity to the City Centre, transport corridors</p>

Submission	Comment/Issue	NCA Response
	<p>a. Character is not limited to a consideration of streetscape but includes the wider context of the site, in particular the characteristics of the properties which adjoin the site (predominantly detached homes on large allotments).</p> <p>b. The length of the proposal (including its intrusion into a green zone) is uncharacteristic of the area.</p> <p>Like many local resident responses to this proposal, our assertion is that the character of the area includes all planning principals not just the front streetscape e.g. built form, number of dwellings per block size, driveways, canopy setback, landscaping, proximity and impact on neighbours to the rear and side. The case above is just one of many we could point to in terms of the way the word ‘character’ should be considered in assessing applications.</p> <p>An imposing three dwelling residential development overlooking and upon our doorsteps will significantly devalue our home and compromise and diminish our amenity and our lifestyle.</p>	<p>(Adelaide Avenue, State Circle (potential future light rail route) and Canberra Avenue), and major employment and recreation hubs within Parkes, Barton, Kingston and Manuka. The Designated Deakin/Forrest precinct is a suitable place for redevelopment and urban intensification to reduce urban footprints, improve city sustainability and make better use of existing infrastructure.</p>
9.4	<p><b>Building height</b> By the proposal’s own admission, the three dwellings exceed the 8m height limit as specified in the NCA’s residential building guidelines. This is unacceptable. We are disappointed that the proposal was permitted to proceed to this stage without this being remedied.</p>	<p>The proposed dwellings do not exceed two storeys in height from natural ground level. The highest point of the roof form is 8.01m from natural ground level (RL from southern boundary) and 8m from natural ground level (RL from northern boundary). The minor encroachment is supported by the NCA given topography across the site, and the minor protrusion forms part of the architectural quality without compromising privacy or solar access to adjoining properties.</p>
9.4	<p><b>Privacy intrusion</b> The proposal intrudes severely upon our privacy and amenity.</p> <p>The proposal presents not one dwelling, but three dwellings, of which two double storey three bedroom households concurrently and directly overlooking our single level home, outdoor living and entertaining areas, including our children’s playground and backyard.</p>	<p>The existing 2 storey residence has north facing bedroom windows which is repeated on the first floor of this proposal.</p> <p>The NCA’s <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i> require developments to place principal living areas and private open space areas oriented to the north to take advantage of natural sunlight.</p>



Submission	Comment/Issue	NCA Response
	<p>This severe intrusion effectively reduces our privacy to nil. This is exacerbated by the proposal's extensive use of glass on its two storey northern façade.</p> <p>Our former privacy will be 'fishbowl' exposure.</p> <p>The proposal's living areas are deliberately anchored to the northern side, unashamedly to capitalise on the views of Parliament House. The proposal is shamelessly designed for the views (generating profits for the current owners) at our expense (privacy, amenity, quality of our lives and value of our forever home).</p> <p>Our current privacy is rightfully a high value priority for us and the primary reason for purchasing our home.</p> <p>As immediate neighbours, the proposal's intrusion to our privacy is utterly and completely unsatisfactory!</p>	<p>These areas for dwellings 1 and 2, are private and have a reduced outlook to the north as they are extensively landscaped with deep rooted planting, including a large established London Plane tree to the north west corner.</p> <p>Refer to response at 8.3 regarding building setbacks. Development to the northern side of the block has a driveway for the first third of the common boundary, garaging for the second third, and landscaping for the last third. The proposed masonry wall height is 2 metres above finished floor level and is predominantly facing the garage wall and roof of the northern neighbour.</p>
9.5	<p><b>Glass</b></p> <p>The northern façade's excessive use of glass, in addition to being a privacy concern, also impacts on our living quality. The orientation of House 1 and House 2 will capitalise on the northern aspects and year round sun.</p> <p>The glass will reflect the blinding glare through the seasons and result in increased heat in summer.</p>	<p>The NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i> require developments to place principal living areas and private open space areas oriented to the north to take advantage of natural sunlight.</p> <p>Areas of translucent glazing is now proposed to avoid potential overlooking, in addition to the 1.8m solid balustrades to the upper level balconies.</p>
9.6	<p><b>Lighting</b></p> <p>The illumination impact of the night lighting mandatorily shining into and onto our home is detrimental to our quality of life. This will naturally occur in the living areas as residents of the proposed development enjoy their life, but it will shine through the glass walls at us like a beacon – having streetlights in our back yard.</p> <p>There is also the very negative impact on us from car lights driving in and out of the driveway as outlined in the driveway section below.</p>	<p>Under the <i>ACT (Planning and Land Management) Act 1988</i>, the NCA does not consider internal works, for example lighting and blinds. Additional solid balustrades have been proposed to the upper level balconies which reduces the amount of exposed glazing.</p> <p>Hedge planting is proposed between the boundary and the driveway to mitigate light spill from headlights when entering the driveway.</p>

Submission	Comment/Issue	NCA Response
9.7	<p><b>Noise</b></p> <p>There will be three households of which two will be northwards facing towards us as immediate neighbours. The living and entertaining areas of two households and associated noise will be projected towards our home, amplified by the south and south-westerly winds that pervade this area for much of the year. The proposal does not offer any satisfactory remedies, which is likely to result in significant negative impacts on the amenity of our home.</p>	<p>The solid elements incorporated into the building design (balustrade and boundary wall) would alleviate typical household noise. The dwelling type (number of bedrooms) also sets a reduced level of occupancy of each dwelling.</p> <p>The ACT Environment Protection Authority administers the Environment Protection Act 1997 (which includes offences relating to noise emissions).</p>
9.8	<p><b>Northern boundary</b></p> <p>The documentation provided with this proposal fails to fully detail of what appears to be inadequate setback and the landscaping plan for the site.</p> <p>The shared northern boundary from the street to the backyard is not illustrated or described. It appears to contain no plantings (including hedges) to bookend the retaining wall (for which the height has not been disclosed).</p> <p>Furthermore, the limited information provided on plantings suggests that these will be deciduous and not evergreens as per NCA guidelines. We are genuinely concerned about the plantings and skeptical of the maturity of the plantings when the build and landscaping is completed and the regular care and maintenance required to see them to full maturity. There is also no disclosure of any other boundary features such as fencing of any kind.</p> <p>The proposal features extensive unfenced unprotected 'water' areas. As parents of two young children, such gross omission requires attention.</p>	<p>The side walls of the buildings are setback 5.4m from the northern boundary. The building has balcony projections setback 3.8m. The required quantitative setback for the northern boundary is 5.25m. Whilst there are encroachments of balconies into the setback zone these are not considered to be the side wall of the building. In addition, the NCA considers that the 1.8m high balustrades to balconies protects the privacy of the neighbouring site. The NCA also considers that the soft landscape zone is sufficient to provide an adequate landscape buffer/screening, capable of plants reaching full maturity, providing further screening and privacy to neighbours.</p> <p>A hedge is proposed to be planted between the driveway and the property boundary to mitigate light beams for car headlights when turning into the driveway. An evergreen hedge will be planted along the northern boundary of the fence where the 2m high wall is not located adjacent the boundary. Trees to the northern boundary are deciduous, as required by the NCA's Landscape and Sustainability Guidelines for the Deakin/Forrest Residential Area. The five new trees to the northern boundary are hardy to Canberra's climate and are capable of reaching a height of 9m with a canopy spread of 8m (even with little care).</p> <p>All works must be compliant with the National Construction Code and Australian Standards. Any body of water associated with a residential building that is less than 300mm in depth does not require a safety barrier. The proposal stipulates a maximum depth of 300mm for all water features.</p>

Submission	Comment/Issue	NCA Response
9.9	<p><b>Driveway</b></p> <p>The single driveway will be relocated to our shared northern boundary and will accommodate up to ten vehicle residential traffic flow to the three dwellings, plus additional visitor and service traffic flow. This significant traffic at a single access point would inhibit our personal safety, and safety for the school crossing in front of our house.</p> <p>As cars turn into the driveway at night, headlights will beam directly along the entire front of our house, shining into bedrooms and living areas. This disturbance and light pollution is exacerbated by the lack of any hedging or appropriate landscaping material along the front of the residential development's northern boundary with us.</p> <p>The gradient of the driveway is of concern as it is relatively steep. It will require cars to accelerate at speed when exiting, with drivers having limited visibility of the footpath area. Due to their speed, it will be difficult for cars to stop if a sudden need to do so arises. This is an accident waiting to happen, especially with children in the vicinity due to the school crossing in front of our home (less than 20 meters away).</p> <p>Similarly, it is of great concern to us as immediate neighbours and parents of two young children who are starting to ride bikes and scooters. Their quality of life will be diminished as they will be confined to the backyard, much to their disgust.</p> <p>This also negatively affects our ability to safely use our single driveway, particularly as we have need to reverse out onto Hobart Avenue due to the limited ability to turn on our property. It is difficult enough to do this currently, taking the busy traffic flows on Hobart Avenue, the footpath and the school crossing into account without having cars speed out of the relocated driveway, as this proposal advances.</p>	<p>ACT Transport Canberra and City Services (TCCS) have provided advice in relation to the driveway relocation. Their advice states:</p> <p><i>As per TCCS Municipal Infrastructure Standard (MIS 07 Clause 1.1.4) driveway access which services less than 4 dwellings or Units is classified as residential driveway category. Driveway access which services 4 and more dwellings or Units are classified as industrial driveway category. Design acceptance is required only for the industrial driveways from TCCS. Since the number of units in this situation is less than 4 (3 in the particular development), whoever approves the associated building within the block (Certifier/NCA) should confirm that the driveway is constructed to TCCS standard.</i></p> <p><i>In May 2019 a request was made to TCCS to remove the existing driveway and to construct a new driveway at 12 Hobart Avenue Forrest. Since the location is within NCA's jurisdiction, TCCS assessed the proposed location and provided in principle support (not approval or endorsement) for relocation. TCCS has not check any design details.</i></p> <p><i>To have a better sightline from underground carpark, Australian Standards (AS/NZS 2890.1:2004 Clause 3.3 Section (a) requires the grade of the first 6m of the driveway within the block boundary to have a gradient of 1 in 20 (5%). Please note that this condition is applicable to industrial driveways only (ie driveway access to 4 or more units).</i></p> <p><i>Considering the proximity of this driveway to the school crossing, location of the footpath and the number of children walking to school (active travel initiative) it is prudent to request the proponent to satisfy the above Standard Conditions. Also you may ask for a safety audit report from the proponent.</i></p> <p>The NCA requested the gradients of the driveway be amended based on the advice received from ACT TCCS, noting that this is applicable to industrial driveways only. Driveway gradients were revised and are compliant with Australian Standards. The footpath is located away from the site boundary, further away from the start of the driveway ramp. Revised gradients of the driveway and inclusion of a small gate will alleviate safety concerns and maintain clear sightlines.</p>

Submission	Comment/Issue	NCA Response
		<p>The proposal is not of significant scale, and the NCA requires one driveway to service the block only to minimise impacts on the streetscape and landscape character. The proposal is for three residential dwellings with basement parking (minimum of three spaces per dwelling). Internal vehicular movements will be accommodated wholly within the basement, and provide safe front in front out vehicular movements. The NCA does not consider a safety audit report would be warranted for this type and scale of residential development.</p> <p>A hedge is proposed to be planted between the driveway and the property boundary to mitigate light beams for car headlights when turning into the driveway.</p>
9.10	<p><b>Water element</b></p> <p>The water element throughout the design is of concern for three reasons.</p> <p>Firstly, with the property open to the street front and the water element not fenced in any way, there is extreme risk of small children detouring onto the open block enticed by the unprotected water features. This is unacceptable given the close proximity to the school and nearby daycare facilities which use the unsupervised school crossing in front of our house – approximately 20 metres away from the proposal’s single access driveway.</p> <p>As parents of two young children and immediate neighbours to the school crossing, the unfenced water element is a serious water safety risk.</p> <p>Prevention of shallow water fatalities is of paramount importance to us and not to be trivialized; water safety is a shared community responsibility.</p> <p>Our second concern is that the water element will provide a breeding ground for mosquitos, especially if some parts of it are still (not flowing) water. This would greatly inhibit our ability to enjoy our backyard.</p> <p>Thirdly, pump placement and locations and ensuing water pump/filtration noise is unaddressed.</p>	<p>All works must be compliant with the National Construction Code and Australian Standards. Any body of water associated with a residential building that is less than 300mm deep does not require a safety barrier. The proposal stipulates a maximum depth of 300mm for all water features.</p> <p>Any pumps or servicing equipment associated with the water feature will be located in the basement.</p>

Submission	Comment/Issue	NCA Response
9.11	<p><b>Air conditioning and heating units</b></p> <p>The proposal fails to clearly identify the placement and location of air conditioning and/or heating units (units). This is of significant concern to us as units produce micro climates which have negative impacts on plant growth and noise impacts.</p> <p>We are concerned that unit placement that is convenient and discrete for the proposed dwellings is unlikely to be suitable for us as immediate neighbours. Furthermore, nearby landscaping is more likely to be compromised which impacts our privacy, garden and amenity.</p> <p>Units with the capacity to service the multilevel dwellings of this size are relatively large. For much of the year, the south and south-westerly winds will project this noise to us, adversely affecting the amenity of our property as immediate neighbours.</p>	<p>Air conditioning units will be located within the basement.</p>
9.12	<p><b>Drainage</b></p> <p>The proposal makes no allowance for where water run off from rainfall, including severe and heavy storms, which Canberra is prone to. The proposal fails to show where this water, including gutters will go. The water run off from the proposed development will increase significantly due to increased built surface and what appears to be no gardens on the northern boundary to absorb it, as it is built to the boundary with hard surface (paving). Due to the topography of the neighbourhood, the low point is in our back yard where the water is prone to pool. This is unsatisfactory and unsafe with our small children.</p> <p>This has been recognised with the placement of drainage easement on our side of the northern boundary. No assessment of this drainage as to whether it can cope with increased water flow from the proposed development has ever been undertaken.</p>	<p>The proposal incorporates box gutters with rainwater draining to the existing storm water network.</p> <p>The landscape plan includes deep rooted planting zones adequate for rainwater absorption.</p>

Submission	Comment/Issue	NCA Response
	<p>This proposed development puts our property at risk, potentially including the foundations of our home.</p>	
9.13	<p><b>Underground carpark</b>            From the proposal, it is apparent that there will be exposed shafts at ground level to provide ventilation for the under ground carpark. Again, with the property open to the street front and the shafts only surrounded by a 1 metre fence with an in excess of 2 meter drop, there is great danger that children may fall into it and suffer serious injury.</p> <p>The location of the garbage bay on the northern side of the car park is of concern to us. For much of the year, the south and south-westerly winds will carry the stench from the bins to us, adversely affecting the amenity of our property as immediate neighbours.</p>	<p>The balustrades are proposed to be 1.2m in height, which meets Australian Standard safety requirements.</p> <p>The proposal is not of significant scale. Household waste is proposed to be located in bins in the basement. The basement is to be well ventilated from the east and west (away from the northern boundary) and incorporates soft landscape zones. If the basement was not well ventilated, the laundry of each dwelling would not be located in such an unpleasant services zone.</p>
9.14	<p><b>Consultation</b>            At no stage of the development of the proposal were we, the immediate neighbours, consulted. The lack of courtesy to even make us aware of the proposal is disappointing.</p> <p>Signage for the Development Notice appeared on the property only recently. We are aware signage was stapled to a tree but was only in situ for one day prior to disappearing. We believe that proper consultation notice has not been provided to the wider community.</p>	<p>The NCA advises all applicants to undertake neighbour consultation for significant development applications. This is advisory only and not mandatory.</p> <p>Public consultation was undertaken on the application by the NCA as a mandatory requirement under the National Capital Plan.</p> <p>Public consultation was undertaken on the WA application by the NCA between 2 and 20 September 2019. Consultation took the form of:</p> <ul style="list-style-type: none"> <li>• On Saturday 31 August 2019, the NCA published a public notice in The Canberra Times detailing the proposed works and inviting submissions to be made to the NCA in relation to the proposal (<a href="#">Attachment A</a>).</li> <li>• Between 2 and 20 September 2019, the NCA published the proposal and plans on the NCA's website.</li> <li>• On 3 September 2019, two A3 size signs were placed on site*.</li> <li>• On 2 September 2019 the NCA wrote to key stakeholders and community groups via email advising of the consultation process and inviting comments (including Forrest Residents Group, Inner South Community Council, Forrest Primary School and Forrest Early Childhood Centre).</li> </ul>

Submission	Comment/Issue	NCA Response
		<ul style="list-style-type: none"> <li>On 2 September 2019 the NCA provided hard copy letters to all adjoining and near-by neighbours advising of the consultation process and inviting comments (Hobart Avenue and Talbot Street).</li> </ul> <p>*It is the applicant's responsibility to install the sign(s) on site. It is unfortunate if the sign was not displayed for the consultation timeframe, however the NCA considers that the target audience was adequately notified, given other consultation avenues undertaken (described above).</p> <p>The NCA has met with the adjoining neighbours of Hobart Avenue to discuss their submissions and concerns. The architect made revisions to the plans based on issues raised during consultation, particularly in relation to privacy and overshadowing. The neighbours were consulted on the revised plans.</p>
9.15	<p><b>Potential neglect due to the current state of the property market</b></p> <p>Owners of the existing dwelling are building to maximize their profits. Given the current state of the property market, there is a considerable risk that the three dwellings in the proposed development may not sell. Similar Forrest properties have been on the market for in excess of 12 months. This may lead to them being neglected which is highly undesirable for us and the Forrest Community.</p> <p>If the newly established landscaping is not maintained and cared for, it will result in it being permanently stunted with persisting negative effects.</p>	<p>This is not an NCA planning matter. In accordance with the <i>Planning and Land Management Act 1988</i> and based on the NCA's assessment, it is determined the application is not inconsistent with the relevant provisions of the NCP and associated Guidelines.</p>
9.16	<p><b>Future development</b></p> <p>Our decision to purchase our home is long term, in addition to it being our forever home; it will be our multigenerational home.</p> <p>The proposal's compact urban densification footprint dominates the middle of their block. This is of significant concern to us, as the proposal's deliberate design and placement is parallel to our garage and workshop. This is exacerbated by House 1 and House 2 having glass walls over two-storeys (reiterating they are non-compliant and exceed height restrictions).</p>	<p>The site coverage and building height is not inconsistent with the National Capital Plan (refer to responses at 9.4). Glazing has been changed to a translucent finish to reduce potential overlooking.</p>

Submission	Comment/Issue	NCA Response
	<p>Squeezing three dwellings into this concentrated area, is further compromised as the dwellings encroach excessively to both boundaries, in our instance the northern boundary. This is of immense concern to us as immediate neighbours as there is little reasonable buffer between the built forms and the northern boundaries. This is resulting in immeasurable distress for us, as it is likely to hinder future enhancements we are planning for our home. In effect, the proposal prohibits further possible development opportunity to our home and particularly towards the northern boundary of the proposal, therefore reducing our amenity and also the potential value of our home.</p> <p>Kerry's father died suddenly in June this year. This prompted us to engage a designer and drafter in July to commence work on a master plan for enhancements to our home in the short, medium and long term to accommodate for Kerry's mother to live with us in the future, as well as enhance our home for modern family conveniences.</p> <p>Taking into consideration the current footprint and numerous easements on our property, the only suitable location in the future is to explore converting the original garage and workshop into a habitable space. This would require increasing the height of the garage and workshop (near the northern boundary).</p> <p>If the development proceeds then we will be unlikely to enhance our home given the excessively close proximity of House 1 and House 2 to the northern boundary and the risk of overshadowing.</p> <p>Family is integral to our quality of life. Our future ability to create a safe and comfortable environment for Kerry's mother to live independently with us is at significant risk. That our plans for our multigenerational forever home are in jeopardy due to the non-compliant proposal is creating enormous distress, which is compounded with our family's sudden grief.</p>	<p>The site has a total area of 1232.5m<sup>2</sup>. The area occupied by buildings is 40% of the block area (493m<sup>2</sup>). If the water elements, landscape pedestrian zones and terraces are included the site coverage is 48%, just below the 50% requirement. The soft landscape zone comprises 40% of the block.</p> <p>Refer to response at 8.3 regarding building setbacks.</p> <p>The NCA cannot speculate on future development, however any new development on Block 12 Section 7 Forrest (10 Hobart Avenue) is also required to be consistent with the relevant provisions of the National Capital Plan and the NCA's Landscape and Sustainability Guidelines for the Deakin/Forrest Residential Area.</p>



Submission	Comment/Issue	NCA Response
9.17	<p><b>Proposal rejection</b></p> <p>As immediate neighbours we vehemently oppose the proposal and recommend the planned redevelopment be rejected outright.</p> <p>We reserve our unimpeded right to our privacy and amenity. Failing a favourable remedy and outcome to our concerns, we retain our right to further challenge any adverse outcome for us, which may include seeking compensation from the proponents of the proposed residential development.</p>	<p>Changes to the original design have been made to mitigate potential overlooking to ensure privacy is maintained.</p>
9 A. Simon and Kerry Weiss – Submission Received 5 February 2020		
9.1 A	<p>We appreciate the opportunity to respond to our December meeting and communication into January. Our response has two key themes around precedent and performance.</p>	
9.2 A	<p><b>Precedent</b></p> <p>Character is ubiquitous with the suburb of Forrest, that and open land.</p> <p>Forrest is well known for homes proportioned well on the block with ample and appropriate landscaping. Landscaping must add to the amenity of Forrest and intrinsic to this, is that the landscaping value-adds to privacy.</p> <p>While the development application for 12 Hobart Avenue’s built design and landscaping may just meet plot ratios and compliance requirements, it does not support the spirit of Forrest’s character. Forrest is the epicenter of Canberra as a garden city and its character must be maintained. Furthermore, Forrest complements the Parliamentary Triangle as part of the Parliamentary Precinct, it is incumbent to uphold and maintain this.</p> <p>The development, if it proceeds, threatens the character and very fiber and essence of not only Forrest, but also the Deakin/Forrest Residential Precinct.</p>	<p>Refer to response at 9.1.</p> <p>The proposal is not inconsistent with NCA’s <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i>.</p> <p>The proposal includes a landscape plan prepared by Harris Hobbs Landscape Architects. The landscape plan indicates that 40% of the site area is given to soft landscaping. This includes trees, shrub species, groundcovers, climbing species and irrigated turf.</p> <p>A total of 16 new trees are proposed, 11 of which are large canopy trees. The NCA considers that the proposed compensatory planting will provide a sufficient canopy effect across the site, particularly to the Hobart Avenue frontage maintaining and enhancing the Garden City character of the precinct. The arborist report included in support of the application indicates that the large Plane Tree to the rear of the block</p>

Submission	Comment/Issue	NCA Response
	<p>The development is not on a corner block. Any reckless prior precedent should not form the basis for this development.</p>	<p>will be retained and protected during construction, which retains a significant canopy cover for the block.</p>
	<p>The existing developments on the corners of Somers Crescent and Hobart Avenue along with National Circuit and Hobart Avenue are each separate and self-functioning homes, they are independent of the other, each with independent driveways and proportionate garden space.</p>	<p>The proposal complies with the relevant planning policies and guidelines. There are approximately seven other sites within the NCA's planning control of the Deakin/Forrest precinct that consist of multi unit developments that are not on a corner block.</p>
	<p>These are unlike the development, which seeks to transpose an apartment complex onto a significantly smaller block on Hobart Avenue, which is also not a corner block. The development is not proportionate or sympathetic to Forrest's character and existing homes. The development is incongruous with the Deakin/Forrest Residential Precinct and unacceptable for Hobart Avenue.</p>	<p>The proposal is for the construction of three dwellings on the block, not an apartment complex.</p>
	<p>Three interdependent dwellings that share a driveway, carpark and garden are excessive for the block size. This development application is audacious and a dangerous precedent for the NCA. It is the first multi-dwelling development application following the failed draft amendment 89. Current landholders and developers are monitoring the details for the first approval before the multi-dwelling development floodgates open for the Deakin/Forrest Residential Precinct.</p>	<p>The National Capital Authority (NCA) decided to set aside Draft Amendment 89 and not proceed with the amendment following the consultation process. The NCA prepared the <i>Deakin/Forrest Residential Area Precinct Code - Landscape and Sustainability Guidelines</i> to provide greater clarity and advice on how proponents can protect the values of the area while considering whether they should proceed with developing their site further.</p>
	<p>The precedent for 12 Hobart Avenue, will adversely impact us as immediate neighbours at 10 Hobart Avenue for two reasons:</p>	<p>During the consultation process for Draft Amendment 89 the NCA received 280 submissions. The submissions addressed a number of important values that residents and respondents asked to be retained within the area. There was strong support for the protection of landscape features and values in line with the Garden City principles. There were however many queries and concerns raised about the proposal to limit renewal or development on each block to one residence. Key to this was the loss of opportunities for families to age in place and the view that this approach could be seen as inconsistent with contemporary planning practices of other jurisdictions. Some respondents pointed out that a single residence could have more of an impact on the landscape qualities than a number of smaller, well-designed and eco-friendly dwellings. The full consultation report that highlights the planning themes and issues and can be downloaded from the NCA's website.</p>
	<ol style="list-style-type: none"> <li>1. If the development progresses and the property is sold with an approved development application and then on-sold, then the precedent for three dwellings on <b>12 Hobart Avenue</b> is set.</li> <li>2. It is highly likely in the short to medium term that <b>8 Hobart Avenue</b> will sell, if the precedent for 12 Hobart Avenue is three dwellings, then who knows what the developer of a slightly larger block at 8 Hobart</li> </ol>	

Submission	Comment/Issue	NCA Response
	<p data-bbox="300 282 993 337">Avenue will attempt to do and succeed with, should approval of the development application for 12 Hobart Avenue be set.</p> <p data-bbox="300 375 1052 521">We at 10 Hobart Avenue would potentially be sandwiched between 2 multi-dwelling apartment style developments that would overlook and bookend our home – an original Forrest precinct house. We purchased 10 Hobart Avenue for the amenity that Forrest is celebrated for – the overall character including, open land, trees, historic buildings and tranquility.</p> <p data-bbox="275 558 1052 764">Depending on the outcome, we may reluctantly be forced to reconsider our own future at 10 Hobart Avenue. In such a scenario, the dangerous precedent associated with the approval of the development application for 12 Hobart Avenue, may see Hobart Avenue morph from single houses on residential blocks to a strip of apartments. In Forrest, this is what Canberra Avenue is for, not Hobart Avenue, especially from State Circle to National Circuit in the Deakin/Forrest Residential Precinct.</p>	

9.3 A

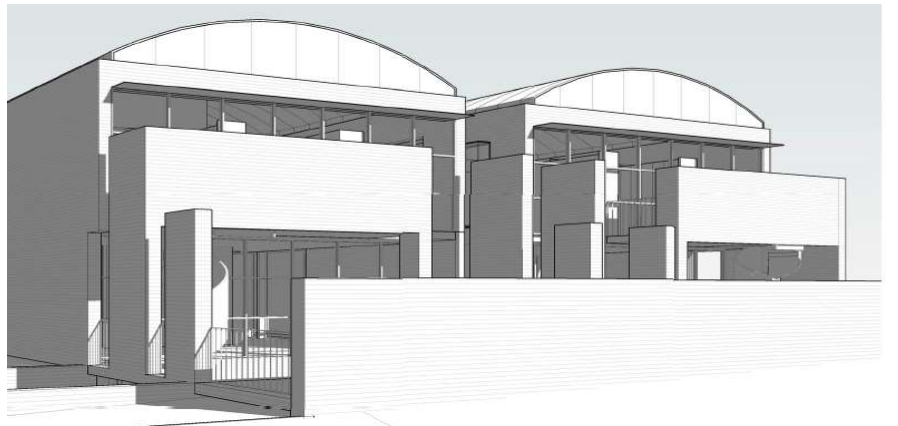
**Performance**

We stand by our original submission and subsequent communications (emails and face-to-face meetings) with the NCA concerning this development application.

In response to our interactions, limited changes have been made. Whilst we welcome them, as an acknowledgment of our concerns, they do not adequately resolve them and other concerns, including performance concerns which are not addressed at all. These include:

Noted. Following public consultation the NCA requested that the applicant address overshadowing and privacy concerns. These concerns were mitigated by the applicant via:

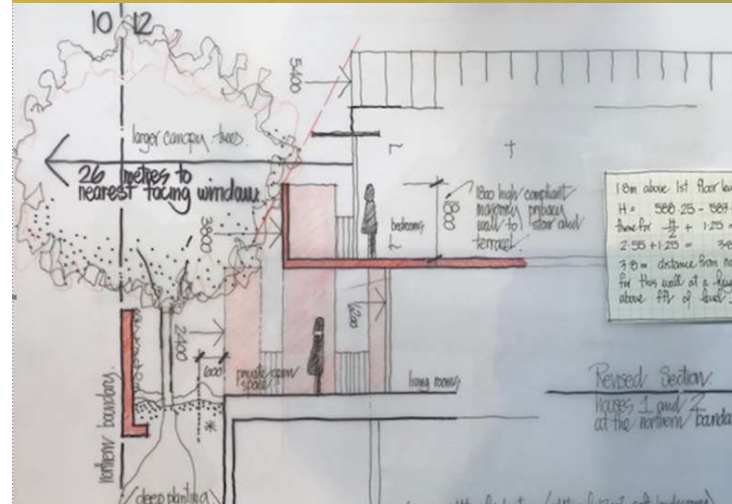
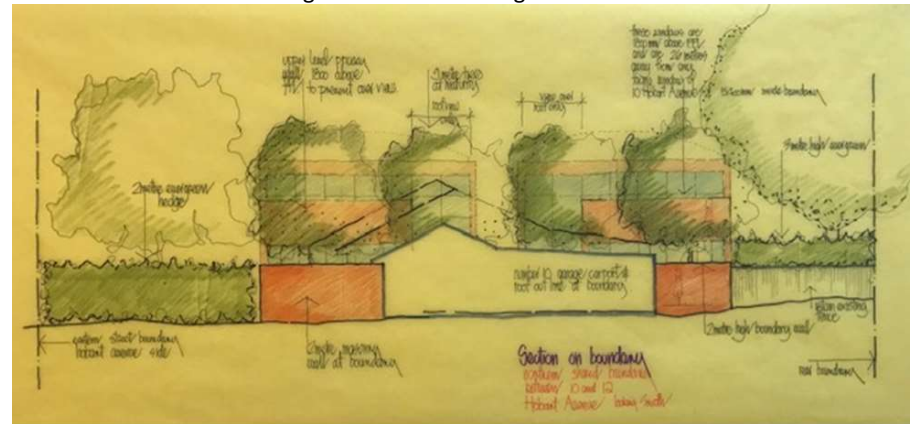
- additional landscaping (additional trees and evergreen hedging),
- the use of translucent glazing to upper levels (particularly dwelling 3),
- the inclusion of 1.8m high solid balustrades to the northern façade balconies,
- the use of solid balustrades to the front and rear balconies of dwelling 3,
- Revised driveway gradients and inclusion of a gate to the driveway; and
- increased setbacks to the southern boundary (moved from min. 2.5m to 3m and 3.7m).

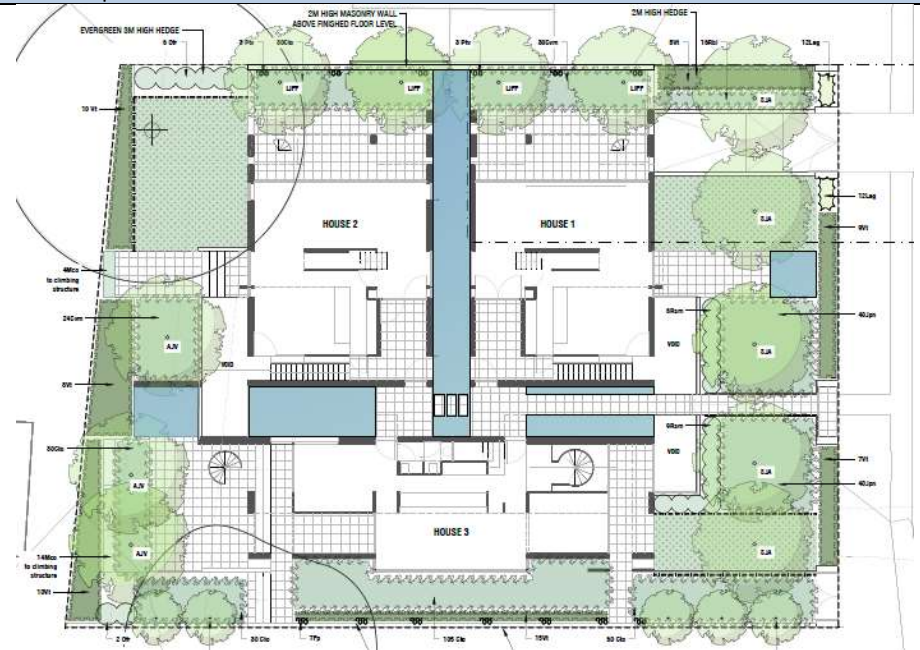
Submission	Comment/Issue	NCA Response
9.4 A	<p><b>Privacy</b> – under the proposed development we always were and continue to be overlooked from height from two dwellings, that is the fishbowl effect.</p> <ol style="list-style-type: none"> <li>The height of the upper level balustrades (1.8m) do not provide sufficient privacy to our home, as many people are 1.8m tall or taller.</li> <li>The balustrades do not extend the full width of the upper balconies, the ‘gaps’ offer free views directly over our home, front and back yards.</li> <li>Inappropriate design for the block size and orientation. We continue to contend that elsewhere in Forrest new multi-dwelling developments have applied a terrace like design, which anchors living to the front and rear of the property, with minimal glass on the side to respect privacy of the property and adjoining street neighbours. The development does exactly the opposite, and worse, two of the three dwellings are not only anchored to the boundary we share, the northern walls of these two dwellings are floor to ceiling glass on both levels.</li> <li>The excessive use of transparent glass – floor to ceiling east to west of the upper northern façade amplifies the fishbowl effect. A northern wall of glass on the second storey of two (of the three) dwellings is flagrantly inconsiderate to us as immediate neighbours with an existing single level home.</li> <li>Deciduous trees along the northern boundary (four white crepe myrtles) are not dense in foliage and purely ornamental, they are not capable of providing any shade or boundary privacy.</li> </ol> <p>Trees are purely for landscaping and cannot remedy building design failures and inadequacies, such as privacy and lighting concerns.</p> <p>Landscaping and vegetation can never solely address privacy concerns given their potential temporary nature. For example, should the proposed plantings be cut down (intentionally or otherwise), the NCA does not have the enforcement capabilities to require them to be</p>	<p>Following the meeting on 16 December 2019 further information (additional shadow diagrams, northern and southern elevations) was provided by the applicant on 20 and 23 December 2019. Refer to the sketches below. The NCA provided this information to adjoining neighbours on 23 December 2019.</p> <p>The NCA considers that the proposed and existing landscaping (including the proposed 2m solid wall on boundaries) will provide privacy to 10 and 14 Hobart Avenue.</p> <p>The eye level of an average person does not exceed 1.8m in height. The small ‘gap’ within the balustrade articulation will limit overlooking due to the balustrade fin walls that extend beyond the main façade of the building that also provide privacy between the dwellings themselves. Refer to the 3D image below.</p>  <p>In addition to the building design, the dwelling is setback 5.4m from the northern boundary to allow a sufficient landscape buffer for additional screening and privacy purposes (refer to the sketches below that indicate trees and hedging). The trees proposed to the northern boundary are required (by the NCA) to be deciduous and contribute substantial shade in summer. The Crepe Myrtle variety specified by the registered landscape architect is supported by the NCA and is capable of reaching a height of 9m with a canopy of 8m. The species also displays a dense array of</p>

Submission	Comment/Issue	NCA Response
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replanted. In which case there would then be no privacy protection at all.

ornamental branches which will also assist in maintaining privacy in winter, in addition to the solid 2m wall and evergreen Viburnum hedge.





9.5 A **Northern light pollution** – the development’s northern side is essentially floor to ceiling glass for two dwellings, which are two households.

- f. The inappropriate design is also a significant factor here. We continue to contend that elsewhere in Forrest new multi-dwelling developments have applied a terrace like design, which anchors living to the front and rear of the property, with minimal glass on the side to not only respect privacy of the property and adjoining street neighbours, but unnecessary light pollution. The development does exactly the opposite, and worse two of the three dwellings are not only anchored to the boundary we share, it

Refer above. The 1.8m high balustrades reduce the extent of exposed glazing.

The NCA supports the use of doubled glazed windows and living areas to the north as a sustainable design response, in line with the NCA’s Landscape and Sustainability Guidelines for the Deakin/Forrest residential area.

Submission	Comment/Issue	NCA Response
	<p>is exacerbated by excessive use of floor to ceiling glass on the upper level which intensifies any light in a single room.</p>	
	<p>g. Unnecessary light pollution at night as a result of the excessive use of glass. At our December meeting we tabled a recent example of glare from one light left on, past 11.30pm. This is of serious concern to us as immediate neighbours. Two dwellings with two households (not one as we presently have), both living on the upper level with floor to ceiling glass with lights on would be like the stadium lights at Manuka Oval shining into our backyard and master bedroom, every night in perpetuity.</p>	<p>Internal light spill is a matter of occupant/user behaviour. The NCA cannot comment on internal lighting, blinds etc. and how they may be used. Internal design features and specifications are not considered ‘works’ as defined under the <i>ACT Planning and Land Management Act 1988</i> and are therefore excluded from NCA assessment and approval.</p>
	<p>When pressed on the matter at our December meeting, the architect was surprised by the impact of one single light, but quickly dismissed the lighting matter by saying that the lighting design had not yet been considered.</p>	
	<p>NCA agreed at the meeting that the light pollution was a matter that needed to be addressed.</p>	<p>At the meeting on 16 December 2019 the NCA agreed that the light was bright (as shown in a picture) however advised that the NCA does not assess internal works. The applicant advised this matter would be followed up with the property owner.</p>
	<p>However with respect to this performance issue raised about the internal light spillage from adjacent windows, the NCA has since advised that this is “largely a matter occupant/user behaviour, as northern window are supported to enable natural light penetration into buildings.” This dismissive response to a serious performance issue is unacceptable. The scale and excessive use of glass – floor to ceiling east to west of the upper northern façade is exorbitant. This is grossly inconsiderate to us as immediate neighbours.</p>	
	<p>h. Unnecessary glare during the day. The excessive use of glass creates unnecessary glare during the day from the intense northern sun reflecting off the development’s northern two-storey glass wall onto our property.</p>	<p>The NCA’s Landscape and Sustainability Guidelines for the Deakin/Forrest residential area require a selection of building materials and colours which absorb less heat in summer. The NCA supports materials and finishes proposed in the submission. The existing and proposed landscaping will minimise potential glare.</p>

Submission	Comment/Issue	NCA Response
	<p>i. There is a fire risk from the glass concentrating the sunlight and refracting it onto the ground, especially with an intense hot summer like the one we are currently experiencing. There is great potential for dry vegetation including leaf matter to be ignited.</p>	
9.6 A	<p><b>Driveway</b> – as immediate neighbours two significant performance concerns persist from the development’s presumed relocation of the driveway from the southern end of the property to the northern end of the property, for an underground car park for ten vehicles:</p> <p>j. Safety concerns. The safety of the neighbourhood, school children and ourselves as immediate neighbours from potentially ten vehicles exiting the underground carpark during peak hour while we reverse out of our driveway is a serious safety issue. To our knowledge the Territory’s transport authority has not adequately assessed this matter as part of the development application.</p> <p>Hobart Avenue will provide the access point to the soon to be completed ‘Estate’ development complex boasting 87 apartments, and approximately 180 car spaces, by way of a single two lane traffic ingress point from the southbound lane into the Estate complex, and egress point out from the Estate onto the southbound lane of Hobart Avenue. This traffic flow merges with the high peak Forrest Primary School, and the Forrest Early Childhood Centre traffic flows.</p> <p>At our December meeting, the outlier of the ‘Estate’ development and additional traffic congestion to Hobart Avenue was frustratingly dismissed as a valid matter in the context of safety.</p> <p>The design of the development for the volume of vehicles,</p> <p>Given the block’s size and block’s proximity to the school crossing, as a resident and immediate neighbour it is clear that the density</p>	Refer to response at 9.9.



Submission	Comment/Issue	NCA Response
	<p>of the development and proportionate car park allowance is not</p> <p>Safety concerns would be mitigated if each dwelling had its own independent driveway. This brings us back to the development's design compared to others that are built on a corner block with their own independent driveway. In isolation the development may comply, but in the context of immediate neighbours, the neighbourhood and the community performance falls short as the development is inappropriate for its block size, orientation and position on Hobart Avenue.</p> <p>k. Car headlights pollution when entering the driveway. As outlined in our original submission, as many as ten vehicles for the three dwellings will enter the northern driveway to access the underground carpark. The vehicles will potentially drive in at all hours of the evening, late into night and early in the morning, with their headlights shining directly into the windows at the front of our home, including our living areas and children's bedrooms. There is no vegetative protection on the street verge between 10 Hobart Avenue and 12 Hobart Avenue to mitigate the light pollution directly into our home. This cannot be remedied as the verge is crucial for providing visibility for the school crossing directly in front of our home at 10 Hobart Avenue.</p> <p>Relocating the development's driveway from the southern to northern end should not be entertained, as it not only poses unnecessary increased safety risks (for vehicles, cyclists and pedestrians) it creates a performance issue of car headlight pollution into the windows at the front of our home.</p>	<p>A hedge is proposed to be planted between the driveway and the property boundary to mitigate light beams for car headlights when turning into the driveway.</p>
9.7 A	<p>2. <b>Value of home compromised and future enhancement restricted</b></p> <p>The two-storey development will not only overlook our single level home, it will peer into our front and backyards.</p>	9.1, 9.2 A and 9.4 A and 9.8.

Submission	Comment/Issue	NCA Response
	<p>The development's large three dwellings will be squeezed onto the disproportionately small block, as a result the development will be substantially closer to our boundary and at two-storeys in height. It will not only bookend one end of our home, but set precedent for it to potentially occur to our other boundary in the future.</p>	
	<p>Any future plans to convert our garage and workshop into a habitable space for our home to be multi-generational may be compromised as a result of the close proximity of the development to the northern boundary and the risk that we may overshadow and/or be refused approval on the grounds of compromising the development's amenity in building upwards.</p>	<p>The NCA cannot speculate on future development, however any new development on Block 12 Section 7 Forrest (10 Hobart Avenue) is also required to be consistent with the relevant provisions of the National Capital Plan and the NCA's Landscape and Sustainability Guidelines for the Deakin/Forrest Residential Area.</p>
	<p>The overlooking and close proximity of the development to our home, will compromise our home's amenity, have the potential to restrict future enhancement of our home and as such devalue our home and prohibit our ability to add value to our home.</p>	
	<p>Our current single level home, is our forever home. We are disappointed that the NCA guidelines for development are in favour of new disproportionate developments and not challenging development designs to be compatible with the existing built form and environment, especially of immediate neighbours impacted by a development's poor performance and compromising amenity and privacy.</p>	<p>The NCA requires any proposal within a Designated Area to be of high quality and in keeping with the amenity of the locality, consistent with the National Capital Plan. The Canberra Spatial Plan nominates residential intensification within a 7.5 kilometre radius from Central Canberra. The subject site is located approximately 4km from the City Centre.</p> <p>The proposal seeks to introduce urban consolidation to a place included in an 'Urban Area' of the NCP, by modestly increasing the housing density on the block. Modest increases in density can be achieved by considered planning and design into established residential areas. This diversity of housing types enables people to remain in their community in housing that best suits their needs.</p>
		<p>In addition, the NCA's Landscape and Sustainability Guidelines for the Deakin/Forrest Residential Area aim to promote best practice landscape and sustainability principles. The site is within close proximity to the City Centre, transport corridors (Adelaide Avenue, State Circle (potential future light rail route) and Canberra Avenue), and major employment and recreation hubs within Parkes, Barton, Kingston and Manuka. The Designated Deakin/Forrest precinct is an ideal place for redevelopment and urban</p>

Submission	Comment/Issue	NCA Response
		intensification to reduce urban footprints on our city, improve city sustainability and make better use of existing infrastructure.
9.8 A	<p>3. <b>Implementation of NCA Guidelines</b> – In reviewing the NCA’s guidelines (<i>Landscape and sustainability guidelines: Deakin/Forrest Residential Area Precinct Code</i> – July 2018) we query the following with respect to the development:</p> <p>a. <b>Landscape</b></p> <p><i>Trees should be selected to contribute to energy efficiency by providing substantial shade in summer.</i></p> <p><i>Ensure plant species selected are suitable to the site conditions and scale of development and are able to grow to full maturity.</i></p> <p>Crepe myrtles are ornamental trees with delicate flowers, with more branches than deciduous foliage. Four plantings along the northern boundary will not continuously fill the boundary line in summer (even if well cared for in summer), that is, their scale will not be proportionate to adequately fill the intended void. Furthermore, this plant species will not provide substantial shade and therefore will not provide substantial privacy.</p> <p>Incidentally, we are yet to receive the winter landscape sketch from our home looking towards the northern boundary and the development. We only received the summer sketch.</p> <p>b. <b>Each dwelling’s private open space should be allocated a canopy tree</b></p> <p><i>Private open space should provide sufficient space for deep rooted planting, particularly trees with deep root systems. A minimum of</i></p>	<p>The trees proposed to the northern boundary are required (by the NCA) to be deciduous and contribute substantial shade in summer. The Crepe Myrtle variety specified by the registered landscape architect is supported by the NCA and is capable of reaching a height of 9m with a canopy of 8m. The species also displays a dense array of ornamental branches which will also assist in maintaining privacy in winter, in addition to the solid 2m wall and evergreen Viburnum hedge.</p> <p>Sketches of the northern elevation were provided on 23 December 2019. The tree outline (form and shape) was shown in the elevations and is suitable to make an assessment. Trees of the same species can grow and branch differently. For drafting purposes, the detail of the tree’s winter form has not been detailed. Refer to the image at response 9.4.A.</p> <p>Each dwelling has a private open space area of at least 43m<sup>2</sup>. Private open spaces are oriented to the north (dwellings 1 and 2), with each private open space having a at least two large trees planted in sufficient space, that have a crown diameter of 8m at maturity. Dwelling 3 has an open space area to the west that also receives a northerly aspect and two canopy trees. Dwellings 2 and 3 will also benefit from the large mature</p>

Submission	Comment/Issue	NCA Response
	<p><i>one canopy tree (capable of achieving a crown diameter of a minimum of eight metres when mature) should be provided in the private open space of each dwelling.</i></p>	<p>Platanus orientalis that is proposed for retention in the north western corner of the block.</p>
	<p>With two of the three dwellings oriented to the north (the boundary we share), including both of their private open spaces, each dwelling should be allocated a canopy tree according to the guidelines. This is not the case, as there are not two canopy trees. Furthermore, it appears that there may be insufficient space for deep rooted trees when the landscaping plan is updated to include the required allocation for the private open spaces.</p>	
	<p><b>c. Setbacks</b></p>	
	<p><i>The NCA may consider alternative setbacks where is can be demonstrated that the privacy of neighbouring dwellings is maintained.</i></p>	<p>The setbacks of the development are not inconsistent with the requirements (performance and quantitative standards) of the National Capital Plan and the NCA's Landscape and Sustainability guidelines for the Deakin/Forrest residential area.</p>
	<p>Given the privacy concerns raised by both immediate neighbours, in particular ourselves at 10 Hobart Avenue, is there grounds for NCA to consider tightened the setbacks for the development, that is, in favour of the immediate neighbours to ensure privacy, especially the second storey and when excessive glass has been used?</p>	<p>The NCA considers that the existing house on site intrudes heavily on the privacy of 10 Hobart Avenue, and that the proposed works will reduce the extent of overlooking.</p>
	<p><b>d. Sustainability</b></p>	
	<p><i>Proposals should demonstrate overshadowing or impacts to privacy of neighbouring properties is minimised, including to both dwellings and open space.</i></p>	<p>The side walls of Dwellings 1 and 2 are setback 5.4m from the northern boundary. The building has balcony projections setback 3.8m. The required quantitative setback for the northern boundary is 5.25m with a minimum distance of 3m. Whilst there are encroachments of balconies into the side wall building setback zone, these are not considered to be the side wall of the building. In addition, the NCA considers that the 1.8m high balustrades to balconies protects the privacy of the neighbouring site. The NCA also considers that the soft landscape zone is sufficient to provide an adequate landscape buffer/screening, capable of plants reaching full maturity, providing further screening and privacy to neighbours. The buildings, including balconies, do not project into the minimum setback zone of 3m.</p>
	<p><i>New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring properties.</i></p>	<p>The upper levels of the dwellings are to be utilised as bedrooms only while living spaces are located at ground level. A 2m high masonry wall is proposed along the boundary where living areas are located, while a 3m evergreen hedge is proposed elsewhere</p>

Submission	Comment/Issue	NCA Response
	<p>We have vehemently argued that the development impacts our privacy and contend that the design is flawed. The design proportions, scale and orientation on the block does not maximize visual privacy for us as immediate neighbours. This is a significant performance issue that is yet to be seriously addressed.</p>	<p>along the boundary. The NCA considers there will be no overlooking. Refer to the sketches at 9.4 A.</p>
9.9 A	<p><b>Other concerns</b></p> <p>This development’s ambitions and scale are not proportionate to the block size, the location of the block and the orientation of the block.</p> <p>Most disappointing to us is that the existing built form of the street (including the single level homes on both sides of the development), neighbourhood, precinct and suburb have not been taken into consideration.</p> <p>The NCA has been entrusted to ensure the context overlay of the genuine spirit of the Deakin/Forrest Residential Area Precinct is upheld. Through our personal experience it feels diluted at the expense of the owner occupiers who wish to remain in Forrest, and importantly, expect for Forrest’s character and amenity to be upheld.</p> <p>The onus should be on new developments to respect the existing built form of their neighbours, not the other way around.</p> <p>Development consultation with neighbours should be mandatory for proponents not just encouraged.</p> <p>The process needs to be more transparent and encourage genuine information sharing and engagement.</p> <p>The process needs to be balanced in time and advice for proponents and the community, otherwise power imbalance and discrimination occurs.</p>	<p>In accordance with the <i>Planning and Land Management Act 1988</i> and based on the NCA’s assessment of the application, it is determined the application is not inconsistent with the following provisions of the NCP and associated Guidelines.</p> <ul style="list-style-type: none"> <li>• Part 2.3 – Sustainability Objectives</li> <li>• Part 3.3 – Urban Areas</li> <li>• Part 4.1 – The Central National Area</li> <li>• Part 4.5 – Deakin/Forest Residential Area</li> <li>• Part 4.19 – Design and Siting General Code</li> <li>• Deakin/Forrest Residential Area Landscape and Sustainability Guidelines.</li> </ul> <p>All applications for works approval are assessed on a case by case basis including (but not limited to) consideration of site constraints, streetscape, landscape setting, neighbourhood amenity, road networks and excellence in urban design. The proposal achieves excellence in urban design outcomes through its compliance with the performance and quantitative standards of the National Capital Plan. The proposal is not located in a heritage listed area and is suitably dimensioned to accommodate three dwellings and appropriate landscaping to retain the garden city character of the precinct. The height and scale is not discordant with the surrounding locality, existing developments and the streetscape.</p> <p>During the consultation process for Draft Amendment 89 it was clear that there are residents and families in the precinct who wish to develop their block to ‘age in place’ and/or provide for a mix of housing types, consistent with contemporary planning practices. Refer to response at 9.2A.</p>

Submission	Comment/Issue	NCA Response
	<p>Development approvals become precedent, precedent out of context is dangerous.</p> <p>Performance issues relating to privacy, overlooking, over shadowing, access to precious sunlight, preventing unwelcome light pollution, noise and safety are not to be overlooked or dismissed.</p> <p>Performance issues are significant, real and valid concerns, trivializing these concerns is distressing for neighbours. These concerns if not addressed negatively impact the value of a home and the threaten the quality of life for residents</p> <p>Our experience through this development application is that the proponents have had over two years and we the immediate neighbours, along with the community have had less than 6 months. Consultation has been poor and process questionable.</p> <p>We are new to this. We have been rushed and distressed with the time pressure to respond, while juggling and balancing life. This is our life and livelihood. This isn't our job.</p> <p>The reciprocity of care and time has not been afforded to us, when the stakes are so high, this is our forever home and we have a young family, the amenity and character that influenced our decision to purchase at great personal expense is compromised. The impact of this development is long term for us.</p> <p>We have been rushed to attend meetings, I missed a funeral, as the meeting was going to occur anyway, then we were emailed information on Christmas Eve, our holidays were tarnished – we kept talking about it and need to formalize a response. The timing for the initial consultation, meeting with NCA and response after Christmas has also meant that we have not had the opportunity to seek advice or address fully the issues that remain unsolved.</p>	<p>Public consultation was undertaken on the application by the NCA as it is mandatory under the National Capital Plan. The NCA has undertaken consultation in an open and transparent manner. The NCA has exceeded the customary consultation process for an application of this nature.</p>

Submission	Comment/Issue	NCA Response
	<p>This response too is rushed and actioned in haste, without a fresh set of eyes to review. But the threat to our home is real and impact is distressing and debilitating. This development impacts our life, hopes and dreams.</p> <p>We will continue to consider the development and may provide additional submissions.</p>	
10.	Megan Dick	
10.1	I am not opposed to demolishing the current building at 12 Hobart Ave. I do however, strongly oppose the proposal to build three separate dwellings on the block for many reasons including the following:	
10.2	It is totally against the character of the area which is to have one house per block with large garden areas. The size and density of the three dwellings will have a huge impact on their direct neighbours and the feel of the suburb and is disrespectful to all of the people currently enjoying the open feel of the neighbourhood.	Refer to response at 1.1.
10.3	Even if the NCA is keen to pursue its course to allow higher density development in the area, Block 13 is not large enough to support three separate dwellings. Even though there is no technical subdivision, the block is 1232m <sup>2</sup> which means that each house effectively sits on a parcel of land which is 410m <sup>2</sup> . This is too high density for this area and does not respect the nature of the area or the neighbours who will be affected by it.	<p>Refer to response at 1.1.</p> <p>The site has a total area of 1232.5m<sup>2</sup>. The area occupied by buildings is 40% of the block area (493m<sup>2</sup>). If the water elements, landscape pedestrian zones and terraces are included the site coverage is 48%, just below the 50% requirement. The soft landscape zone comprises 40% of the block.</p>
10.4	In order to fit three houses on this block, they are all very small and low quality. For example, House 3 is just is just 7.5m wide from the front view which is unacceptable - more characteristic of an inner city townhouse, and certainly not in keeping with the existing character of the street or the suburb. It is a severely compromised design - internally and externally - in their drive to fit three dwellings on the block.	<p>The proposal is not inconsistent with the relevant planning provisions of the National Capital Plan.</p> <p>All applications for works approval are assessed on a case by case basis, including (but not limited to) consideration of site constraints, streetscape, landscape setting, neighbourhood amenity, road networks and excellence in urban design. The proposal achieves excellence in urban design outcomes through its compliance with the performance and quantitative standards of the National Capital Plan.</p>

Submission	Comment/Issue	NCA Response
		<p>The proposal is suitably dimensioned to accommodate the three dwellings with appropriate landscaping. Dwelling 3 has 90 square metres of living space which is substantially larger than the living space in an average home.</p>
10.5	<p>On my rough calculations the soft landscaping does not meet the 0.4 ratio required and I believe their calculations are incorrect.</p>	<p>The soft landscape zone comprises 40% of the block.</p>
10.6	<p>All those water features which are open to the public from the front, may look lovely but are a hazard to children and pets. Even though they are shallow, a child could trip over and hit its head on all those sharp concrete edges and corners and drown in those open pools. Considering there is a primary school across the street this is an unacceptable safety risk.</p>	<p>Refer to response at 9.10.</p>
10.7	<p>There can be no exceptions made to having to comply with the height limits detailed in the NCA guidelines. I note that they propose to have a slight increase in one area, and they state elsewhere that they have "minor non-compliance to achieve a greater level of privacy". This latter is a strange logic: they are justifying non-compliance with the guidelines to come up with a solution to deal with privacy issues caused by their own design/over development of the block.</p>	<p>Refer to responses at 9.4 regarding height, and 8.3 regarding building setbacks.</p>
10.8	<p>The landscape plans are not detailed enough in terms of what is being planted, particularly in terms of canopy trees.</p>	<p>The proposal is not inconsistent with NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i>.</p> <p>The proposal includes a landscape plan prepared by Harris Hobbs Landscape Architects. The landscape plan indicates that 40% of the site area is given to soft landscaping. This includes trees, shrub species, groundcovers, climbing species and irrigated turf.</p> <p>A total of 16 new trees are proposed, 11 of which are large canopy trees. The NCA considers that the proposed compensatory planting will provide a sufficient canopy effect across the site. The arborist report included in support of the application indicates that the large Plane Tree to the rear of the block will be retained and protected during construction, which retains a significant canopy cover for the block.</p>



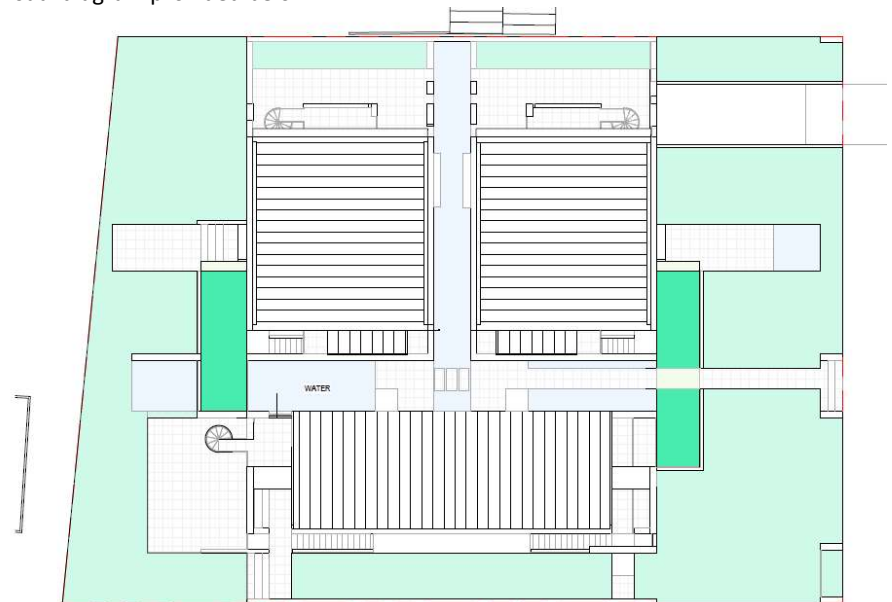
Submission	Comment/Issue	NCA Response
10.9	<p>The argument has been made that there is such a huge demand for smaller dwellings with smaller block sizes in this area. While there might be some, it cannot be as high as proponents of developments like these would have you believe. I draw your attention to a similar high density development approved by the NCA at the corner of Somers Cres and Melbourne Ave, where they have been trying to sell one of the dwellings for almost two years now with no luck (it's had a for sale sign out the front since Jan/Feb 2018).</p> <p>I ask the NCA to reject the works approval application for Block 13, Section 7 Forrest.</p>	Site redevelopment and property market demand is a matter for the property owner.
<b>11 Michael and Veda Radulovic</b>		
11.1	As resident owners of 8 Hobart Avenue impacted by the above development application, we object strongly to the Works Approval Application. We do so on the basis that:	
11.2	the application pays no regard to the existing character of our area or suburb.	Refer to the response at 9.1.
11.3	it is oversized for a small block	The site has a total area of 1232.5m <sup>2</sup> . The area occupied by buildings is 40% of the block area (493m <sup>2</sup> ). If the water elements, landscape pedestrian zones and terraces are included the site coverage is 48%, just below the 50% requirement. The soft landscape zone comprises 40% of the block.
11.4	it is higher than it needs to be	Refer to response at 9.4 regarding height.
11.5	it is a design incompatible with the surrounding residences	The proposed development is of high quality and not discordant with the design character of the locality. The street and immediate locality of the Deakin/Forrest precinct within an NCA Designated Area contain a diversity of building scale and development types.

Submission	Comment/Issue	NCA Response
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11.6	It overshadows and removes all privacy from the immediate residences.	Refer to response at 16.2.
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11.7	it has limited greenery for such bulk and height	The soft landscape ratio is correct (in accordance with the definition outlined in the Guidelines) and complies with the requirement of 40%. This includes trees, shrub species, groundcovers, climbing species and irrigated turf.
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Visual diagram provided below.



A landscape plan has been provided with the application. The design has been prepared by Harris Hobbs Landscape Architects.

In support of the landscape design, a Tree Management Plan has been prepared which includes site inspection notes and comments on tree management and removal.

Submission	Comment/Issue	NCA Response
		<p>A total of five trees are proposed for removal. The landscape plan indicates that 11 new canopy trees will be planted plus five upright trees proposed (total 16 new trees).</p> <p>The NCA considers that the proposed compensatory planting will provide a sufficient canopy effect across the site. Hedge planting is proposed to a substantial portion of the boundary to maintain a Garden City character.</p>
11.8	It has only one driveway for much traffic.	The proposal is not of significant scale. The proposal is for three residential dwellings with basement parking (minimum of three spaces per dwelling). Internal vehicular movements will be accommodated wholly within the basement, and provide safe front in front out vehicular movements.
11.9	It is very close to the front of the street.	<p>Part 4.19 of the National Capital Plan (NCP) provides performance and quantitative standards for setbacks, stating:</p> <p><i>Buildings of more than one storey</i></p> <p><i>The building line of buildings of more than one storey may be more than but not less than 7.5 metres from the front property boundary.</i></p> <p>The dwellings are setback 10m from the front property boundary. The basement is located wholly below natural ground level and is setback 7.5m(min.)-10m(max.) from the front property boundary. The proposal does not impact on the outlook of neighbouring buildings. The 7.5m to 10m building set back allows for substantial planting to the street frontage (large canopy trees and hedge planting is proposed).</p>
11.10	It disrespectful of the rights of neighbouring properties. It is entirely unacceptable.	The NCA has met with the adjoining neighbours of Hobart Avenue to discuss their submissions and concerns. The architect made revisions to the plans based on issues raised during consultation, particularly in relation to privacy and overshadowing. The neighbours were consulted on each iteration of the revised plans.
11.11	<p>We request the National Capital Authority to reject this development application. It is a blight on Hobart Avenue.</p> <p>We hope the National Capital Authority will protect the character of our neighbourhood and disallow this application as it stands. There exists</p>	The NCA determined the proposal was not inconsistent with the provisions of the NCP and concerns of the community were addressed as part of the assessment. Refer to response at 1.1 regarding character.

Submission	Comment/Issue	NCA Response
	every opportunity for a development for this site which will enhance this area.	
12	Dr Ann Elizabeth Kent	
12.1	<p>Since 1971, I have lived continuously in the Deakin-Forrest area, well known in Canberra for its tranquillity, mature trees and spaciousness, as well as its graceful, 1920s houses. Here is the centre of much of Australia's post-Federation history, here is its Prime Minister's Lodge, here lived some of Canberra's most famous politicians before they became Prime Minister, such as former Prime Ministers Gough Whitlam and William McMahon, and here lived public servants like K.C. Shann and Frank Thorpe, and academics like Sir John Crawford, Professor Manning Clark, Professor Alec Hope and Professor Herbert Burton. In many ways, this half-century in Canberra has been reminiscent of my experience of living in Washington DC in the fifties and sixties, where the history of that other planned capital city was also inextricably tied into its physical beauty, whether natural or built.</p> <p>I have therefore watched recent changes in our neighbourhood with increasing concern. Whereas former Washington friends have reported few major changes to their mature residential streets, the streets and houses of early to late twentieth century Canberra, whether in the south or north, are being altered and deconstructed at an alarming rate and, in some cases, beyond recognition. I am saddened, for instance, that, rather than maintaining the garden and amenities of the single dwelling home that they themselves had enjoyed since the 1950s, the Treacey family has chosen to squeeze a building proposal for three houses and nine concealed car spaces into their modest 30 metre-wide block. I am at a loss to understand how their architect, Greg Anderson, could describe their proposed plan as 'contributory, inclusive and respectful of the "historically significant neighbourhood"' (<i>Planning Report</i>, p.24). Still less can I comprehend his claim that 'the proposal endorsed for the dwellings with historical landscaping and concealed parking will have no greater impact than that of a single dwelling' (<i>Planning Report</i>, p. 24). Such a claim is</p>	<p>Part 4.5.2 of the NCP states:  <i>The importance of the Deakin/Forrest residential area stems from its frontage to the Main Avenue of State Circle, its location within the Griffins' Land Axis, and from its close proximity and relationship to Parliament House. The residential area is an example of the twentieth century 'Garden City' planning concepts that the Griffin's adopted in their designs for Canberra.</i></p> <p><i>The Deakin/Forrest residential area forms part of the original 'Blandfordia' subdivision by the Federal Capital Advisory Committee and the Federal Capital Commission, which was based on 'Garden City' and 'City Beautiful' concepts.</i></p> <p><i>There is a National Capital interest in ensuring that development surrounding, and in close proximity to, Parliament House is of the highest design quality.</i></p> <p>Griffin's garden city concept refers to the geometric street layout of Main Avenues down to residential streets with dedicated margins for road reserves (the verge/nature strip). Wide city streets, grandly scaled rows of broad canopy trees, and the absence of front fences underpins Griffin's vision and is included in the NCP.</p> <p>Part 4.5.3 of the NCP states the following objectives for Deakin/Forrest residential area precinct:</p> <ol style="list-style-type: none"> <li>1. The residential areas of Deakin and Forrest that lie between State Circle and National Circuit will maintain and enhance the character of the National Capital and will be planned and developed in accordance with its national significance.</li> <li>2. The principle residential character of the area and the use of the land primarily for residential purposes are to continue.</li> <li>3. Design of buildings in proximity to the Prime Minister's Lodge must reflect the dominant urban design character of the locality.</li> </ol>

Submission	Comment/Issue	NCA Response
	<p>already strongly suggestive of the architect's own recognition that his plans have been over-ambitious.</p> <p>Even more surprisingly, the plans for No 12, through Draft Amendment 39, were originally limited by the NCA to a single dwelling. Yet, unaccountably, 'the draft amendment did not proceed (PR, p. 24)' and the Landscape Sustainability Guidelines of July 2018, which 'would again allow for multiple housing with the planning instruments', were adopted (PR, p. 24). How could an NCA Draft Amendment, which might well have commanded the support of members of the Deakin-Forrest Community, thus slip from sight? The architect himself has surmised the reasons as being that 'a lot of people would have been financially worse off as a result if the amendment had proceeded' (PR, p. 24). Or again, that Draft Amendment 39 presupposed that 'all development was bad development... and no good can come from existing planning instruments'. He also described, 'a perception that this amendment proposal had overreacted'(PR p.24).</p> <p>Rather than ascribing to the NCA such short-term, commercial goals, I see it as an agent of the Commonwealth, promoting the higher values and interests of the Commonwealth and, within Canberra, holding in trust the carriage and memory of our Federal history. For the sake of future generations, the land held by the Commonwealth should reflect high standards of care. Why else would there be a demarcation of territorial interests between the Commonwealth and the ACT government, and why else does the Commonwealth demand higher standards of presentation and accountability? To take an unrelated example, why else has the Commonwealth sought to ensure that, once they move into Commonwealth land, Canberra light rail vehicles should remove their ugly overhead lines? Equally, why should the National Capital Authority be prepared to accept standards of residential construction that crowd the environment of Commonwealth land and detract from the history and heritage of this unique part of Australia's Capital City?</p> <p>As a member of the Deakin-Forrest Community, I trust that the NCA will make a decision on No 12 Hobart Avenue, based on the long-term interests of both the Commonwealth and future generations of Canberra citizens,</p>	<p>The 'Forrest Housing Precinct 1', 'Blandfordia 4 Precinct', 'Blandfordia 5 Precinct', and the 'Reid Housing Precinct' are listed places on the ACT Heritage Register. These places are significant for their Garden City planning philosophies and attributes, and will be preserved for their historic significance to the planning of Canberra and for tourists to enjoy.</p> <p>The subject site has no heritage status. The landscape design included as part of the application aims to preserve and enhance the garden city character of the area providing formal landscaping to the Hobart Avenue frontage and retention of large mature trees within the block. The verge and streetscape will not be impacted by the proposal.</p> <p>The National Capital Plan does not prohibit multi-unit development within the Deakin/Forrest Residential Area. Development is subject to consistency with the relevant design and siting provisions. The NCA's 'Issues and Policy Response Paper' formed the first part of the NCA's investigation into the Deakin/Forrest Precinct, to ascertain whether current planning and design controls within the National Capital Plan (NCP) were adequate to maintain the 'Garden City' and 'City Beautiful' concepts on which the area is based. The NCA determined that greater emphasis and clarification was required in regards to the landscape and sustainability policies within the NCP, therefore the NCA prepared <i>Landscape and Sustainability Guidelines</i> (the Guidelines), July 2018. The Guidelines are advisory only and aim to support existing objectives and policies of the NCP to preserve the Garden City character of the Precinct.</p> <p>Respecting character does not mean preventing change and is not intended to result in replication of existing building stock. It does not mean mimicry or pattern book design.</p> <p>Part 2.3 Sustainability of the NCP states:</p> <ol style="list-style-type: none"> <li>a. Urban expansion should be contained so as to minimise impacts on valuable natural and rural areas.</li> <li>b. A substantial portion of new development must be located within existing urban areas such as town centres and along public transport routes or other strategic sites that allow for efficient use of infrastructure.</li> </ol>

Submission	Comment/Issue	NCA Response
	<p>to restore the precinct to a single dwelling that allows ample space for the land around it.</p>	<p>The proposed site is located within an 'Urban Area' of the General Policy Plan – Metropolitan Canberra, as shown in Figure 2 of the NCP. The future shape and character of metropolitan Canberra (in particular, the role of the Central National Area in the growth of the city) are of major interest to the contemporary planning and development of the capital. Topical issues include the Garden City landscape character, economic and environmental sustainability, limited land supply, a changing demographic, and a growing demand for central city living.</p> <p>The Propositions and Strategic Initiatives of the Griffin Legacy provide a coherent framework for accommodating growth in the Central National Area. The Propositions complement the Canberra Spatial Plan, a planning policy document of the ACT Government, predicated on a population increase of 100–170,000 people within thirty years – requiring some 60-90,000 new dwellings. The Canberra Spatial Plan nominates residential intensification within a 7.5 kilometre radius from Central Canberra.</p> <p>The Deakin/Forrest Residential Precinct is located close to major employment areas, the city, and major transport routes (the subject site is located approximately 3.8km from the City Centre). Current approaches to urban planning suggest that such locations should be utilised for higher density development to help reduce urban footprints, improve city sustainability, and make better use of infrastructure. More compact cities can assist in containing the extent of infrastructure we build and maximise the number of people it serves, making it more cost and energy efficient.</p> <p>The precinct also benefits from close proximity to restaurants, retail, cultural institutions and opportunities, and major recreation spaces such as Lake Burley Griffin and its parklands. Changes in population, demographics and lifestyle have resulted in demand for alternative dwelling forms that receive the benefits afforded by locations such as the Deakin/Forrest Residential Precinct, but do not consist of single house on a large block with extensive garden. Opportunity exists to offer a variety of dwelling types in the precinct.</p> <p>The street and immediate locality contain a diversity of building scale and development types. The NCA considers that the proposal is of high quality and will not have a detrimental impact on the precinct.</p>

Submission	Comment/Issue	NCA Response
13	Name Withheld – Comments duplicate Submission 2	Refer to response at Submission 2.
14	Steve Anderson and Barbara Bennett - Comments duplicate Submission 2	Refer to response at Submission 2.
15	Tui Davidson	
15.1	I have concerns about this proposal. It is not in keeping with a low key, single detached residence suburb with heritage aspects.	Refer to response at 12.1 above.
15.2	I have real concerns about the single driveway for 3 large residences straight onto a school crossing on the low side of a hill, and most importantly i am disappointed that this proposal doesn't meet your own guidelines for the suburb and you haven't rejected out of hand but instead let it go to consultation.	<p>The NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i> require a single driveway (maximum of 3.6 metres wide). The driveway is proposed to be 3.6m wide.</p> <p>The driveway gradients are compliant. Refer to response at 9.9.</p> <p>Driveway gradients have been revised. Clear visibility between the driveway and the crossing will be maintained.</p>
15.3	The signage for consultation was tiny and there was no street notification, I live on Hobart Avenue and only because i walk my daughter to school did I see the sign.	Refer to response at 9.14.
15.4	The neighbour whose house will lose the northern sun must be horrified, their amenity will be severely compromised.	Refer to response at 16.2 below.
15.5	The setbacks should be maintained, your guidelines should be met and you should require that before going to consultation.	Refer to response at 2.2 regarding front setbacks and 8.3 regarding side setbacks.
15.6	I am not a planning or tree expert but this proposal is too big, overshadowing will be a problem, without adequate access and egress, the trees and canopy will all disappear - an important feature of the neighbourhood.	<p>Refer to response at 11.7. Implementation of the requirement to have 40% soft landscaping across the block naturally limits the built and hardscape environment. The site has a total area of 1232.5m<sup>2</sup>. The area occupied by buildings is 40% of the block area (493m<sup>2</sup>).</p> <p>If the water elements, landscape pedestrian zones and terraces are included the site coverage is 48%, just below the 50% requirement.</p>

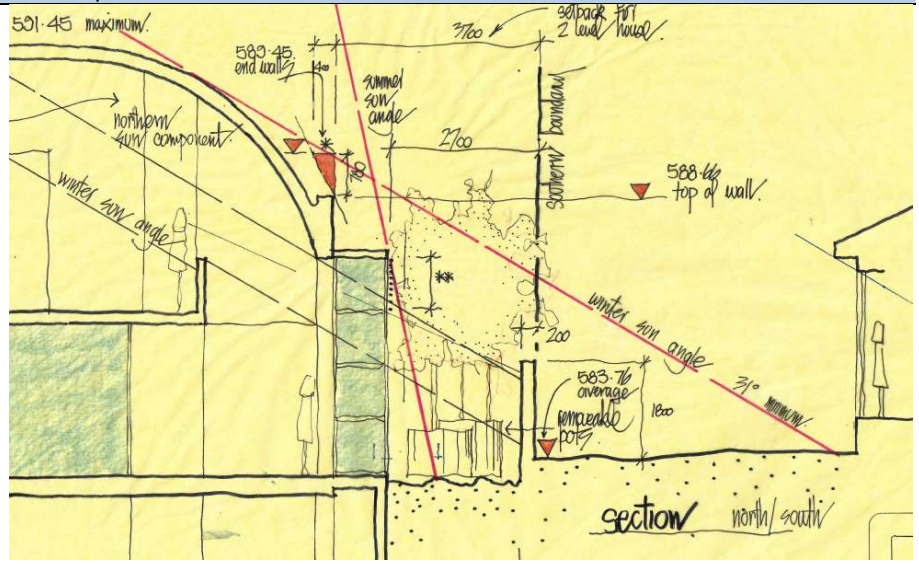
Submission	Comment/Issue	NCA Response
		Refer to response at 7.3 regarding the driveway and vehicular movements.
		Refer to response at 16.2 regarding overshadowing.
15.7	The traffic must be an issue.	Refer to response at 7.3. The NCA does not anticipate adverse impacts to traffic movement or capacity.
15.8	There must be overlooking issues	Refer to response at 9.4 and 16.3.
<b>16</b>	<b>Glenys Kauflin</b>	
16.1	<p>In respect to the Works Application for 12 Hobart Avenue Forrest (“the Block”) as an immediate neighbour of 34 years adversely impacted by such application, I raise the following issues as the basis upon which I consider the proposal unacceptable:</p> <ol style="list-style-type: none"> <li>1. overshadowing;</li> <li>2. overlooking - intrusion of privacy;</li> <li>3. over densification;</li> <li>4. non-compliance;</li> <li>5. incomplete and inadequate plans/details;</li> <li>6. dissonance - with the neighbouring character</li> <li>7. problematic unsafe ingress/egress;</li> <li>8. inadequate landscaping; and</li> <li>9. inadequate consultation.</li> </ol> <p>I object strongly to the proposal’s negative impact on immediate neighbours and wider neighbourhood. I object to the proposal’s disregard for the defined neighbouring character. I object to approval of Works Approval Application for 12 Hobart Avenue as it is presented for consultation.</p> <p>The application as presented proposes a gluttonous use of a relatively small Forrest block for the construction of three overbearing dwellings.</p> <p>The proposal seeks to maximise all possible amenity and use of the Block to the detriment of immediate neighbours – exclusively for financial gain.</p>	Refer to responses below in regards to overshadowing, overlooking, over densification, character and landscape.

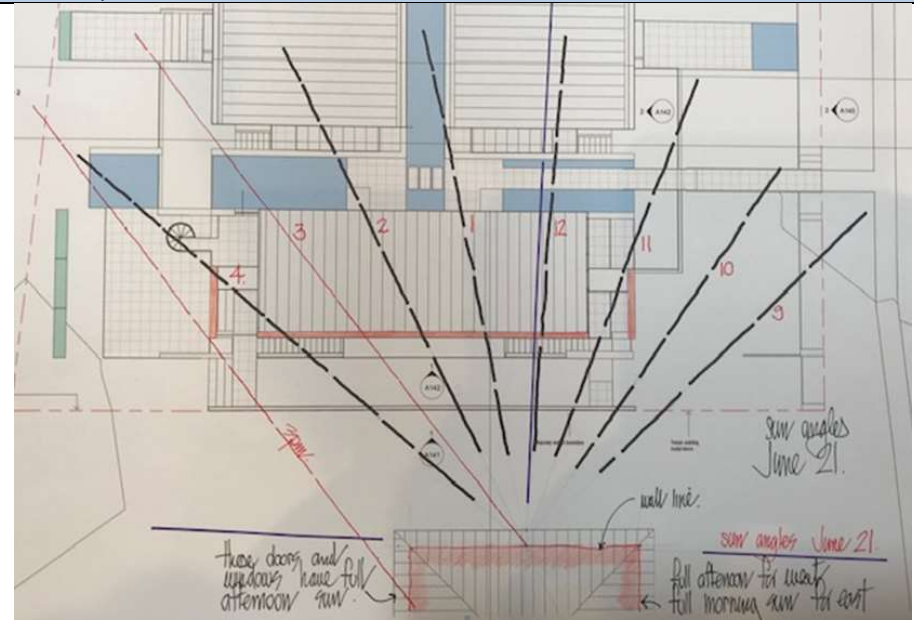


Submission	Comment/Issue	NCA Response
	<p>In such optimisation, the proposal’s overreach attempts to claim from the neighbouring properties all such amenity required to boost such maximisation – to the extreme detriment of those three adjoining properties.</p>	
	<p>In such pursuit, the amenity, overshadowing, privacy, use, enjoyment, value, and potential of the immediate adjoining properties is severely compromised by such major and insensitive proposal.</p>	
	<p>The proposal’s insensitive overreach and under compliance impacts directly, significantly, and negatively on local residents/owners, the streetscape, and upon the neighbourhood character.</p>	
	<p>The ambitious ‘out of keeping’ proposal disregards the neighbouring character. The application fails to present a proposal which enhances, compliments or contributes positively to the established valued and defined Forrest character.</p>	
	<p>In addition the consultation process has been inadequate. The Development Notice blew away one day after placement. Such Notice has not been on display throughout the submission period. Numerous neighbourhood residents were not informed of the application, nor did the owners of 12 Hobart Avenue inform or consult with immediate neighbours – at any time.</p>	<p>Refer to response at 9.14 in regards to consultation.</p>
	<p>This incomplete application put forward for consultation fails to meet the requirements of the Forrest neighbouring character. Furtive omissions fail to disclose and present the information and detail required to address significant issues that impact extremely negatively on immediate properties and upon the surrounding neighbouring areas.</p>	
	<p>On the basis of such significant failures, in my very strong view this proposal should be rejected outright – until such proposal is complete, fully detailed, and fully compliant – both in principle and impact – in all respects.</p>	

Submission	Comment/Issue	NCA Response
	<p>It is understood that the vacant Estate Block is to be sold as an “approved development site”.</p>	
<p>16.2</p>	<p><b>Overshadowing</b></p> <p>As an immediate neighbour the three house Block proposal (incorporating 10 bedrooms), and specifically House No. 3 is devastating!</p> <p>The very significant overshadowing compromises dramatically my entire northern aspect, my privacy, and my amenity.</p> <p>The value, the potential, and the enjoyment of my property is threatened. Northern sun, light, and warmth to my property and residence is significantly and negatively impacted, in particular to the entirety of the living areas including adjoined north facing outdoor living areas and terraces (omitted in the application drawings – 3metre front terraces/4.8metre back terraces).</p> <p>The application continues to ignore and fails to address the NCA identified issue of:  <b>“significant overshadowing of the neighbours to the south during the winter months”.</b></p> <p>In bypassing such damaging negative impact, the application’s response attempts to trivialise and distract from the significant overshadowing, and endeavours to persuade that as eastern and western sun and light to the property and gardens is unaffected, the overshadowing caused by House No. 3 to the much coveted Canberra northern winter sun, warmth, and light to my property - is of no import:  <b>“With regard to overshadowing to the south (the southern neighbour) it is clear that in the morning the eastern elevation of this property together with the entire garden enjoy uninterrupted direct sunlight. This applies to the west in the afternoon”.</b></p> <p>This apathetic ‘non response’ is brittle argument.</p>	<p>A single dwelling could also exhibit a similar scale to what is proposed.</p> <p>Refer to response at 8.3 regarding side setbacks. The applicant provided shadow diagrams as part of the works approval application, and were published on the NCA’s website during the public consultation process.</p> <p>The winter solstice shadow diagrams indicate that there will be limited overshadowing and overlooking to the property of 14 Hobart Avenue. The NCA considers that reasonable solar access will be maintained to 14 Hobart Avenue.</p> <p>The NCA has determined that the application of solar access requirements and assessment against such requirements of the relevant legislation is in line with other jurisdictions of a similar climate. The NCA concludes that <u>reasonable</u> solar access can be achieved by the following criteria:</p> <ul style="list-style-type: none"> <li>• reasonable solar access to dwellings on adjoining residential blocks and their associated private open space is maintained</li> <li>• buildings do not shadow the windows of habitable rooms (other than bedrooms) of any approved and constructed dwelling on an adjoining residential block at noon on the winter solstice</li> <li>• The floor or internal wall of a daytime living area of a dwelling is exposed to not less than 3 hours of direct sunlight between the hours of 9am and 3pm on the winter solstice</li> <li>• Buildings do not overshadow the principal private open space of any approved and constructed dwelling on an adjoining residential block to a greater extent than a 2.4m fence on the boundary at noon on the winter solstice.</li> </ul> <p>The NCA considers that there will be limited overshadowing to 14 Hobart Avenue as shown in the diagrams below. There is no overshadowing to the property of 14 Hobart Avenue from Dwelling 3 during the summer solstice. There is no overshadowing from</p>

Submission	Comment/Issue	NCA Response
	<p>Such blatant nonchalant unresponsiveness to the identified overshadowing, highlights and evidences the proposal's indifference to such significant negative impact on neighbouring amenity.</p> <p>A penetrating glimpse of the bleeding obvious reveals the identified overshadowing as of nil import - to the proposal's intent. That being: the maximising, optimising, capturing, and consumption of every nano-skerrick of benefit - in the proposal's sole interest.</p> <p>That being: to the extreme detriment of my property and amenity.</p> <p>Such lackadaisical blasé offhanded unresponsiveness disregards utterly such significant overshadowing. The application fails to address or propose remedy for such negative design and placement outcome.</p> <p>For example: recording a static noon 21 June overshadowing impact, the ground level illustrates a lowered ground level of House No. 3, to that of the adjoining property. There is no indication that Block ground levels are accurate. There is no documentation provided to indicate that the Block has been surveyed or that the overall application measurements are reliable.</p> <p>Furthermore, the extensive overshadowing prohibits further possible development opportunity on my property and particularly on my north thus severely reducing my amenity and also the potential value of my property.</p> <p>I also hold concerns regarding the negative impact on the installation of planned additional solar panels/batteries to my property north to enhance my solar and sustainability capacity.</p> <p>A full analysis of the significant overshadowing of my property is required to assess the full extent of shade thrown by House No. 3, over the extended</p>	<p>Dwelling 3 during the equinox to a greater extent than the existing boundary fence (Spring and Autumn).</p> <p>There will be no shadows cast onto any windows or habitable rooms or principal private open space areas at noon on the winter solstice.</p> <p>On 21 June between the hours of 9am and 2pm there are no shadows cast onto any windows, habitable rooms or principal private open space areas. Larger shadows are cast around the hour of 3pm and after. It is around this time that the sun has moved further from the north to the west and has a low altitude of 18 degrees, making windows facing west more desirable for sun penetration than northern windows.</p> <p>The NCA considers that there will be limited overshadowing to 14 Hobart Avenue as a result of the proposal at 12 Hobart Avenue, based on the above criteria. The limited overshadowing during the late afternoon on the winter solstice is not unreasonable as there will be direct sunlight to the property between the hours of 9am and 2pm (minimum 5 hours). At other times throughout the year, the hours for direct solar access will increase.</p>

Submission	Comment/Issue	NCA Response
	<p>Canberra winter period. In particular the winter solstice shadowing diagrams provided fail to indicate the shadowing impact to the roof areas.</p> <p>I have renovated my property extensively to capture and maximise the northern sun/light and warmth to the home and gardens. My entire north and west is ceiling to floor windows with access to the attached outdoor terraced living areas. That amenity – my living areas currently bathed in full winter sun and warmth – is severely compromised.</p> <p>I am personally devastated at the prospect of the consequence of my loss of northern sun, light, and warmth.</p> <p>My existing privacy to such areas is also severely compromised.</p>	 <p>The diagram is a hand-drawn architectural section on yellow paper, labeled 'section north/south'. It shows a cross-section of a building with a curved roofline on the left and a vertical wall on the right. Key annotations include: <ul style="list-style-type: none"> <li>'591-45 maximum!' at the top left.</li> <li>'583-45 end wall?' with a vertical dimension line.</li> <li>'7700' and '2700' as horizontal dimensions.</li> <li>'setback 2 lead house!' at the top right.</li> <li>'summer sun angle' and 'winter sun angle' indicated by red lines.</li> <li>'northern sun component' and 'winter sun angle' with arrows pointing to the roof.</li> <li>'588 top of wall.' with a vertical dimension line.</li> <li>'583-76 average removable pot?' with a vertical dimension line.</li> <li>'370 minimum' at the bottom right.</li> <li>'section north/south' at the bottom right.</li> </ul> </p>



The proposal will not cast a shadow at any time to the roof of the dwelling at 14 Hobart Avenue and will not impact solar access to the solar panels.

### 16.3 Overlooking – Intrusion of Privacy

As an immediate neighbour the Block application and specifically House No. 3 (incorporating 4 bedrooms) impinges significantly upon my privacy and amenity.

Although lacking measurement and detail, House No. 3's extensive fully glassed section - encompassing the two story area along the southern wall - looks directly in through my ceiling-to-floor windows across my entire northern aspect, opening into my northern and eastern and western living areas, and directly through and onto the walk-out terraced front and back outdoor dining and living areas.

The setback of Dwelling 3 meets the setback requirements prescribed under the National Capital Plan for side boundaries. The applicant revised the glazing type to the upper level to be translucent to mitigate potential overlooking. The NCA also considers that the soft landscape zone is sufficient to provide an adequate landscape buffer/screening, capable of plants reaching full maturity, providing further screening and privacy to neighbours. The 2m high wall at ground level will also mitigate potential overlooking from the ground floor.

Additional solid balustrade screening is also proposed adjacent the upper level balcony to ensure no overlooking.

Submission	Comment/Issue	NCA Response
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The vista from such glassed section extends further – into the family/dining room and kitchen. House No. 3’s glassed vista (and spiral stairwell) also includes - through the fully glassed northern windows – into the master bedroom fully glassed northern aspect.

The current residence’s outdoor lighting situated where House No. 2 commences, beams into and floodlights the master bedroom.

The proposal fails to provide clarity as to further impact upon my privacy from the western spiral stairwell to House No. 3’s upper level. Prima facie, such stairwell appears to overlook and have full vista into my residence and of my extensive back terraced outdoor living areas and further into the master bedroom.

Should this be the case, my privacy and amenity is extinguished. “Lighting” from House No. 3, specifically external but including indoor lighting, although not detailed in the proposal, is a further unaddressed and unknown issue. House No. 3 looms large upon my landscape, and I fear - with very significant detriment to my privacy, amenity, use, enjoyment, potential use, and most importantly to my northern aspect, the value of my property, and critically -- the ‘sun’ (my warmth and joy!). I am personally devastated at the prospect of the consequence of my loss of privacy.

16.4	<p><b>Over Densification</b></p> <p>The 2017 NCA Issues and Policy Response defines the existing character of the area as “<i>the majority of blocks have a single dwelling</i>” with typically large residential blocks with a size range of 1,050sqm to 3,832sqm. Such NCA definition captures and characterises the area.</p> <p>The 1,242sqm Block application presents a three dwelling proposal (comprising 10 bedrooms) that is in sharp conflict with the defined and fundamental character of the neighbourhood: “<i>a majority of typically large blocks with single dwellings</i>”.</p>	<p>Refer to response at 9.3 and 12.1 in regards to character of the precinct and housing type/density.</p>
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Submission	Comment/Issue	NCA Response
	<p>The proposed three dwellings, including a 9+ car parking area, plus an additional car washing/charging area is excessive for a 1,242sqm block serviced by one non-compliant single narrow driveway. Such driveway (which fails to provide access to the Block's easement area) in light of the designated school crossing and landing bay situated 5 meters from the driveway ingress/egress point is inadequate for such traffic flow, and poses risk to the often unaccompanied small school children on foot using the immediate school crossing to access the school, after school care centre (and preschool).</p> <p>Although unread at this stage, I understand the NCA defined character of the area is supported by the Martin Report. "Neighbouring Character" is further defined in the Land and Environment Court proceedings: <i>Sterling Projects Pty Ltd v The Hills Shire Council [2011] NSWLEC 1020</i> in which the consideration of compatibility with neighbouring character is found: <b>"Character is not limited to a consideration of streetscape but includes the wider context of the site, in particular the characteristics of the properties which adjoin the site (predominantly detached homes on large allotments)."</b></p> <p>Clearly, this proposal fails to oblige the long established Forrest neighbouring character <i>"the majority of blocks have a single dwelling"</i>.</p>	<p>The NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i> require a single driveway (maximum of 3.6 metres wide). The driveway is proposed to be 3.6m wide.</p> <p>The driveway gradients are compliant to Australian Standards. Refer to response at 9.9.</p> <p>Clear visibility between the driveway and the crossing will be maintained.</p> <p>Access is provided to the rear of the block via the southern boundary landscaped area. Pots have been removed from the original design to allow for practical vehicular access, if required.</p> <p>Refer to response at 1.1 and 12.2 regarding character of the precinct.</p>
16.5	<p><b>Non-Compliance</b></p> <p>The Block drawings are incomplete therefore the extent of non-compliance cannot be properly ascertained. Completed detailed plans are required for further constructive comment to be made on such a major development application and consequential negative impact.</p> <p>For example, landscape proposals for removable potted plants along the southern boundary to provide access to the western easement lines suggest that such pots and plants should be small enough for one/two person(s) to move.</p>	<p>The NCA has assessed the proposal against the relevant planning provisions of the National Capital Plan and the NCA's <i>Landscape and Sustainability Guidelines - Deakin/Forrest Residential Area Precinct Code</i> and considers the proposal not inconsistent.</p> <p>Pots have been removed from the original design to allow for practical vehicular access.</p>

Submission	Comment/Issue	NCA Response
	<p>Along the front southern boundary the proposal provides plantings which would have to be driven over/removed, that is after removing the potted plants for vehicular access onto the Block to the rear western the easement area. In effect, it appears both the northern and southern boundary areas are essentially - driveways, one spotted with (large? - small?) potted removable plants.</p>	
	<p>Two boundary driveways prohibit landscaping along both the southern and northern boundaries.</p>	<p>The proposal includes a landscape plan prepared by Harris Hobbs Landscape Architects. The landscape plan indicates that 40% of the site area is given to soft landscaping. This includes trees, shrub species, groundcovers, climbing species and irrigated turf. Hedging will be planted to the front boundaries (<i>Viburnum tinus</i>) to frame the view to the dwellings. Hedging will be provided to the front, rear and side boundaries. The driveway is proposed to be relocated from the southern boundary to the northern boundary (subject to ACT TCCS approval).</p>
	<p>No lighting plan is provided.</p>	<p>Any external lighting is subject to a future works approval application.</p>
	<p>It can only be assumed that both indoor and outdoor lighting on such dwellings would impact the proximate residences/amenity (10 and 14) and specifically from the extensive glassed areas on the northern and southern walls and outdoor areas immediately adjacent to the adjoining residences (10 and 14).</p>	<p>The NCA provides planning approval not building approval or certification. Connection and certification of utilities and services is subject to separate approvals.</p>
	<p>No utility plan is provided.</p>	<p>All mechanical services are proposed to be located within the basement. The ACT Environment Protection Authority administers the Environment Protection Act 1997 (which includes offences relating to noise emissions).</p>
	<p>The proposal omits location, placement and specifications of air conditioning/heating units, and for water pumps/filtration systems for the extensive water feature areas. 'Noise' and echoing from 12 facades arising from such units servicing three dwellings remains unaddressed. Second to barking dogs, neighbour disputes arise from noise pollution arising from the disturbance and disruption of such units.</p>	
	<p>No detail of such utility is provided.</p>	
	<p>The Block adjoins 4 properties. A DIY colorbond fence installation of varying heights, stability, and area is currently erected variously inside the Block's south and west boundaries – not on the boundary line. Boundary lines remain uncertified.</p>	<p>Fencing and boundary treatments are documented on the plans. Fencing comprises timber fencing with partial solid masonry 2m high walls where private open space areas of dwellings are located.</p>



Submission	Comment/Issue	NCA Response
	<p>The southern front boundary end between two pillars appears gated? However there is no verge or street vehicle access into such gates or access from such gates. The immediate area is presented as landscape?</p> <p>Furthermore, it appears a significant brick wall is proposed on the boundary to House No. 3's south. Such expansive boundary wall requires significant footings and diggings that will undoubtedly damage the full privacy hedging currently along and inside my entire northern boundary. Described as 'unkempt' such hedging provides privacy and separation from the current 2-story dwelling that presents an expansive cement rendered façade, tiled roofing, garage and carport roofing, together with two large 2-storey ground to ceiling windows which overlook my northern living areas.</p> <p>No coherent compliant boundary fencing proposal is provided.</p> <p>The Tree Management Plan provided fails to record a second protected tree on my property north. Despite this tree, only one of two protected trees is address by the current plan. Based on evidenced historical damage to my landscaping including the killing and loss of two major trees, assured protection of my privacy hedging and trees is of paramount importance.</p> <p>The excavation plan does not take into account the protection of the privacy hedging along my entire northern boundary or the second protected tree.</p> <p>No accurate or complete tree management plant is provided.</p> <p>The proposed front setbacks are 7.5m and are out of character and exceed those of the existing property and streetscape. Non-compliance of such setbacks is not addressed.</p> <p>The proposition that the presented over height limit rooflines of the three dwelling Block application provides the visual appearance of a two dwelling development (not the actual three dwellings proposed) more characteristic with the suburb character - is disingenuous.</p>	<p>A Tree Management Plan prepared by a Registered Landscape Architect (Harris Hobbs Landscapes) has been provided. Tree protection conditions are included on the Tree Management Plan for the retention and protection of existing regulated trees (including those to neighbouring properties) on site, including street trees.</p> <p>The tree located to north western boundary of 14 Hobart Avenue has also been documented with Tree Protection Measures.</p> <p>The following hedge protection measures will be adhered to and have been documented on the Tree Management Plan:</p> <div data-bbox="1081 649 1673 993" style="border: 1px solid black; padding: 10px;"> <p style="text-align: center;"><b>HEDGE PROTECTION MEASURES (SOUTHERN BOUNDARY)</b></p> <p>EXCAVATE WITH EXTREME CARE ALONG THE SOUTHERN BOUNDARY WITHIN ROOT ZONE OF EXISTING NEIGHBOURING HEDGE.</p> <p>EXPOSE ROOTS AND CUT ALL ROOTS &gt;30mm DIA BY CLEAN SECATEURS OR HAND SAW.</p> <p>ALL EXPOSED ROOTS ARE TO BE KEPT DAMP (THROUGH WRAPPING IN WET HESSIAN OR SIMILAR) AND BACKFILLED AS SOON AS POSSIBLE.</p> <p>PIER FOOTINGS FOR PROPOSED MASONRY WALL ON SOUTHERN BOUNDARY</p> </div> <p>Refer to response at 2.2 regarding front setbacks. The front setbacks proposed are compliant with the National Capital Plan.</p>

Submission	Comment/Issue	NCA Response
	<p>The dominating rooflines are unapologetically incompatible and unsympathetic with the neighbourhood character. Such rooflines overwhelm the character and streetscape of Hobart Avenue. The minimal low rise landscaping is dwarfed by such bulk and fails to coax or anchor the Block into the existing suburban streetscape.</p> <p>The proposition that the design and roofline disguise the actual over densification of the 3 dwelling design is unfounded. The footprint of the three dwelling proposal encased by two driveways – one formal, the other veiled - is out of keeping with the neighbouring character.</p> <p>The development application is situated in a ‘small children’ dense area that services school traffic, preschool traffic, and after school care traffic, commercial traffic, and in addition all traffic flow from the major new Hobart Avenue, Canberra Avenue, and State Circle development, with one single ingress/egress point on Hobart Avenue. Traffic flow to the immediate area is and will become more dense.</p> <p>No traffic management plan is provided.</p> <p>This development application is situated behind a “No Standing” zone – that has been applied for the safety of small children using footpath access to school and care facilities and the school crossing/island adjacent to No 12. A Traffic Impact Report is not provided.</p>	<p>The proposed development is of high quality and not discordant with the design character of the locality. The street and immediate locality of the Deakin/Forrest precinct within an NCA Designated Area contain a diversity of building scale and development types.</p> <p>The site has a total area of 1232.5m<sup>2</sup>. The area occupied by buildings is 40% of the block area (493m<sup>2</sup>). If the water elements, landscape pedestrian zones and terraces are included the site coverage is 48%, just below the 50% requirement.</p> <p>Refer to response at 2.8 and 2.14 regarding traffic and safety. The NCA does not anticipate adverse impacts to traffic movement or capacity. A temporary traffic management plan is subject to a separate works approval for construction activity.</p>
16.6	<p><b>Landscaping</b></p> <p>The proposed landscaping neither supports the design nor the bulk of the Property application. The minimal landscaping highlights the building mass and height and fails to provide an aesthetic which incorporates the overall design into the landscape and the existing character of the streetscape or area.</p> <p>The compliance of the proposed landscaping and soft landscaping requires clarification.</p>	<p>Refer to response at 11.7.</p>

In addition a further reduction of soft landscaped area to provide for access to the western easement as illustrated at Sk31 and Sk32 Revised Landscape Plan requires clarification. The inclusion at Sk31 of 'gates' (with no entry point from the street) at the front eastern/southern boundary for access to the back western easement, removed all landscaping from the southern boundary. Such revision clearly reduced the southern boundary to a driveway to the western backyard easement area.

At Sk 32, the gate access appears with reinstated landscaping. Such revision appears to fail to provide the required clear access to the western boundary easement area.

The proposed various landscaping and soft landscaping plans fail to present a reliable, coherent or compliant landscape plan.

No compliant, complete or final landscaping plan is provided.

In summary, the development application fails to provide sufficient reliable information necessary to ascertain fully either the compliance requirements, or the full extent of works and consequential impacts.

The proposal neither enhances nor complements the site and wider areas, nor does it oblige the neighbouring character. It is in dissonance and conflict, disenchanting the surroundings. It looms large and high, dominating a narrow horizon, muscling to its utmost boundaries with extreme negative consequential impact on immediate properties and residents. Prima facie, the proposal fails.

In conclusion No. 12 Hobart Avenue has stood vacant and neglected for three years. Appropriate development to this site would be embraced and welcomed.

I reserve the right to my unimpeded privacy and amenity. I reserve my legal right to challenge any adverse outcome to my property and amenity consequential to approval of this development application.

Submission	Comment/Issue	NCA Response
<b>16 A</b>	<b>Glenys Kauflin</b>	
16.1 A	<p>These further submissions were invited by the NCA to the Works Application made in respect of proposed works to 12 Hobart Ave Forrest ACT 2603 (“<b>Works</b>”). The Works are detailed in the NCA Final Submission (the “<b>Plans</b>”). I make these further submissions in my capacity as an immediate neighbour of 35 years. I am significantly and adversely impacted by the Works, primarily by:</p> <ol style="list-style-type: none"> <li>1. a loss of solar access,</li> <li>2. an intrusion of privacy,</li> <li>3. the fact that the Plans contain dishonest misrepresentations, on which the relevant architect relies, and on which the NCA appears also to rely, and</li> <li>4. a deeply flawed consultation process.</li> </ol> <p>I continue to strongly object to the Works, as set out in my initial submissions dated 22 September 2019. Should the NCA approve the Plans and allow the Works based on fraudulent misrepresentations, I reserve my rights to commence legal proceedings against the proponent, the architect (“<b>Mr Greg Anderson</b>”), and the NCA.</p>	
16.2 A	<p><b>1. BACKGROUND</b></p> <p>I purchased my property in 1985. In 1996/7 I undertook major renovations, the purpose being to upgrade an original Canberra residence. The double-brick residence was and remains cold.</p> <p><b>1.1 My renovation objective</b></p> <p>My renovation objectives were to:</p> <ol style="list-style-type: none"> <li>1. optimise all available solar access, particularly northern winter access; and</li> <li>2. protect privacy, particularly to northern indoor and outside living and entertainment areas.</li> </ol> <p>I advised these objectives to Mr Greg Anderson on his initial approach to me. He acknowledged that he had received that advice, doing so in an NCA meeting on 16 December 2019.</p> <p>My quiet enjoyment of my residence and property rely on:</p> <ol style="list-style-type: none"> <li>3. uninterrupted existing solar access, for heating/warmth, sun penetration, light, amenity, and ambience, and</li> <li>4. existing landscaping to prevent intrusion of privacy, and for protection from Canberra’s harsh winter and summer conditions.</li> </ol> <p><b>1.2 Solar Access</b></p>	<p>Refer to response at 16.2 above regarding solar access.</p> <p>Refer to response at 16.5 above for landscape protection measures.</p>

Submission	Comment/Issue	NCA Response
	<p>To gain uninterrupted available solar access, I replaced all existing windows with fifty (50) double wall-to-ceiling windows.</p> <p>Of these, eight (8) north elevation windows access the full northern solar aspect; and ten (10) west elevation windows access the changing north-west solar access.</p> <p>My landscaping including protected deciduous trees to capture and provide Canberra’s full winter solar access to my property and dwelling; and also to shelter and protect the property and dwelling from Canberra’s extreme summer heat.</p> <p><b>1.3 Protection of Privacy</b></p> <p>To protect my privacy, in particular the northern elevation internal and external aspects, I cultivated an existing boundary-length hedge. I prune the hedging each March cutting it to the height that prevents overlooking from and invasion of privacy by 12 Hobart Ave, in respect of the entire 17 metre northern living areas, and the eastern and western outdoor living and open spaces.</p> <p>The hedging is pruned to the height that permits full available winter sun penetration to indoor and outdoor living and entertainment areas (including two (2) adjoining terraced patio areas with four (4) double French door access from indoor living areas).</p> <p>Major deciduous tree limbs are pruned to provide full, uninterrupted winter sun</p>	<p>Refer to response at 16.2 above regarding solar access.</p> <p>Refer to response at 16.5 regarding landscape protection.</p>
16.3 A	<p><b>2. OVERSHADOWING - MISREPRESENTATION &amp; MISLEADING ADVICE</b></p> <p>After 18 months’ extensive consultation with NCA, Final Submissions were lodged and released for consultation and included the NCA identified “<i>significant overshadowing</i>” issue. In respect to such “<i>significant overshadowing</i>” and invasion of privacy, the Plans fail to comply with the Landscape and Sustainability Guidelines for the Deakin/Forrest Residential Area Precinct Code.</p> <p><b>2.1 Sustainability</b></p> <p>The Landscape and Sustainability Guidelines for the Deakin/Forrest Residential Area Precinct Code provide as follows:</p> <p><i>1 “The design of building should demonstrate a high standard of sustainable design ....”. “Proposals should demonstrate overshadowing or impacts to privacy of neighbouring properties is minimised, including to both dwellings and open spaces. New development should be located and oriented to maximise visual privacy</i></p>	<p>The documentation included in the application demonstrates compliance with the National Capital Plan and the NCA’s Deakin/Forrest Residential Area Precinct Code – Landscape and Sustainability Guidelines.</p>

Submission	Comment/Issue	NCA Response
	<p><i>between building onsite and for neighbouring properties. New development should ensure that building separation does not impact on the solar access of neighbouring properties. "</i></p>	
	<p>The Plans fail to comply with the standards protecting neighbouring amenity. The Plans fail to demonstrate accurately the full extent of adverse overshadowing or the negative solar access on my neighbouring property. The Plans fail to do so in respect of the dwelling and adjoining terraced patios and the open spaces and gardens.</p>	<p>Refer to response at 16.2 above regarding solar access.</p>
	<p>The Plans also fail to maximise visual privacy to my neighbouring property, including directly into the northern living areas, onto the adjoining open terraced outdoor living and entertainment patios, and into my gardens and open spaces.</p>	<p>Refer to response at 16.3 above regarding overlooking.</p>
	<p>Mr Greg Anderson (ARTEX) has repeatedly presented false and misleading information that misrepresents significant adverse overshadowing and privacy impacts. The Plans omit critical advice that has been requested by the NCA repeatedly. Mr Anderson has repeatedly withheld that information. That withheld and outstanding information includes documentation and advice:</p>	<p>Shadow diagrams have been provided by the applicant, which have been referred to adjoining neighbours.</p>
	<ol style="list-style-type: none"> <li>1. illustrating the full northern elevation, including adjoining outdoor patio living areas,</li> <li>2. illustrating the full impact of overshadowing on the entire northern elevation, including the impact of overshadowing on sun penetration in hourly increments from 8:00am to sunset – on 21 April, 12 May, 21 June, 21 July, 21 July, 21 August, and 21 September,</li> <li>3. Illustrating the full impact of overshadowing on the north western elevation, including the worst impact of overshadowing on sun penetration in hourly increments from 8:00am to sunset – on 21 April, 12 May, 21 June, 21 July, 21 July, 21 August, and 21 September,</li> <li>4. by way of Shadow Diagrams illustrating in hourly increments from 3:00pm to 5:00pm of the winter solstice overshadowing on the northern elevation,</li> <li>5. detailing the <b>ratios</b> in hourly increments from 8:00am to 5:00pm of overshadowing cast by the new development at 12 Hobart Avenue onto my property,</li> <li>6. illustrating and confirming the extent of loss of sun penetration into the internal northern and north west living areas and onto the northern outdoor adjoining terraced patios by overshadowing in hourly increments from 8:00am until sunset on 21 April, 12 May, 21 June, 21 July, 21 July, 21 August, and 21 September, and</li> </ol>	<p>The diagrams demonstrate solar access and overshadowing year round and at varying times during the winter solstice. The shadow diagrams provided by the applicant exceed the standard requirements and information necessary for planning assessment. Refer to response at 16.2 above regarding solar access.</p>

Submission	Comment/Issue	NCA Response
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7. the finalised landscaping and tree protection plans including all protected trees on my property.

16.4 A

**3. MISREPRESENTATIONS AND MISLEADING ADVICE**

**3.1 Misrepresentations of adverse overshadowing conditions/angles**

The Plan and diagrams (SK 13; SK 07; SK 07A) misrepresent the facts by asserting that there will be nil adverse overshadowing caused by the Works. For example, the Plans state, *inter alia*:

1. the “worst condition [being] at midday in mid-June”,
2. the “worst condition” [on] “full height glass windows ... [that] enjoy full and direct sunlight from floor level”,
3. “the most disadvantageous winter sun and onto the neighbour’s property” [being] “at midday in mid-June”, and
4. a static midday mid June sun angle (SK07A) as representative of the “worst condition” (Refer NCA Final Submission, September 2019).

*“To the north, the neighbouring property has full height glass windows to this elevation. At the worst condition at midday in mid-June these windows are not in shadow and enjoy full and direct sunlight from floor level. This elevation [north] does not have a terrace or deck and is apparently not used for external recreation. The enclosed SK07 clearly depicts this condition showing the most disadvantageous winter sun angle onto the neighbour’s property. (Refer NCA Final Submission, September 2019) This misleading advice omits the two adjoined clearly visible expansive terraced outdoor living areas. Refer Northern Diagram Elevation.*

*This shows that the maximum roof height and the maximum parapet wall height both compliant and play no additional role in the shadowing to the south. Refer SK13 Mr Greg Anderson’s advice is inaccurate and misleading.*

**3.2 Repeating misleading advice**

The repeated tendering of repeated misleading advice continues to misrepresent the extent of adverse overshadowing to my property and dwelling.

At a 16 December 2019 NCA meeting Mr Greg Anderson confirmed:

*“I’m 99% certain there is no overshadowing to your living areas, but I’ll check”.*

Subsequently on 2 December 2019 the NCA advised:

*“The architect has provided a sketch indicating the winter sun angle, at the worse day on 21 June. The diagram shows that the shadowing will not impact on your living areas to the north, or the roof”. (Refer NCA Diagram E (Oct19)) Diagram E indicates one static 31°noon angle. This misrepresents the initial “worst condition”; and the “most disadvantageous winter sun and onto the neighbour’s property”.*

The NCA has assessed the proposal against the relevant planning framework with documentation provided by the applicant. The NCA considers the information provided to be accurate and not false or misleading.

The NCA has advised that other documentation or any evidence that demonstrates inaccuracies of the plans, could be provided for consideration.

Refer to response at 16.2 above regarding solar access.

Submission	Comment/Issue	NCA Response
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Diagram E fails to address the overshadowing, which commences and lasts for the entirety of the 5-hour period until sunset, during which period significant adverse overshadowing occurs to the dwelling. By withholding information that shows such overshadowing, Mr Greg Anderson has sought to mislead the NCA as to the adverse overshadowing that the Works would cause.

**3.3. Diagrams F – continual withholding of full overshadowing impact**

Five months after lodgement, NCA provided Diagrams F, Oct19. These show the persistent withholding and concealment of the extent of adverse overshadowing. Refer Diagrams F.

Diagrams F confirms misleading and contradictory advice that:

- *“The enclosed SK07 clearly depicts this condition showing the most disadvantageous winter sun and onto the neighbour’s property”.*
- Diagram E indicating: *“the winter sun angle, at the worst day on 21 June ... .. “that the diagram shows that the shadowing does not impact on your living areas to the north ...”;* (Refer NCA advice 2 December 2019),
- Diagrams F illustrate *“As you can see there is limited overshadowing most year round, with the exception of the winter solstice at 3pm where the largest shadows are cast”.* (Refer NCA advice 26 December 2019),
- Diagrams F *“worst condition June 21”* Legends recording 2:00, 2:30 and 3:00 each significantly impacted by overshadowing, contrary to the NCA advice that *“limited overshadowing most year round, with the exception of the winter solstice at 3pm where the largest shadows are cast “,* and
- the 3:00pm sun angle makes *“the windows facing west more important and desirable for sun penetration”* ..... absent diagrams being provided recording the remaining concealed overshadowing from 3:00pm to sunset at 4:48pm on the north, or any adverse diagrams relating to overshadowing on to the north west or west aspects.

Throughout its assessment process, the NCA has continued to relay unqualified inconsistent and inaccurate information to me, and presenting that information as complete, factual, and reliable advice. The repeated failure of Mr Greg Anderson to disclose to the NCA the full overshadowing or impact on my property and amenity has placed the NCA in the position where it has relied on incomplete and inaccurate information, and is therefore not in a position to make a proper and informed assessment of the Plans. Should the NCA makes an assessment in the absence of full, complete and accurate information, the assessment process is flawed and any decision based on a flawed process will be open to challenge in the courts.

16.5 A

**4. INDEPENDENT THIRD PARTY VALIDATION**

The advice and information repeatedly provided by Mr Greg Anderson and represented as reliable factual information, is absent independent third party validation.

Refer to response at 16.4 A above.



#### 4.1 Request for NCA Meeting – seeking clarification of advice

On 9 December 2019 NCA declined immediate neighbour's repeated requests to meet without the architect. The NCA advised that a meeting with the architect *"will be the last opportunity to provide comment on the plans. Having the architect present will assist in answering any questions/concerns you have prior to the NCA finalising assessment of the application."*

The NCA confirmed that, despite the architect's advice to the NCA that he had intentionally declined to notify or consult with the neighbours: *"The NCA usually requires the applicant to meet with the neighbours directly (and prior to lodgement, without NCA attendance), so we feel this is the best way forward so there is no messaging lost in translation"*. On that basis, NCA declined to meet with immediate neighbours in the absence of the architect, thus denying us the chance to speak openly and freely in the absence of the very person whose information had mislead the NCA, and on which the NCA had so clearly relied. This is a serious injustice. NCA reconfirmed the ongoing misleading misrepresentations: *"The shadow diagram [E] sent in my previous email [2 December 2019] is the maximum 'worst case scenario' overshadowing that will occur. At other times of the year there will be far less to no overshadowing. We can discuss this, and all of your other comments in further detail at the meeting"*. *The meeting next Monday is to go through the proposal, changes proposed following consultation and to openly discuss concerns directly with the architect. There is no power imbalance, and the NCA does not represent any of the parties. **The NCA's role is to ensure the proposal's compliance with the relevant planning provisions.** As part of the assessment process, the NCA also considers comments raised by submitters during the consultation process"*. (My emphasis)

#### 4.2 No Independent Validation

The NCA confirmed its role was to ensure the Proposal's compliance with relevant planning provisions, and relied on Mr Greg Anderson's advice in this regard.

On 11 February 2020 the NCA confirmed that the information provided to me had not been independently validated, nor did the NCA have the resources to do so itself and that no checks were in place. When the NCA has received and relied on false and misleading information, and has been informed by me that such information is false and misleading, and the NCA nevertheless determines that it would not seek to have that information reviewed or tested by an independent third party, the NCA is acting negligently and in breach of its duties.

The NCA is obliged to conduct a fair and just process. Its reliance on information that it has been informed on multiple occasions is misleading and deceptive places the NCA at serious risk of any decision it makes being challenged in the courts.

Refer to response at 9.14 above regarding NCA public consultation.

The NCA met on 12 September 2019 with the property owner of 14 Hobart Avenue to discuss concerns about the proposal. The applicant/architect was not present at the meeting. Following public consultation, the NCA requested that the applicant address overshadowing and privacy concerns. These concerns were mitigated via:

- additional landscaping (additional trees and evergreen hedging),
- the use of translucent glazing to upper levels (particularly dwelling 3),
- the inclusion of 1.8m high solid balustrades to the northern façade balconies,
- the use of solid balustrades to the front and rear balconies of dwelling 3, and
- increased setbacks to the southern boundary (moved from min. 2.5m to 3m and 3.7m).

The applicant provided revised plans to the NCA and the NCA referred the plans (and sketches to demonstrate the changes) to the neighbours on 2 December 2019.

Following the correspondence to adjoining neighbours, another meeting was requested to discuss concerns.

On 16 December 2019 the NCA held a meeting with the neighbours and the architect so concerns could be relayed directly to the applicant (a step in

Submission	Comment/Issue	NCA Response
		<p>the process that usually happens prior to lodgement, but is not mandatory).</p> <p>Following the meeting, further information was provided by the applicant and again referred to the neighbours (December 2019 to January 2020).</p> <p>Following this iteration of the design, a meeting was requested by the neighbours. On 18 March 2020 the NCA Chair, Chief Executive and assessing officer attended a meeting on site to discuss the proposal and concerns of neighbours.</p> <p>On 22 April 2020 revised documentation was provided to the neighbouring property owners. The NCA has allowed sufficient time to review each iteration of the documentation.</p> <p>On 9 June 2020 the NCA's Chair, CE and Chief Planner met again with the neighbours on site. As a result of the meeting overshadowing would be further considered by the NCA.</p> <p>On 24 June 2020 the NCA conducted a site inspection in the afternoon. It was considered that the shadow diagrams as provided by the applicant are accurate and there would be limited overshadowing to the property of 14 Hobart Avenue as a result of the proposal, as discussed above.</p> <p>The NCA believes the consultation process undertaken has been extensive and fair. The NCA has assessed the proposal against the relevant planning framework with documentation provided by the applicant. The NCA considers the</p>

Submission	Comment/Issue	NCA Response
		information provided to be accurate and not false or misleading.
16.6 A	<p><b>5. FAILURE TO CONDUCT AN EQUITABLE PROCESS</b></p> <p>In failing to address the significant adverse impacts to immediate neighbouring properties, it appears quantitative standards are afforded disproportionate weight to the exclusion of performance standards.</p> <p>The General Conditions at 1.1 under Performance and Quantitative Standards state:  <i>“The quantitative standards contained in these conditions are objective guides to the performance standards adopted by the Authority.</i></p> <p><b><i>Compliance with the quantitative standards will therefore not necessarily result in works approval unless the performance standards have, in the opinion of the Authority, also been achieved. (My emphasis) On the other hand, works approval may be given under special circumstances when the performance standards can be achieved without complete compliance with the quantitative standards.”</i></b></p> <p><b>5.1 The 16 December 2019 Meeting</b></p> <p>At the meeting with the immediate neighbours and Mr Greg Anderson, the NCA repeatedly confirmed that <i>“it meets the (quantitative) standards”</i>.</p> <p>On that basis relevant issues regarding performance standards including but not limited to overshadowing, intrusion of privacy and overlooking were promptly shut down by Mr Anderson: <i>“we’ve dealt with that, let’s move on”</i>.</p> <p>When the NCA allows relevant issues regarding performance standards not to be properly assessed, the NCA is conducting a deeply flawed process.</p>	<p>The proposal has been assessed against the planning framework applicable to the site. The proposal meets the quantitative and performance standards of the National Capital Plan.</p>
16.7 A	<p><b>6. CONCLUSION</b></p> <p>I remain deeply concerned that the Works should not be permitted and that the Plans mislead the NCA and other parties in relation to the actual affect the Works will have on the amenity of neighbouring properties.</p> <p>I continue to strongly object to approval being given to allow the Works to proceed based on the current Plans.</p>	<p>Refer to responses above.</p> <p>Refer to response at 16.5 A.</p>

Submission	Comment/Issue	NCA Response
	<p>I continue to object to the submission to the NCA by Mr Greg Anderson of Plans and information, which are misleading in relation to crucial elements of the Plans, such as the level of adverse overshadowing. I continue to object to the failure of Mr Anderson to provide the information requested.</p> <p>I continue to object to the NCA relying on Plans and information contained therein, which is clearly and demonstrably misleading and deceptive, and the accuracy of which the NCA, by its own admission, has not sought to verify or have scrutinised. Indeed NCA staff have confirmed to me that the NCA has neither the resources to properly assess it, nor the resources to have such assessment performed by an independent and qualified third party.</p> <p>Quite clearly, the NCA'S assessment has been deeply flawed and unjust, not least by its reliance on misleading and deceptive information and its passing that information on to neighbours of the property without verification and representing such information as fact; by its failure properly to consult; by its failure to require Mr Greg Anderson to provide the missing information that has been repeatedly requested prior to making a decision; and by its failure to allow neighbours to meet with the NCA without Mr Greg Anderson present, then excusing the neighbours and meeting with Mr Anderson; and by its allowing Mr Greg Anderson to subvert the discussion of certain relevant information such as performance standards.</p> <p>Appendix A and B, attached, contain further information in support of this further submission. I hereby also formally request the opportunity to make further submissions once all requested information from Mr Greg Anderson has been provided. I hereby also formally request a formal meeting with the NCA officer in charge of this case to discuss the matters raised in these submissions.</p> <p>So flawed has been the NCA`s process that I feel obliged to place the NCA on notice that if it approves the Works based on the Plans, without first taking reasonable steps to rectify its flawed assessment process, I will have no hesitation to commence legal proceedings against the NCA for negligence and breach of the duties by which it is bound in the assessment of applications submitted to it. In any such proceedings, these submissions and my original submissions will be placed before the court.</p>	<p>The NCA has assessed the proposal against the relevant planning framework with documentation provided by the applicant. The NCA's qualified planning officers consider the information provided to be accurate and not false or misleading.</p> <p>The NCA has advised it would accept other documentation or any evidence that demonstrates inaccuracies of the plans provided.</p>
16.8 A - Appendix	<p>APPENDIX A – <b>DRAFT</b> FURTHER INFORMATION</p> <p><b>A. UNADDRESSED AND UNRESOLVED OBJECTIONS</b></p> <p>The significant objections raised in submissions dated 20 September 2019, in subsequent requests, and in meetings with NCA are reiterated. Those unresolved issues include:</p> <ol style="list-style-type: none"> <li>1. Major dissonance with the existing neighbourhood character of the Forrest Deakin Residential Precinct;</li> <li>2. Failure to meet Performance Standards;</li> </ol>	<p>These matters have been responded to above, in the report.</p>

Submission	Comment/Issue	NCA Response
	<p>3. Significant Adverse overshadowing and loss of amenity;  4. Misrepresentation, misleading, and concealed information;  5. Significant overlooking and privacy intrusion;  6. Incomplete and inadequate plans/details;  7. Traffic flow and traffic control;  8. Inadequate and incomplete landscaping proposals; and  9. Inequitable consultation process conducted by the architect and by NCA.</p>	
	<p><b>1. FOREST DEAKIN RESIDENTIAL PRECINCT CODE</b></p>	
	<p><b>1.1 Precedent</b></p>	<p>Refer to responses at 1.1 and 12.1 regarding character of the precinct.</p>
	<p>The outcome of this highly relevant Works Approval Application will set the precedent for the continuation of the future character of the Precinct and compliance with the Forrest Deakin Residential Precinct Code objectives 2:</p> <p><i>“1. The residential areas of Deakin and Forrest that lie between State Circle and National Circuit will maintain and enhance the character of the National Capital and will be planned and developed in accordance with its national significance.</i></p> <p><i>2 The principle residential character of the area and the use of the land primarily for residential purposes are to continue”.</i></p> <p><i>3. Design of buildings in proximity to the Prime Minister’s Lodge must reflect the dominant urban design character of the locality.”</i></p>	
	<p>The continuation and future of the fundamental historical character of this Precinct will be determined by and rests upon the outcome of this NCA Works Approval Application.</p>	
	<p>The NCA defines the existing principal residential character of this area as:  <i>“the majority of blocks have a single dwelling”.</i></p>	
	<p>The NCA defines residential blocks as:  <i>“typically large, ranging in size from 1050m2 to 3832m2”.</i></p>	
	<p>The key characteristic of the suburb identified by Forrest residents and the Inner South Community Council is:  <i>“single houses on large blocks”.</i></p>	
	<p>The Plans propose three (3) 410m2 homes on a 1232m2 block and evidence the stark conflict and incompatibility with the neighbouring and defined historical character of the Forrest Deakin Residential Precinct Area, and with the characteristics of the properties adjoining 12 Hobart Avenue.</p>	

Submission	Comment/Issue	NCA Response
	<p>The Plans fail to meet the Forrest Deakin Residential Precinct Code, and they fail to reflect the dominant urban design character of the locality.</p>	
<p>16.9 A - Appendix</p>	<p><b>2. FAILURE TO MEET PERFORMANCE STANDARDS</b></p> <p>The Plans utilise the full extent of the 1232m2 block and rely solely on quantitative standards to achieve such optimisation.</p> <p>To accommodate this optimisation, the Plans must, but have failed to, compensate for the resulting lack of available amenity to the three houses on the relatively small 1232m2 area upon which they are sited.</p> <p>They extend that compensatory overreach and gorge the amenity of immediate adjoining side properties. The southern neighbour's existing privacy, northern aspect/light/warmth/solar access, amenity, and northern ambience is largely annihilated by the Plans' expansive adverse overshadowing and overlooking.</p> <p>The northern neighbour's privacy and amenity is utterly annihilated by the Plans' overlooking by two (2) two-story, full frontal, fully-glassed, northern residential frontages.</p> <p>In these respects, amongst others, performance standards are bypassed. The Plans are clearly in breach of performance standards.</p> <p>Disturbingly, at a 16 December 2019 meeting, the NCA repeatedly advised immediate neighbours in their attempts to address the significant issues of overshadowing and overlooking/privacy issues, that those Plan aspects met the standards - <i>"it meets the standards"</i>.</p> <p>The Plans fail spectacularly to meet performance standards: they meet only quantitative standards.</p> <p><b>2.1 Performance and Quantitative Standards</b></p> <p>The Works Approval Application site is bound by the requirement of the National Capital Plan and the Deakin/Forrest Residential Area Precinct Code. The General Conditions at 1.1 under Performance and Quantitative Standards state: <i>"The quantitative standards contained in these conditions are objective guides to the performance standards adopted by the Authority. <b>Compliance with the quantitative standards will therefore not necessarily result in works approval unless the performance standards have, in the opinion of the Authority, also been achieved.</b> (My emphasis) On the other hand, works approval may be given under special</i></p>	<p>The proposal has been assessed against the planning framework applicable to the site. The proposal meets the quantitative and performance standards of the National Capital Plan.</p> <p>Refer to 9.4 A regarding privacy and 8.3 regarding setbacks and privacy.</p>

Submission	Comment/Issue	NCA Response
	<p><i>circumstances when the performance standards can be achieved without complete compliance with the quantitative standards.”</i></p> <p>Based on feedback, information, documentation, advice, and unrelated band-aid solutions proffered as remedy to major and significant adverse impacts, compliance with performance standards remain unaddressed and eerily silent. <i>“It meets the standards”</i> was the NCA general 16 December 2019 response to the significant and repeated concerns raised by immediate neighbours - specifically in respect to overshadowing and overlooking. One such remedy to the major adverse overlooking and intrusion of privacy/loss of amenity concern was an “add two tree” solution.</p>	
<p>16.10 A - Appendix</p>	<p><b>3 SIGNIFICANT ADVERSE OVERSHADOWING AND LOSS OF AMENITY;</b>  <b>3.1 The Proponent’s Final NCA Submission</b> (undated) <b>CONSULTATION REPORT</b>  <b>3.1.1 Proponent’s Response to the Comments made by the NCA</b></p> <p>After about 18 months’ consultation NCA advised the Proponent pre-submission of significant overshadowing of southern neighbours (P22): <i>“The overall building height is still not included on the plans, therefore setbacks cannot be determined (unable to confirm if buildings comply with the National Capital Plan side setback calculation). The building height should be limited to two storeys, and generally no more than 8m above natural ground level. It appears that there is significant overshadowing of the neighbours to the south during the winter months”. *Refer SK13. **Refer to Shadow diagrams. (My emphasis)</i></p> <p>The proponent’ responded:  .... <i>“We have also provided the calculation for determining these side boundary setback controls. The ridges only are set to the 8 metre height limit and these are located away from the boundaries and are not contributing factors for adverse shadow casting. ***Refer SK08. With regard to overshadowing to the south (the southern neighbour) it is clear that in the morning the eastern elevation of this property together with the entire garden enjoy uninterrupted direct sunlight. This applies to the west in the afternoon. <b>To the north, the neighbouring property has full height glass windows to this elevation . At the worst condition at midday in mid- June these windows are not in shadow and enjoy full and direct sunlight from floor level. This elevation does not have a terrace or deck and is apparently not used for external recreation. The enclosed****SK07 clearly depicts this condition showing the most disadvantageous winter sun and onto the neighbour’s property. This shows that the maximum roof height and the maximum parapet wall height both compliant and play not additional role in the shadowing to the south. Refer *SK13.”</b></i></p> <p>The proponent’s further responses include:  <i>“Clearly the design solution is considerate to these issues with the roof curving down towards the southern boundary whilst allowing northern light to penetrate deep into house 3. ***Refer to SK08. “Much effort has gone into finding this solution that we believe satisfies all, as well as presenting unified design and form for the</i></p>	<p>Refer to response at 16.2 above regarding solar access.</p> <p>The plans were revised since they were first provided to the NCA for comment (pre-lodgement). They have again changed following consultation.</p> <p>The revised plans demonstrate that there is not significant overshadowing, and that reasonable solar access is maintained to 14 Hobart Avenue. Refer to response at 16.2 above regarding solar access.</p>

Submission	Comment/Issue	NCA Response
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*collective elements”.*

**3.1.2 The Unreliability of the Proponent’s Diagrams and Advice**

In particular, in responding to the NCA’s advice that *“It appears that there is significant overshadowing of the neighbours to the south during the winter months”*, the Proponent (and NCA) refers to the following Diagrams:

- \*\*\*\*Sk 07. (Southern Boundary Setback Controls)
- \*\*SK08 (omitted - not provided)
- \*Sk 13 (Showing winter sun penetration)
- \*\*Shadow Diagrams (NCA reference); and
- \*\*\*\*\* SK 07 A (Southern Boundary - unreferenced diagram).

**Diagrams \*\*\*\*\*SK07 and \*Sk 13 and \*\*\*\*\*SK07A**

These two referenced diagrams \*\*\*\*\*SK07 and \*Sk 13 each illustrate the winter solstice overshadowing impact at 31° (presumably mid-day). No sun penetration into the northern aspect of the house is lost at this time.

Unreferenced diagram \*\*\*\*\*SK 07 A illustrates the same winter solstice overshadowing impact at mid-day (presumably 31°). No sun penetration into the northern aspect of the house is lost at this time. Although at the same angle, at the same time, and on the same date, the overshadowing impact in diagram \*\*\*\*\*SK 07 A is illustrated as greater than that illustrated in diagrams \*\*\*\*\*SK07 and \*Sk 13. In \*\*\*\*\*SK 07 A the overshadowing of the house has commenced. Whereas in \*\*\*\*\*SK07 and \*Sk 13 the overshadowing of the house has not commenced.

The \*\*\*\*\*SK 07 A inconsistency is further reflected in the Shadow Diagram illustrating the 21 June – 1200 overshadowing impact where the overshadowing of the house has not commenced. The Shadow Diagram illustrate that \*\*\*\*\*SK 07 A overshadowing is more reflective of a time between 1300 – 1400. Such inconsistency casts doubt on the accuracy of the overshadowing claims.

16.11 A -  
Appendix

**Winter Sun Penetration**

*“Worst condition at midday in mid-June” – “the most disadvantageous winter sun”*

The Proponent advises the *“worst condition”* (presumably overshadowing and sun penetration) occurs at *midday in mid-June*. He further advises that *“this elevation does not have a terrace or deck and is apparently not used for external recreation”* as illustrated in \*\*\*\*\*SK07. He finally asserts that \*\*\*\*\*SK07 *“clearly depicts this condition showing the most disadvantageous winter sun onto the neighbour’s property”*. **To the north, the neighbouring property has full height glass windows to this elevation . At the worst condition at midday in mid- June these windows are not in shadow and enjoy full and direct sunlight from floor level. This elevation does not have a terrace or deck and is apparently not used for external recreation. The enclosed\*\*\*\*\*SK07**

Refer to response at 16.2 above regarding solar access and 16.4 A regarding misleading information.



***clearly depictsthis condition showing the most disadvantageous winter sun and onto the neighbour's property.***

### **\*\* Winter Solstice Shadow Diagrams**

Contrary to the Proponent's advice and diagrams purportedly depicting of the "**worst condition at midday in mid-June**" and "**the most disadvantageous winter sun**", the *Shadow Diagrams provide the actual overshadowing impact by House 3 to my property and residence – at the 21 June winter solstice: 0900, 1000, 1100, 1200, 1300, 1400, and 1500 hours.* The shadow diagrams evidence that adverse overshadowing to the residence commences shortly after 1201.

By 1500 the overshadowing view (at 7) illustrates and evidences significant adverse overshadowing.

Reference to the adverse overshadowing is silent in respect to these shadow diagrams. The winter solstice sun sets at 4:53pm. Shadow diagrams for 3:00pm to 5:00pm are omitted, thus any further adverse overshadowing remains silent.

### **3.1.3 False and Misleading Advice**

1. The Proponent's initial advice is flawed. It misrepresents the actual overshadowing impact, the actual "**worst condition**", and the actual "**most disadvantageous winter sun**". The sun is at its lowest angle at midday on mid-June. That angle fails to translate to the "**worst condition**" for sun penetration onto or into the northern aspect by adverse overshadowing by House 3. Nor does that angle produce "**the most disadvantageous winter sun angle**" in respect to sun penetration into or onto the northern aspect by adverse overshadowing by House 3.

2. This advice also misrepresents the full 17 metre northern elevation, which contrary to the Proponent's false claim that the "**elevation does not have a terrace or deck and is apparently not used for external recreation**". The northern façade (17 metres) includes two adjoining outdoor entertainment and living area patios (4.7 metre and 3 metre). These areas are denied and omitted, thus the adverse overshadowing impact on these areas is omitted in the Plan and all diagrams. That adverse impact is overlooked.

These well-utilised adjoining outdoor patios with access from two double French doors on the east and two double French doors on the west are a significant aspect/amenity of the property design and are improperly excluded from the Plans. (Refer Appendix B Northern Elevation Plan) The Proponent and architect are each fully aware of these outdoor areas.

The full northern façade is visible from 12 Hobart Avenue Forrest. (Refer Appendix B 14 Hobart northern elevation) Such significant omission and misrepresentation is dishonest, misleading, and professionally negligent.

Submission	Comment/Issue	NCA Response
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**Diagram E - 2 December 2019**

In response to contradictory diagrams and advice, on 2 December 2019 NCA provided a further Diagram marked E, Oct 19 advising: “adjusted Diagram E indicated ***“the winter sun angle, at the worst day on 21 June. The diagram shows that the shadowing will not impact on your living areas to the north, or the roof.”***”

NCA also advised:

***##“In regards to overlooking, the architect is now proposing translucent glazing to the upper floor, so you cannot see through.”*** This NCA ill-informed advice is misleading.

**False and Misleading Information**

1. Diagram E evidences only the repeated static winter solstice midday winter sun angle provided in, and is a re-run of Diagrams **SK07 and \*Sk 13** depicting a nil overshadowing impact.
2. Diagram E neither evidences the “worst [overshadowing] condition” nor “the most disadvantageous winter sun angle” creating the worst overshadowing impact on “worst day on 21 June”.
3. In addition ##Diagram E fails to evidence a resolution to the invasion of privacy created by the expansive 16 windows providing full view into my home and living areas from House 3.

Similarly, Diagram E fails to evidence a solution to the loss of amenity created by the full view at head height from my entire northern façade of approximately 17 metres into House 3. This expanse of windows face south – no sun or warmth result from such south facing expanse of overlooking windows.

4. Proposed translucent glazing to the upper 8 windows fails to remedy the significant overlooking and intrusion of privacy of my property. It fails to limit the adverse lighting emitted and intrusion of privacy impact from almost the entire length of the south extended depth of House 3 into my property and 17 metre length of my northern residential living areas.

The NCA 2 December 2019 ill-informed and flawed advice regarding the overshadowing and intrusion of privacy echo and reiterate the Proponent’s earlier false and misleading information – to the inequitable advantage of the Proponent.

16.12 A - Appendix	<p><b>4 THE ACTUAL WORST CONDITIONS AND MOST DISADVANTAGEOUS SUN ANGLE</b></p> <p><b>4.1 Diagrams F</b></p> <p>The following facts are evidenced in Diagrams F and advice provided by NCA on 26 January 2020, about 5 months after lodgement, 4 months after submissions.</p> <p>The Diagrams evidence the overshadowing impact (1201 - 1500 on 21 June) withheld and denied by the Proponent.</p>	Refer to response at 16.2 above regarding solar a regarding misleading information.
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Submission	Comment/Issue	NCA Response
	<p>They evidence the Proponent’s insistent repeated false and misleading advice that the “<b>worst condition [occurs] at midday in mid-June</b>” [which was] <b>the most disadvantageous winter sun angle</b>” [from which no adverse overshadowing occurs].</p>	
	<p>They concede and evidence the 3:00pm winter solstice as being the actual “<b>worst condition</b>” [and] “<b>most disadvantageous winter sun angle.</b>” [from which significant adverse overshadowing occurs]. These Diagrams evidence that from 12:01 and by 3:00pm the increasing overshadowing reduces the existing full uninterrupted sun penetration onto the entire north of the residence by 3/4. Overshadowing blocks the available winter sun, light, warmth and ambience throughout the northern aspect living areas including to the outdoor patios and living areas, along almost the entire northern boundary, open spaces and extends to the front boundary of the property. The full extent to which the overshadowing blocks sun penetration into the residence or onto the outdoor patios and living areas is ignored.</p>	
	<p>Presumably by 4:00pm all access to any available sun, light and warmth is lost to northern overshadowing. The ratio of overshadowing cast on 12 Hobart Avenue and on 14 Hobart Avenue is withheld. It appears 14 Hobart Avenue suffers more overshadowing than does 12 Hobart Avenue itself.</p>	
	<p>The extend to which changing sun angles and any resulting early loss of sun penetration into western windows or living areas is also ignored. The Proponent withheld and concealed the full extent of adverse overshadowing. The NCA without independent validation relied upon and promoted the Proponent’s false and misleading advice as being factual and reliable.</p>	
	<p>NCA advised: “As you can see <b>there is limited overshadowing most year round, with the exception of the winter solstice at 3pm where the largest shadows are cast.</b> Greg has advised that as of 3pm on the 21st June the sun has moved away from the north and has a low altitude of 18 degrees making the windows facing west [of your dwelling] more important and desirable for sun penetration. The western elevation of your dwelling is in full direct sunlight in the afternoon. Greg has provided the sketches below, to demonstrate solar access, particularly during the equinox (blue lines) and winter (<b>at it’s worst for only part of the day, the red lines</b>).</p>	
	<p>NCA has determined Diagrams F illustrate limited overshadowing for most of the year. The Proponent advises that the western aspect is more important and desirable for sun penetration, and that the western elevation is exposed to full direct afternoon sunlight.</p>	
	<p>Neither the NCA’s nor the Proponent’s general personal views are reliable or relevant, particular as neither have lived at either 12 or 14 Hobart Ave. “As you can see <b>there is limited overshadowing most year round, with the exception of the winter solstice at 3pm where the largest shadows are cast</b>”. The compromised northern</p>	

Submission	Comment/Issue	NCA Response
	<p>sun penetration is unacceptable at any time or angle. These party's mandates are not to determine to what extent overshadowing is "limited" and therefore acceptable. Nor is it these party's mandate to determine that the only exception to that "limited" acceptable overshadowing - is at 3pm when the largest shadows are cast. In light of those parties' earlier insistent repeated false and misleading advice that the "<b>worst condition [occurred] at midday in mid-June</b>" [and that was] <b>the most disadvantageous winter sun angle</b>" [from which no adverse overshadowing occurred] their most recent conflicting advice cannot be relied on. The compromised northern sun penetration is unacceptable at any time or angle. The NCA confirmed to me that it relied completely on Mr Greg Anderson to provide reliable factual advice and documentation as the NCA did not have the necessary resources to validate the information. NCA also confirmed to me that in seeking details of the architect's professional/business status the no information was available.</p> <p><i>Greg has also provided the sketch below, which demonstrates the actual view you would see from your property (which includes your existing hedge that will be protected). The image provided shows minimal invasion to privacy given the extensive landscape proposed (and existing)."</i> The Plans are utterly unacceptable and non-compliant.</p> <p>The Proponent's egregious continued withholding and denial of such critical information detailing adverse overshadowing, in light of his falsely promoting of a nil overshadowing impact at "<b>worst condition</b>" and the "<b>most disadvantageous winter sun</b>" angle, is utterly unacceptable.</p> <p>The Proponent continues to withhold information sought in regards to the full impact of significant overshadowing. The Proponent's credentials are in question. Such conduct is professionally negligent.</p>	
<p>16.13 A - Appendix</p>	<p><b>5. Further Objections</b></p> <p>The NCA Final Submissions are incomplete.</p> <p><b>5.1 Tree Management Plan</b></p> <p>A finalised Tree Protection Management Plan remains outstanding. The second protected tree on my property north remains unaddressed. One only of two protected trees is recorded by the current plan. Based on evidenced historical damage to my landscaping by the Proponent and deceased father, including the killing and loss of three major protected trees and hedge damage, assured protection of my privacy hedging and trees is a requirement. In the past a registered Court Undertaking by the Proponent's father against all damage to my property and person provided a degree of protection.</p> <p><b>5.2 Traffic Control and Driveway Relocation Approval</b></p> <p>A Traffic Control Plan and driveway relocation approval are outstanding. The proposed relocated driveway is immediately adjacent to and 6 metres from a school crossing and safety island which provides access to Forrest Primary School, Forrest Early Childhood Centre, and Forrest AfterSchool Care Facility.</p>	<p>Refer to response at 16.5 regarding tree protection.</p> <p>Refer to response at 9.9 regarding driveway relocation and safety mitigation.</p>

Submission	Comment/Issue	NCA Response
	<p>The crossing is used by small children making their way on foot to the school crossing by crossing the single ingress and egress point to the proposed 12 Hobart Avenue development site which will service 10 cars. The ascent and descent to the underground carpark is narrow and steep requiring acceleration to reach the verge and footpath. View of the footpath is restricted until vehicles reach the higher ground approaching the crossing. This small area is also used as set down and pick for children, school parking, and peak and regular traffic to Parliament House, Woden Valley, and the City. In addition the major new 'Estate' development access point on Hobart Avenue will feed into this traffic flow - up to 200 cars. Safety of the small children is a concern.</p>	
	<p><b>5.3 Landscaping Plan</b> The final landscaping plan is outstanding. The proposed use of trees in pots to provide privacy is not "landscaping". Trees with the capacity to provide significant privacy shields over large areas do not and will not thrive in "pots". Trees in pots, or an additional tree in no way address or remedy the issue of significant intrusion of privacy and loss of amenity on each side neighbour.</p>	<p>The revised landscape plan removes the pot planting from the southern boundary. The landscape treatment to the southern boundary comprises a Viburnum (evergreen) hedge (capable of reaching 3m in height). Refer to response at 16.5 regarding tree protection.</p>
	<p><b>5.4 Tree Protection Plan</b> The final tree protection plan is outstanding.</p>	
	<p><b>5.5 Lighting Plan</b> A final lighting plan for this three residence proposal is outstanding.</p>	<p>A lighting plan (for external lights only) is subject to a future works approval application.</p>
	<p><b>5.6 Internal Layout</b> The internal layout plans are outstanding.</p>	<p>Under the <i>Planning and Land Management Act 1988</i>, internal works are excluded from the definition of 'works' and are therefore are not assessed by the NCA.</p>
	<p><b>5.5 Ambiguity and Omission</b> Diagrams Sk13, SK707A, and E include 'unidentified' markings. Narrative related to these markings is outstanding. Diagram SK08 is outstanding.</p>	<p>A site survey has been undertaken by <i>M&amp;M surveys</i>, for planning and design purposes. Boundary marking will be undertaken by a licenced surveyor prior to construction (this does not form part of the planning approval process).</p>
	<p><b>5.6 Certified Boundary Lines</b> The Plans adjoin 4 properties. Certification of unmarked boundary is outstanding.</p>	
	<p><b>6. FLAWED CONSULTATION PROCESS</b> <b>6.1 Prior consultation between NCA and Proponent</b> The NCA and the Proponent consulted/liaised for about 18 months pre lodgement.</p>	<p>Refer to response at 9.14 regarding consultation. It is common practice to write to the 'resident/occupier' or 'lessee' when</p>

Submission	Comment/Issue	NCA Response
	<p><b>6.2 Major Works Approval Application Notice</b>  Immediate neighbours were advised of the Plans by flyer addressed "To the Resident". On request Plans were delivered to immediate neighbours. NCA advised of Notice of Works Application displayed only for 2 days.</p> <p><b>6.3 NCA Invited Submissions</b>  Objections submitted to NCA late September 2019.</p> <p><b>6.4 NCA Meeting with immediate neighbours</b>  Immediate neighbours sought further detail/clarification in respect to key objections.</p> <p><b>6.4 Provision of further detail</b>  NCA provided diagram and advice reiterating Mr Greg Anderson's initial false advice and confirming the winter sun angle, at the worst day on 21 June – indicating that overshadowing did not impact the northern living areas. No remedy of substance was forthcoming.</p>	<p>undertaking consultation. The NCA receives approximately 400+ applications annually, in addition to sketch plans. It is not feasible for the NCA to consult and liaise with every adjoining neighbour or stakeholder for every application/sketch plan received, nor does the NCA have access to contact details of each land holder or lessee for sites within Designated Areas. The NCA undertakes consultation in accordance with the National Capital Plan, and the NCA's Commitment to Community Engagement once an application is lodged.</p> <p>Refer to response at 16.2 above regarding solar access and 16.4 A regarding misleading information.</p>