**Height restrictions on proposed Grey St Aged Care Facility**

DRA is seeking opinions in regard to the relationship between the NCA and the ACT Government.

DRA has advice from a professional planning consultant that the proposed aged care facility on Block 13 section 49 Deakin in Grey Street (the Art Gallery site) breaches the height restrictions that should be imposed on buildings overlooking Adelaide Avenue.

So we wrote to the National Capital Authority drawing their attention to the height restrictions under the ACT Development Control Plan (DCP) and quoting our professional advice:

**In the submitted plans the height is clearly in breach of the maximum height limit,**and other provisionsof the DCP which takes precedence over the Territory Plan and ( *which are)* not open to interpretation by the approving authority (ACTPLA). It would be inconsistent with the Territory Plan to be inconsistent with the DCP and the development in its current form should not be approved by ACTPLA.

We received a reply from the NCA indicating that it's role is

to provide general advice to the ACT Environment Planning and Sustainable Development Directorate regarding the proposal and that the NCA is not the decision-maker. In approving the application EPSDD must be satisfied the proposal is not inconsistent with the DCP.

While we do note that Block 13 section 49 Deakin is metres outside the Designated Area for which the NCA is directly responsible, (see pink in figure) we are surprised by this interpretation of the NCA's role in enforcing its own DCP.

Do think DRA has grounds to ask again for an explanation of this interpretation?

