



P.O. Box 4082
HAWKER ACT 2614
secretary@friendsofhawkervillage.com
0435 534 998

COVERING PAGE, SCULLIN, WEETANGERA AND HAWKER

Land, Planning and Building Services Shopfront,
GPO Box 158,
Canberra City ACT 2601
ACEPDcustomerservices@act.gov.au

DEVELOPMENT APPLICATION: 201733154 SCULLIN B.42 S.45 150 BELCONNEN WAY

The Friends of Hawker Village Inc. (FoHV) was formed in 2010 to monitor developments in the Hawker group centre and its four catchment suburbs of Hawker, Page, Scullin and Weetangera. In 2016, FoHV lodged a submission to the first proposal for this site, i.e. DA201630177. This 979 sq.m. block contained a single building comprising a 2BR dwelling and a 1BR dwelling, both under the one ownership. When the block was developed in the late 1960s, the standard residential lease simply required a single building for residential purposes to be erected. Similar residences were built in the area and other suburbs that were developed at the time. The block is surrounded by four residences, one of which is a similar dual occupancy. The lease wording was changed in 1971 to permit a single dwelling only and, thus, put an end to this practice.

When the Planning and Development Act 2007 was introduced and allowed densification, developers took advantage of this loophole in RZ1-designated areas as these blocks did not qualify as 'single-dwelling blocks'. Consequently, such blocks were regarded as multi-unit blocks, despite being in RZ1 areas. This loophole was not closed until after DV350 was introduced in 2018. The explanatory statement in DV350 observed that:

At the time housing in these suburbs was being constructed in the late 1960s and early 1970s, two dwellings (known as a dual occupancy) were permitted to be built on a block, provided the development presented as a single dwelling to the street.

...

The intent of this draft variation is to provide an interim measure to prevent further unconstrained multi-unit redevelopment occurring in the older established suburbs until the Housing Choices project has been completed.

The variation was approved on 24 July 2019. Rather than treating blocks with such a development as comprising a single dwelling with a granny flat, V.350 replaced the term 'single dwelling block' with the term 'standard block' and has now permitted such blocks to have two full dwellings in contradiction of

the current practice for RZ1 blocks which are allowed to have a granny flat under one ownership but not to have separately-owned dwellings, unless they are Mr Fluffy blocks.

Prior to the change, DA201630177 had proposed to erect six two-storeyed dwellings on the block with underground parking. The proposal was rejected on 1 Jan 2017 because it was considered to be inappropriate for the RZ1 site. This decision was appealed to the ACT Civil and Administrative Appeals Tribunal which affirmed the decision as submitted in amended plans of 22 Jun 2017 and 13 Jul 2017 on 27 Oct 2017. Subsequently, a revised application for five dwellings was lodged, i.e. DA201733154, along with DA201732005 for the lease variation. Presumably, the lease has now been changed to permit five dwellings. The current application is to amend DA201733154, presumably to avoid having to lodge a new DA which would be subject to the current limitation of two dwellings per block in RZ1.

This DA was approved on 12 Jun 2018 for five dwellings with underground parking. It comprised three 3BR two-storeyed townhouses at the front of the block and two 2BR single-storeyed townhouses at the rear of the block. The two rows of housing were separated by the PPOS of the front units and a footpath running between the rear of the PPOS and the rear dwellings. The site was purchased by the original proponents on 21 Jun 2016 for \$575,000 and sold on 2 Mar 2021 for \$915,000.

Duration of approval period

The Notice of Decision (NOD) for this DA stipulates under PART 4 ADMINISTRATIVE INFORMATION, DATE THIS APPROVAL TAKES EFFECT that: "Unless a condition of approval provides for otherwise this approval takes effect 20 working days after the date of the day this notice of decision is given to every person who made a representation on the application. ...". This NOD was received by FoHV on 15 June 2018.

The NOD also states that:

Pursuant to section 184 of the Act, this approval will expire if:

- the development or any stage of the development is not started within two years after the day the approval takes effect;
- the development is not finished two years after the day the development begins; or
- the development approval relates to land comprised in a lease that requires the development to be completed on a stated date – the date stated in the lease for completion of the development, or the approval is revoked under section 189 of the Act.

Under section 184 of the Act, the applicant may apply to the planning and land authority to extend the prescribed period to finish the development, but such an application must be made within the original period specified for completion.

FoHV is not aware of any actions that have extended the two-year approval period beyond 13 Jul 2020. Further, there is no evidence of any work commencing on the property and the application states that no work relating to the approval has commenced (p.2). Nevertheless, the cover letter dated 12 July 2021 from the architects declares that: "The current approved DA has commenced on site (refer to attached commencement notice from the Certifier)." There is no such notice included in the DA documents.

Conditions of Approval

The NOD on p.2 stipulates that, "Within 28 days from the date of this decision or within such further time as may be approved in writing by the planning and land authority, the applicant shall lodge with the planning and land authority for approval:

- (a) A revised site plan, landscape plan, and architectural drawings, based on the relevant drawings submitted as part of the application ...”

It is not clear whether these were ever lodged or whether this application for amendment is replacing that requirement. Based on available evidence, it appears that this DA approval has expired.

Proposed amendments

The DA intends reducing the space in the underground car park and to increase the GFA, including adding a loft area to the rear units so that they can include a third bedroom. These units are on the northern side of the block but no shadow diagrams have been included to illustrate the effect of this higher sloping roofline. The tip of the rear sloping roof is roughly as high as the roof on the two-storeyed building in front of it.

The PPOS for the front units is jammed between the two buildings, so sunlight will be severely restricted from the outdoor area in winter. This is reminiscent of the situation approved further down Belconnen Way at 1 Petterd Street, Page (DA201426813), where the PPOS for the five units are jammed between the units and the garages, also on the north. They are only single-storeyed in height but still have an adverse effect on the so-called private outdoor spaces.

The proposed building colours are a combination of varying shades of grey and black which will not enhance the blocky building shape which is rather industrial. This development will be in total conflict with the existing suburban landscape.

Plot Ratio

The unamended DA has a plot ratio of just below 52%. The Applicant for the amended design does not include the revised plot ratio for the proposal, merely stating that it is below 65% (MUHDC Rule 9 General Controls).

Privacy

The front building with its large, plain wall facing east will overwhelm the adjoining residence on Block 41 (A403 Section C). A303 Elevation 3 shows how ugly the southern façade of the rear units will be from the front units and that the upper windows in Units 4 and 5 will overlook the residence at the rear (Block 9) and the backyard of Block 44, thus intruding on their privacy (Criterion 30 c and d). FoHV object to the loft for enlargement of Units 4 and 5 and to the intrusion into privacy of all residents by the removal of the footpath space between the southern wall of units 4 and 5 and the PPOS of the front units.

Vehicles and traffic

There is no indication whether the smaller manoeuvring area in the underground carpark will accommodate large vehicles. If not, there will be an outbreak of vehicles parking on the nature strip to the detriment of the trees. Further, a parking area that requires much manoeuvring to get into and out of a parking spot encourages people to avoid parking there more than necessary.

A traffic study of Belconnen Way, dated 13 July 2017, was conducted by CSTM for the previous assessment. It observed that, “in December 2013, RoadsACT conducted actual traffic counts using pneumatic tyres on Belconnen Way between Mackinolty Street and Chewings Street (i.e. outside 150 Belconnen Way) which showed a total daily traffic volume of 10,600 vehicles per day.” CSTM predicted

that, during the morning peak hour, 762 vehicles would pass the Scullin site in 2021 and 1,350 vehicles in 2031. These figures are equivalent to a projected daily traffic volume of 7,620 and 13,500 vehicles per day respectively and were considered to be understated compared with the 2013 counts. Traffic was expected to increase with the growth of Ginninderry. Given the current consultation on the duplication of William Hovell Drive and the traffic growth around the intersection of Kingsford Smith Drive and Belconnen Way, it would be vital to study the statistics.

For many years now, residents have avoided leaving vehicles at the kerb along Belconnen Way as the road is not wide enough to safely park there, given the volume of traffic at times. Instead, they park on the nature strip, which is illegal but not enforced by the ACT Government, thus allowing resultant deterioration of the grass cover and decline of tree health. It is, therefore, critical that suitable parking be provided on-site for vehicles of all sizes, both resident and visitors. In this context, we note the large number of houses in Scullin that have cars parked in the front yard and on the nature strip because the single or double-car accommodation originally provided is no longer adequate for the household.

Heat island effect

Landscape diagram L401 shows that there will be no grassy areas within the block. Instead, the front yards and the narrow spaces around the building areas will be covered with woodchip mulch or pavement. There will be narrow planting beds but no trees to shade the roof. Three existing trees will remain along the NE corner fence and three new shade trees will be planted along the front edge but the latter are on the southern side of the two-storeyed building, so their shading impact will be minimal. As a consequence, this development will still contribute to increasing the heat island effect. The proposed efforts to protect the nature strip trees and grass during construction is admirable and emphasises the need to also protect the nature strip in future, which is why it is so important that parking should not occur there, ever.

Conclusion

The information provided is not very informative, comprising diagrams only. Likewise, the now common practice of not including the full rules and criteria in the Statement of Criteria makes it meaningless for the ordinary citizen who is not familiar with the Territory Plan. This amendment seems geared to maximizing the built area and, thus, profit, at the cost of the environment and not contributing to any enhancement of the neighbourhood. On the contrary, it will result in a marked and considerable departure from prevailing development in the neighbourhood and is, fundamentally, inappropriate urban design. The previous decision did, at least, acknowledge the need to minimize disruption to the existing urban environment, even if the Territory Plan did not specifically support this, as interpreted by the legal system.