



RE: Block 13 Section 49 Deakin

Representation regarding DA 201732711 – Residential Aged Care Facility (102 beds)

To: The Environment, Planning and Sustainable Development Directorate and the ACT Planning and Land Authority c/o the assessing officer for the above Development Application (DA).

Please accept this letter as part of a representation in objection to the above DA for the Deakin Residents Association.

I have reviewed the proposed development at 13-49 Deakin in terms of compliance and raise these main planning issues:

1. Block Details – 13-49 Deakin is 38 Grey Street. Zoned CZ5: Mixed use: with a MAAR: Main Avenues and Approach Routes overlay. Block size 2973m<sup>2</sup>. Not Heritage listed. The Adelaide Avenue Development Control Plan (DCP) from the National Capital Plan applies. The Deakin Precinct Map & Code applies. The Commercial Zones Development Code applies. The Residential Zones Development Code and the Multi Unit Housing Development Code applies. The Parking and Vehicular Access General Code applies. Other general codes also apply.
2. DCP No 171/06/0003 Adelaide Avenue - B2 area;
  - a. Maximum Building Height - exceeds RL600 for the Western half of the block. – inconsistent with part 4 & 7.2 of the DCP. Controls of the DCP supersede the Territory Plan controls and must be adhered to as noted in the Commercial Zones Development Code introduction.
  - b. Courtyard walling – is in excess of 3.6m high facing Adelaide Avenue. This is much higher than the 1.8m height recommend by the Territory Plan for courtyard walls and appears inconsistent with part 6 of the DCP in that the high walls are not integrated into the building and landscape design.

- c. Basement level visible from Adelaide Avenue at 4.0m setback is inconsistent with 10.4 & 10.6 of the DCP
  - d. Indicative Plot ratio 1.5-2.0:1 – Exceeded by 222.9m<sup>2</sup>. Is inconsistent with 3.2 & 171/06/0003C of the DCP
  - e. Trees – Part 9.0 requires retention of significant groups of mature trees where practicable. Because the basement extends to the front boundary on Grey Street the existing front trees cannot be retained. It appears that 9.4 and 10.4 of the DCP are not met. No attempt has been made to retain the existing trees. As indicated on the survey three of these trees are protected and could be retained with some design effort. The trees identified in the tree report do not match the trees in the survey. No other tree survey is attached to the tree report. The trees have not been sufficiently identified or their retention addressed and the treatment of the trees is inconsistent with the DCP and the Tree Protection Act 2005. Also no design alternatives have been provided that would allow consideration of the retention of the existing protected trees.
3. There is a letter from the National Capital Authority (NCA) that indicates that there is compliance with the DCP however it does not specifically address the DCP departures. This appears legally incorrect in regard to the submitted plans as the height is clearly in breach of the maximum height limit and other provisions of the DCP which takes precedence over the Territory Plan and is 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.
4. Deakin Precinct Map and Code (DPC) – RC3 area
- a. Active frontage required to Hopetown Circuit (C14 DPC). An active frontage requires integration of site activities with the public realm and enlarging the already static bus stop does not achieve this. There is no active frontage provided between the building and the street. The pedestrian link to the commercial centre is required to be extended to the active frontage to Hopetown Circuit and should be an accessible path of travel for all persons.
5. Commercial Zones Development Code (CZDC)
- a. Vehicular entry is located side entry on the street frontage – Vehicular entry must not dominate the street frontage or conflict with parking and pedestrian movements in front of the building.

The loading dock for waste pick up conflicts with the pedestrian access and also the parking causing three spaces to be unusable during the day (R20, C20 CZDC).

6. Parking and vehicular Access General Code (PVAC) - Parking and traffic report provided – The PVAC requires at Residential Care accommodation .25 spaces per bed for visitors, plus 1 space per staff residential unit, plus 1 space per non-resident peak shift employee.
  - a. All long stay parking for CZ5 must be on site (3.3.4 PVAC) The parking report at 2.23 indicates that it can be within 400m which is incorrect.
  - b. There are 102 beds applied for in the facility. The Traffic and Parking report indicates in the executive summary that there will be 100 beds and 40 day care facility placements. This is inconsistent with the proposed development and therefore it could be concluded that the report may be partly based on a different/previous design.
  - c. Respite day care needs 3 spaces and 20 pick-up/drop off movements at peak times according to the Traffic report.
  - d. The 102 beds need 26 visitor spaces on site or within 200m. 7 spaces on site can be used for visitors. Three spaces on site are no parking during the day. 19 spaces within 200m off site are required plus pickup and drop off for the respite day care. The off-site works plan indicates that there will be 8 new car spaces created on Grey Street, these will be shared with nearby developments and used for visitors and pick-up and drop off for the day care.
  - e. In my opinion a further 15 spaces are needed within 200m. The Traffic report indicates that there are 10 unused spaces available in Grose street during lunch time peak period. Some of these spaces are past the 200m mark. This means that they are short of satisfying the PVAC by approximately 5 spaces and additional parking is required on site or within 200m of the site.

Conclusion - The main issues are non-compliance with the DCP, parking inadequacy, the removal of protected trees, the lack of an active frontage to Hopetoun Circuit and the waste collection conflicting with pedestrian access and carparking at the front of the building.

1. The DCP controls - take precedence over the Territory Plan controls. The NCA letter should be disregarded as it is incorrect in stating that the development is not inconsistent with the DCP. The NCA has no power to override the DCP.

The decision is up to ACTPLA and they also do not have the right to override the DCP. Being inconsistent with the DCP makes the land unsuitable for its use and inconsistent with the Territory Plan particularly Objective d) for the CZ5 Mixed use zone as the development is inconsistent with the standard of urban design required for a selected major avenue.

2. Parking - This area of Deakin is a busy location with already stretched parking in the nearby streets. Making the parking worse with insufficient conveniently located visitor parking is in conflict with CZ5 Mixed Use zone objective b). The proposal is not consistent with creating an efficient and sustainable urban environment making visitability to the centre inconvenient and awkward for aged persons, visitors and neighbours.
3. Protected trees - There is also no reason for the removal of existing protected trees and no alternative design options that would protect them. This is in conflict with the Tree Protection Act 2005 and the Planning and Development Act 2007 and is inconsistent with objective c) of the CZ5 Mixed Use zone as it is not maintaining and enhancing environmental amenity.
4. Active frontage - The lack of an active frontage to Hopetoun Circuit is inconsistent with objective e) of the CZ5 Mixed Use zone. The project fails to add any further contribution to an active public realm.
5. The waste pickup/loading dock - conflicts with the pedestrian access to the development. This conflict is inconsistent with the code requirements and objective c) of the CZ5 Mixed use zone as it is not utilising best practice environmentally sustainable development principles.

For the above reasons the DA should be refused in its current form.

Sincerely



**Ted Streatfeild RPIA**  
**Resolution Planning**  
**Town Planning Consultancy**

