

Woden Valley Community Council Inc.

The logo for Woden Valley Community Council Inc. features a stylized green graphic of a building or landscape element to the right of the text.

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Applications Secretariat
ACT Planning and Land Authority
GPO Box 1908
CANBERRA ACT 2601

Dear Sir/ Madam

OBJECTION TO DEVELOPMENT APPLICATION NO 200813312 Block 2 Section 9 Farrer. S197 Amendment

Thank you for the opportunity to provide comment on the above Development Application (DA). Further to my email earlier today, I am writing to provide details of the Woden Valley Community Council's (WVCC) objection to the above development application to amalgamate blocks C and D incorporating four units relocated from block B. The reason for the objection is specified in the **attached objection** but is primarily due to the scale of the development on the site resulting in a number of unacceptable compromises outlined in the attached. The removal of the four units will partly alleviate that concern.

WVCC would be pleased to have the opportunity to discuss these objections to the DA.

Thank you for this opportunity to provide comment on the DA.

Yours sincerely

Gina Pinkas
Planning Officer
11 January 2010

Attachment

Woden Valley Community Council (WVCC) – Objection to Development Application (DA) No 200813312 -Mandir Ashram Pty Ltd Retirement Complex Block 2 Section 9 Farrer.

S197 AMENDMENT-COMMUNITY FACILITY-NEW BUILDINGS-AGED CARE FACILITY: Amendment to amalgamate Blocks C and D, incorporating four units relocated from Block B, additional basement parking and associated works.

Address: 11 DREVERMANN STREET FARRER ACT

General Comment

WVCC's objections are primarily based on the over development of the site and its inappropriate location. The Consent decision of ACAT dated 13 November 2009, partly ameliorates the over development concerns by removing 5 independent living units as discussed under point 1 below.

The documentation accompanying the DA notification is not consistent and at times not up dated to what is required for an amended application. For instance:

- The DA notification specified "incorporating 4 units" yet the letter from Paul Meyers dated 20 November 2009 "to accommodate the 5 units removed from Level 4 Block B". Either way WVCC objects to the reinstatement of the 5 or 4 ILUs.
- At times Tony Gill is listed as lessee and at other times a agent of the applicant is listed as lessee. The documentation for the application is signed by Mr Agawal on 16/3/09 as the lessee
- Many of the documents submitted have not been amended since the consent decision and should have been updated to reflect the current status of the development. For example assessment against the relevant criteria dated 12/1/09 should now be amended as it still has block C as single story and A as 5 storey. This is misleading and inconsistent information within the current DA. Documents on notification should be correct at time of notification for public perusal. ACTPLA should not accept DA's with incorrect and /or inconsistent information. ACTPLA has shown a disregard for the community in allowing such glaring inconsistencies and errors to be notified. It is difficult enough for the public to come to grips with such complex rules and proposals without errors and inconsistencies in the documentation. WVCC wishes to know how this will be addressed in the future. The inconsistent documentation is published as part of the current DA and

should be up to date and correct. WVCC asks that the documentation be corrected and updated prior to further consideration of the DA and a copy of the correct documentation be provided to all objectors as a matter of urgency.

- One major item in the DA documents on line – the planning report is listed as file damaged and could not be opened. ACTPLA should check all electronic documentation when notifying. Our ability to comment has been severely hampered by this inadequacy. Our comments below referring to the Planning Report are based on the report with the original DA. We assume, similar to much other documentation in this DA, that it has not been updated or amended but that is only an assumption.
- The required documentation as set out in ACTPLA's application form for a written statement on what original elements of the original approval have been changed and amendments listed on plans and illustrated by "clouding" where changes occur have not been met. While a letter from Mr Myers dated 20 November 2009 sets out the major changes applied for but does not address the conditions as referred to in the consent decision in A2 of the Notice of decision.
- The consent decision also required the proponent to submit revised plans consistent with the further decision and consistent with conditions in the notice of decision in A2 of 3/7/2009. WVCC does not believe the revised application addresses the conditions in A2.

The documentation does not clearly demonstrate how claims made in an earlier letter from Mr Meyers are supported. There is too little detail particularly in respect to solar access and Private Open Space. Due to the poor documentation it is not possible to determine what improvements have been made to satisfy the conditions.

The proposal is a highly complex one affecting residential conditions for occupants as well as neighbours. Facility occupants have highly specific physical and mental needs and the proposal is far more complex than a multi unit residential DA. WVCC is concerned that the DA, unlike some straightforward multi unit residential developments, was not referred to ACTPLA's Major Projects Review Group. We request that this application be referred to the group for consideration and they review other elements of the proposal including the inconsistencies in the application and ACTPLA's quality control mechanisms in accepting DAs which clearly are not correct.

Specific Comment

1. Objection to amendments proposed other than the Consent Decision

WVCC notes that a consent decision was made in the ACAT with respect to the original DA decision as follows:

The decision under review be set aside and be substituted with a decision that development application DA 200813312 dated 13 November 2009, and amended on 16 March 2009, is approved and the conditions in the Notice of Decision dated 3 July 2009 be amended to include further conditions as follows:

- (a) level 4 of block B be removed; and
- (b) revised plans reflecting the further condition in paragraph (a) above be submitted to ACTPLA for approval, consistent with condition A2 in the Notice of Decision dated 3 July 2009.

It is noted that there is an error in the record of the decision as the DA was dated 13 November 2008 not 2009.

The DA does not comply with the consent decision. The agreed decision was to remove level 4 of block B. It did not agree to replace those removed units elsewhere in the development. There were 5 units in level 4 of block B which the consent decision records as removed. Woden Valley Community Council (WVCC) notes that these units have now been added to Blocks C and D in the current DA with 1 storey being added to Block D to change it from 1 storey to 2.

WVCC objects to the replacement of the 5 removed units on the basis that it is inconsistent with the consent decision and the whole site will be overdeveloped with the proposed number of Independent Living Units (ILUs). The removal of the 5 units would have reduced the impact from over development. Such impacts are outlined in this objection.

2 .Bulk and scale of proposed development inconsistent with site capacity and adjacent residential low rise development

WVCC contends that the number of independent residential units proposed for the site is unacceptable on that site, particularly when compared with other recent aged care developments eg St Andrews, Goodwin Monash and the excellently planned Calvary aged care facility at Bruce. The scale of this proposal is excessive for the site and will provide an urban profile in a suburban setting. The dense development of the site is inconsistent with the character of the surrounding development and streetscape. The development is surrounded by mainly one storey buildings in a suburban setting with landscaping on public land reflecting pine plantations ie non urban.

Furthermore, Neil Savery, in his press release of 30 October 2009, announced that the ACT Planning Authority had refused a development application for the construction of 21 two storey town houses in Wanniasa on 4 residential blocks. He said that the proposal “does not adequately address theexisting neighbourhood characteristics in terms of scale form and site development” and further states “the overall size of the proposal does not fit in with the existing buildings on Sternberg Crescent and results in a dominant built form”. WVCC believes that the proposed development on Beasley Street Farrer similarly is out of scale and character with surrounding development in Farrer and should have had similar consideration as the Wanniasa proposed multiunit development did.

We note that the concept plan in the Planning Report (PR) (p 8) is significantly different to the site plan in the DA. While we understand that the DA has been approved with conditions, we wish to express our concerns that the concept Plan has been largely ignored. The concept plan has development contained within the internal

roads (with one exception in the south west corner of the site) with a sizeable buffer against the back of the site and the houses abutting it in Dreverman Street. The development to the west of the site is also separated from the adjacent church site by a buffer road. For a number of reasons WVCC supports the concept plan in the PR and does not support the final site plan in the DA. The reasons for this view include better options to maximise solar access achieved through no development to the south of the access road enabling ILU residences to have garages to the south, not to the north as proposed in the DA. Also there is greater separation from the housing in Dreverman St in the concept plan.

The PR states, *“The initial concept plans were modified to reduce the height of the two main buildings and the site density and bed yield was also reduced to achieve a greater variety of building form and a maximum building height of 3 storeys”*.

WVCC’s view in respect to the bulk and scale of the development is supported by comments made in consultation with the consultant preparing the initial Planning Report who discussed at a consultation session that he thought the concept plan was the maximum development that should be attempted. We note that the DA far exceeds the concept plan provisions for development.

3 Location:

WVCC still believes that the site is not in accord with the locational guidelines issued by ACTPL for such facilities. In the response to assessment rules (criteria), the proponent merely states that the land was identified by the Land Development Agency as suitable for the development and does not address the non compliance with the locational guidelines. The suitability of the site would have previously been addressed through an environmental impact assessment, now that no longer takes place, it is ACTPLA’s job to undertake a suitability assessment. This has not happened in our view.

While the site is within 400 metres to a shopping centre by footpath (Isaacs shops) it is not suitable for access for aged people with a major arterial road to cross and a very poor footpath with a gradient of more than 1:20 in parts. This gradient does not meet the guideline requirement. The Farrer shops are in reality more accessible, however, they are further away. The distance by road is even further with. The table on p26 of the PR shows the nearest centre by road is Isaacs at 900m away and Farrer at 1.2 km. Access to the site is difficult with it surrounded on one side by a busy arterial road and another side The latter is a very busy feeder road which not only takes traffic from Farrer but also Torrens and Tuggeranong feeding into Yamba Drive.

The recommendation in the Site Investigation Report (p11) that the Developer should provide footpaths connecting to Beasley St and Yamba Drive footpaths is supported and should be incorporated in any off site works required.

Since occupants of ILUs are the ones most likely to need independent access to local shops a reduction in the number ILUs means that less people will be affected by this non compliance with the guidelines,

There are a range of other comments made in our initial objections to the original DA which have been ignored in ACTPLA's original assessment of the DA and which are still relevant to this objection. We refer you to that objection for reconsideration of those relevant points.

4. Public Transport.

The site does not meet the aged care public transport guidelines. While the site is on the route (Yamba Drive) to hospital and town centres, there is no stop in the vicinity and ACTION will not provide one on an express route past the site. The PR (p42) shows that the closest local shopping centre is Isaacs (350 m away), which is virtually inaccessible for aged people given the need to cross a major arterial road and the gradient involved together with the poor pedestrian way and Farrer local centre which 750m from the site. This is unacceptable for aged care facilities with 80 ILUs and 60 low care beds. There is nothing in the DA or lease conditions to require a bus to be provided for the community. If transport is to be dependent on the Community bus, then its provision and operation should be included in the Lease and Development conditions as that are an essential service required through the limitations of this particular site and should not be optional.

The access to open space guideline is also not met. While the PR (p46) states that not meeting the guideline for open space will be compensated for by a range of landscape areas, the DA shows very limited landscaped open space due to crowding of residences on the site. It also has very inadequate personal open space in some of the units. The landscaped areas are inadequate for an aged care facility of this size.

The gradient of the site is also unsuitable for aged persons with a steep incline from the north to the south. Together with the road barriers, the site is virtually an island with physical constraints for its residents to move freely in and out of the site, except by vehicle and that is also problematic given the poor access to Beasley Street.

Given the overcrowding on the site by the DA proposal in relation to the site constraints of size, gradient, location, poor access and visual impact, we believe the maximum GFA of 6000sqm plus 80 ILUs is too high for the site and the number of ILUs should be reduced. The consent decision goes some way to achieving that and we do not support the retention of the 5 removed ILUs.

The draft L and Ds should ensure future extensions of use are prohibited given the overcrowding the current DA will provide if approved. Any reference to future extension should be removed.

The Draft L and Ds have a Planning control plan attached. We believe the plan should require off site plantings on the block on Yamba Drive to screen the development as well as screen planting along Beasley to minimise visual impact.

The DA does not meet some of the requirements in the Building Design specifications in the Draft L and Ds.

5. Traffic

The access to the site is inadequate for the proposed use in the DA given its location adjacent to a major arterial road and a very busy feeder road. The third road is a quite suburban road and local residents fear access off this road (Dreverman St) will impact on their safety and amenity. Consideration to emergency vehicles during the night should be given to the final plan with access only off Beasley St. WVCC accepts that access to the site will not be provided off Yamba Drive given the issue of crossing open space land and the arterial status of Yamba Drive with the associated constraints of volume and speed prohibiting access and egress from the site onto that road. However, both Dreverman and Beasley Streets have issues of concern in relation to increased traffic. Even the various reports associated with the DA conflict on issues relating to Beasley St. P39 of the PR states that TAMS standard for maximum vehicles per day above which blocks should not have direct access is 3000 vehicles per day and traffic on Beasley St is well in excess of that. Opinions differ in draft reports to final reports on traffic analysis.

Access for emergency vehicles will be on off Beasley Street. Has this been accounted for in the traffic safety analysis?

The traffic and parking impact study in the original DA did not consider adequately the traffic impact of the adjacent Catholic Church with large numbers of attendees at certain events. WVCC requests that parking and traffic assessments be made based on use surveys at the Catholic church together with assessments of existing traffic Dreverman Beasley and traffic from similar facilities such as Goodwin Ainslie and Goodwin Farrer.

6. Solar Access

The Solar diagrams supplied with the DA are not adequate and there is little evidence that the requirements are met. The proponent's assessment even states that the required level is not met in a communal area. WVCC considers it is essential that the mandatory requirements are fully met especially in common areas where residents remain most of the day. As many residents in care do not have opportunities to move about this requirement must be fully met. Both residences and rooms must have access to appropriate solar access levels. The siting of buildings in the DA, particularly for some ILUs, means that the solar access to units is limited by garages to the north and main living windows not facing north. We are concerned that solar access to rooms in the care facilities is compromised in order to accommodate the large number of ILUs on the site. Solar access was a condition of the original approval and according to the consent decision should have been fully addressed as complying in the revised plans. This is not at all clear from what has been provided as is the case in how other conditions in A2 to the conditions of approval have been met.

These matters should be included in the DA details and not left to chance.

7. Landscaping

We are concerned at the minimum landscaped open space on the site and believe it is insufficient for the amenity of an aged care facility of this size.

WVCC wishes to ensure that the facility is suitably reduced in size and bulk and screened with trees to reduce visual impact from Yamba and Beasley streets. This would be in keeping with provision for Goodwin aged care facility further along Beasley Street. We do not want the facility to make a visual urban statement totally out of character with the suburban nature of its surroundings and the character of the suburb. Large screen trees along Beasley Street and Yamba Drive are required to continue the plantation pine landscape experienced while proceeding south on Yamba Drive from Mawson.

Summary

Woden Valley Community Council objects to the DA for the reasons outlined above including inadequate site capacity in relation to the DA, inadequate consideration for , traffic and access, visual impact, inappropriate scale including height for a suburban setting, not reflecting character of surrounding development and landscaping, inadequate solar access to living spaces, inadequate communal areas, inadequate personal open space, inadequate open space access and difficulty for residents in accessing services off site and non compliance with aged care location guidelines.

We believe that the reduction of the 5 ILUs from the consent decision should remain and amended plans reflect that as well as providing for how the A2 conditions will be met. As the current amended DA does not meet those requirements we believe the DA should be refused.