



Yarralumla Residents Association Submission 28 August 2020

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Development Application: 202036734 - Section 64 Block 19 Yarralumla 39 Bentham Street and 33 Hutchins Street

https://www.planning.act.gov.au/development_applications/pubnote?sq_content_src=%2BdXJsPWh0dHAlM0EIMkYIMkZhcHBzLmFjdHBsYSShY3QuZ292LmF1JTJGcHVibm90ZSUyRnB1Ym5vdGVEZXRhaWxfbmV3LmFzcCUzRkRBX25vJTNEjAyaMDM2NzM0JmFsbD0x

CONTEXT

Heritage

The Section 64 Block 19 (previously Blocks 12 & 16) is subject to specific requirements of the ACT Heritage Register (*Entry to the ACT Heritage Register Heritage Act 2004 - 20083. Early Canberra Brickworks Housing Precinct - Blocks 8, 11, 12 & 16 Section 64 YARRALUMLA. Notification effective: 23 February 2005*).

At the time of listing in 2005 and up until 2012 the houses on Block 19 (previously Blocks 11 and 16) were the original houses built in 1920's as workers housing for the Canberra Brickworks and Nursery. The houses were illustrative of the period and that on Block 11 was a substantially intact example of the original Littleton Village design of small red brick and tiled roofed houses. The features intrinsic to the heritage significance included:

- External form and appearance of the houses, especially construction details such as red brick face, terra cotta tiled roof, timber double-hung windows
- The hedges along property boundaries
- Patterns of small dwellings on large blocks with open space between create the streetscape and form a buffer of landscaped open space between adjacent houses.

Development Approvals

In 2007 DA 03503 this site was approved and amended in 2011 for a multi-unit development which incorporated major elements of the two Brickworks Houses.

In 2012 ACT Government issued a stop work notice on the Development due to non-compliance with the specific conditions of the approval. Of the two original 1921 cottages, the garages and 90% of the 39 Bentham Street cottage and all but the front wall of the 33 Hutchins Street cottage have been demolished which was not in accordance with the heritage conditions of the development approval.

In 2012 it was also determined that the development approval had lapsed in 2012 and there has been no approved works on the site from 2012 to 2020. There was also no activity during this eight-year period to ensure the protection of the remaining heritage.

The DA plans submitted in 2020 are dated 22 June 2017. No changes have been made to three year old plans to address DA Heritage Task Force requirements following consultation in late 2019.

SUBMISSION

The DA does not comply with both mandatory and non mandatory requirements of the Multi Unit Housing Development Code 2020 , nor does it meet the requirements to preserve the heritage of the site. This is set out in the six key points below and the photographs on pages 4 to 7.

Non Compliance with Multi Unit Housing Development Code 2020

1. DA 202036734 does not meet Multi Unit Housing Development Code 3.8 Mandatory Requirement

The proposed development does not comply with the Multi Unit Housing Development Code (21 Feb 2020) for dwellings in an RZ2 zone.

Element 3.8 Residential Density, Rule 12 is a Mandatory Criterion that sets out the number of dwellings allowed in Table A2 as

- a maximum of 6 dwellings on a Block of 2100 m²
- for 7 dwellings you need 2350. m²

The DA is for Section 64 Block 19 which has an area of 2105 m² and therefore the maximum is 6 dwellings. The DA is seeking approval for a proposed development of 7 dwellings and therefore does not meet this Mandatory Criterion.

Table A2 - Maximum number of dwellings allowable on standard blocks in RZ2

block size (m ²)	maximum number of dwellings
<700	1*
700 to <1050	2
1050 to <1400	3
1400 to <1750	4
1750 to <2100	5
2100 and over	6 + 1 for every 250m ² ** of site area over 2100m ²

* not including a secondary residence

** not less than 250m² is required for every additional dwelling

2. DA 202036734 does not meet Multi Unit Housing Development Code 3.4 Mandatory Requirement

The proposed development does not comply with the Multi Unit Housing Development Code (21 Feb 2020) for dwellings in an RZ2 zone.

Element 3.4 Rule 8 is a Mandatory requirement for a maximum 50% plot ratio. The DA plans do not provide the physical dimensions of the first floor of the proposed development therefore it is impossible to determine whether the claimed gross floor area of 1052m² correct.

Rules	Criteria
3.4 Plot ratio – large standard blocks – RZ2, RZ3 and RZ4	
<p>R8</p> <p>This rule applies to <i>large blocks</i> that are <i>standard blocks</i> in RZ2, RZ3 and RZ4.</p> <p>In RZ2 the maximum <i>plot ratio</i> is 50%.</p> <p>In RZ3 the maximum <i>plot ratio</i> is 65%.</p> <p>In RZ4 the maximum <i>plot ratio</i> is 80%.</p> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

3. DA 202036734 does not meet Multi Unit Housing Development Code 4.2 Requirements

The proposed development does not comply with the Multi Unit Housing Development Code (21 Feb 2020) for dwellings in an RZ2 zone.

Element 4.1 Rule 38 requires the setting aside of 40% of the site for communal and private open space and under Criterion C38 needs to achieve sufficient open space for the planting of trees particularly those with deep rooted systems. As a basement carpark is proposed under virtually the entire site no deep rooted trees can be planted.

4.2 Site open space – RZ1 and RZ2	
<p>R38</p> <p>This rule applies to RZ1 and RZ2.</p> <p>Not less than 40% of the total site area is allocated to one or more of the following:</p> <p>a) <i>communal open space</i> with a minimum dimension of 2.5m</p> <p>b) <i>private open space</i> that complies with all of the following -</p> <p>i) a minimum dimension of 2.5m</p> <p>ii) is associated with dwellings at the <i>lower floor level</i>.</p>	<p>C38</p> <p>Open space on the site achieves all of the following:</p> <p>a) sufficient space for the recreation and relaxation of residents</p> <p>b) sufficient space for planting, particularly trees with deep root systems, to accommodate on-site infiltration of stormwater run-off</p> <p>c) provision of outdoor areas that are readily accessible by residents for a range of uses and activities.</p>

Heritage Protection

4. DA 202036734 does not meet the requirements set out in 2019 by the ACT Heritage Council DA Task Force

The DA states that the Architect consulted with the DA Heritage Task Force in 2019 prior to submitting the DA. However all the plans submitted under the DA are dated 22 June 2017, three years earlier. Thus no changes have been made to three year old plans to address the subsequent DA Heritage Task Force requirements.

DA Elevation diagram and the DA Statement of Heritage Effects demonstrate that the sole “reference” to the original cottages is some recycled red bricks surrounding two windows and a low red brick pillars at the street entrance to the proposed dwellings. In all other aspects the architecture of the proposed development is totally modern, square, flat roof, rendered brick, minimal planting areas, and does not reference any other heritage features.

Therefore the DA does not meet the requirements stated by the ACT Heritage Council DA Task Force that it was prepared to consider and agree in principal *“to a proposal to demolish what little remains of the original cottages and to construct a group of terrace houses in a high quality landscape setting which referenced elements of the original cottages, particularly red brickwork, and was commensurate with other recent quality medium density development in Yarralumla.”*

5. The Heritage value of the site has been all but eradicated and should be redressed

The DA is totally dismissive of any attempt to reference or redress other heritage aspects thus effectively ALL heritage is lost.

The DA Heritage Statement states that any attempt to reconstruct the facades of the former cottages “would likely result in historic a pastiche which is not an appropriate solution”. This is not correct.

The adjacent Heritage cottages at 43 Bentham Street suffered similar difficulties during redevelopment when collapse of major walls of the original dwellings occurred. In this case the developer was required to reconstruct the facades of the cottages and integrate them into the development and did so exceedingly well.

The Developer should therefore be required to ensure that the new development addresses the Heritage Values of the site to the maximum extent. It is not sufficient just to incorporate a few recycled red bricks. This should not become a Green fields site with no heritage constraints or make good heritage requirements.

6. DA 202036734 does not meet the specific requirements of the 2005 ACT Heritage listing Conservation Objectives 1, 3 & 4

In particular, the DA does not meet the following Conservation Objectives (*ACT Heritage Register Heritage Act 2004 - 20083*):

1.5 (b) Not less than 40% of the area of a residential block shall be retained as planting area. Planting area means an area of land within a block that is not covered by buildings, vehicle parking and manoeuvring areas or any other form of impermeable surface and that is available for landscape planting.

3.4 Where, in the opinion of the Authority, neglect of an identified dwelling has contributed to the dwelling becoming structurally unsound so as to necessitate total demolition, redevelopment of the site shall not exceed the gross floor area of the identified dwelling, and applications for extension of the new building will not be approved sooner than two years from the date of completion of the new building.

3.5 Except where a dwelling presents an immediate threat to public safety, the total demolition of an identified dwelling shall not be permitted unless an application for a replacement dwelling within a garden setting is approved.

3.7 The partial demolition of original external building fabric of identified dwellings shall only be permitted in the context of permitted alteration or additions.

3.8 Extant original chimneys shall be retained.

4.1 The original dwelling shall remain the dominant form on the block as seen from the public domain.

SEE PHOTOGRAPHS on Pages 5 to 7

DA 202036734 – Proposed Development Elevation



Early Canberra Brickworks Housing Precinct 39 Bentham & 33 Hutchins Street



43 Bentham Street Section 64 Block 20 - Reconstructed Heritage – Multi Unit Development immediately adjacent to proposed development Block 19



43 Bentham Street – multi unit development



43 Bentham Street – multi unit development



43A, 43B, 43C & 43D Bentham Street – multi unit development Section 64 Block 20

Time snapshots showing heritage values not protected 2009 to 2020 under DA and subsequently compromised and should be redressed

