

10 May 2007

Applications Secretariat
ACT Planning & Land Authority
16 Challis Street
Dickson ACT 2602

Development Application 200601605

Address: 1 Hill Corner Yarralumla ACT 2600
Location: Section 62, Block 2
Proposal: NONR - Institutional - Pre School - Construction of a new single storey Pre School - Lease Variation.

This is a group response by current and former Yarralumla residents to the above Development Application. Many of us comprise an informal group of members of the Yarralumla Residents Association. Some of us live in and around Hill Corner Yarralumla. Others are former residents of Hill Corner who now live in other suburbs of Canberra. All of us have a special appreciation of the Hill Corner area and the little pocket park and graceful treed streetscape at Hill Corner.

We are a mix of long standing original residents who have been here up to 53 years and raised our families here, as well as newer residents with young families.

The strong connection of residents with Hill Corner reflects the fact that many of the older residents helped to establish the former government preschool as a local community preschool in the park at Hill Corner, and paid for the equipping of the preschool. Most of the children of the older residents attended the preschool. On weekends and after school hours several generations of local children played in the playground of the government preschool.

Residents consider that the Development Application is in conflict with the public interest because it fails to meet the requirements for good planning, as published in the *Territory Plan the Yarralumla Neighbourhood Plan*, the *ACT Parking and Vehicular Access Guidelines*, and *Nature Strips in Canberra*.

Comments

The Hill Corner Committee wishes to object the following aspects of Development Application 200601605:

1. Lease variation
2. Traffic, Parking and Site Access
3. Verge Management of Nature Strip
4. Building setbacks
5. Building
6. Protection of Hill Corner Park during construction
7. Waste Management Plan

We present the following arguments in support of our objections:

1. Lease variation

The current lease specifically limits the use of the premises for the purpose of a preschool and child care centre for a maximum of eighteen children. That number was adopted because it was what the existing preschool was designed to cater for when it was built by the Government as a local community preschool for local residents in 1951/52. At that time and for many years afterwards (even into the 1970s and 1980s) children attending the preschool walked to and from it with their parents.

Since then, and particularly since the property was acquired by the St Nicholas School Ltd, walking to and from the preschool has progressively been replaced by transport by privately owned vehicles. For some considerable time now hardly any child seems to have attended the preschool by walking. One reason for this may be that most of the children appear to live outside the Yarralumla area. Indeed, we understand that the purpose of the preschool is to provide childcare to the St Nicholas School Ltd's community of people seeking a Greek-Australian preschool education regardless of where they live, rather than the local community in Yarralumla. This seems to mean that the children come both from various areas in Canberra and from Queanbeyan, and travel to preschool by private car.

Because of the changes that have taken place, the residents consider that the maximum child places currently specified in the lease is already at or above the maximum number of students that can reasonably be serviced on this site. The residents oppose the variation of the lease to permit any more than 18 child places for the following reasons:

- Block 2 is not large enough to provide the requisite mix of play space and traffic and parking management that would be required for an enterprise of increased size
- Hill Corner is too narrow a street to accommodate the traffic and parking implications of the current 18 child places, let alone any increase in child places
- The increased size of the building on Block 2 would be discordant with the role of Hill Corner park as an integral part of the street plan for this area. The streets of Fraser Place, Bidwill Close and Hill Corner are linked by walkways that lead to the Hill Corner park. These streets and walkways are aligned along an axis that was planned in 1925, as an extension from a terminal node at the end of Adelaide Avenue on Walter Burley Griffin's plan for Canberra. The line of streets and walkways, commencing at Fraser Place and terminating at Hill Corner, is one of the axes from this node, as is the axis along Noar Street terminating with Black Mountain.
- The residents are aware that the St Nicholas School Ltd considers that an increase in child places is necessary for the financial viability of its enterprise. This may indeed be true, and if that is the case, then Block 2, Section 62 is not a suitable site for a larger preschool. The requirement of the St Nicholas School Ltd for financial viability must not be an excuse for bad planning. Moreover, the residents should not be asked to subsidise the financial viability of the St Nicholas School Ltd by accepting a loss of amenity and value of their own properties.

2. Traffic, Parking and Site Access

The residents object to the traffic and parking aspects of the DA because they fail to meet the requirements of the Territory Plan¹ and the requirements of ACT Parking and Vehicular Access Guidelines².

Residents have the following specific concerns:

- **The DA fails to safeguard the amenity of surrounding residential areas against unacceptable adverse impacts due to the operation of community facilities, specifically traffic and parking**

The existing road network cannot accommodate the amount of traffic likely to be generated by the development.

The traffic and parking problems generated by the current 18 child places are **already** causing difficulties for residents. Hill Corner is situated in the *Suburban Area* of Yarralumla, as defined in the *Yarralumla Neighbourhood Plan*. It is bounded by two busy streets – Weston Street (which narrows at this point) and Maxwell Street – and one very narrow street, Hill Corner. The current parking congestion with 18 students should be remedied in this DA, but instead the parking congestion would be increased by more than doubling the number of students to 40.

Hill Corner is too small a street to accommodate any Community Facility parking without inconvenience to residents. Hill Corner is just over 6000 mm wide, exactly the same width as Grant Crescent, Griffith. However, Grant Crescent Griffith, which is close to the Manuka shopping precinct, is protected from congestion by a prohibition on kerb-side parking on both sides of the street during business hours Monday to Friday. The Hill Corner residents have the same right to be protected from excessive parking congestion in their residential neighbourhood.

Hill Corner is shaped like a “V” with a fairly tight bend at its apex. Residential traffic typically parks on the residential side of the street, which is outer side of the “V”. This makes for safer and smoother traffic flow at the tight apex of the “V”. However, the preschool traffic almost always parks on the inner side of the “V”, resulting in frequent congestion as cars are parked on both sides of the street. Not infrequently residents and visitors enter the street, only to have to reverse and drive around to the other end of the street to access their homes. This happens already with 18 students.

- **The DA fails to provide safe and convenient car-parking space for the set-down and pick-up of preschool children**

The traffic and parking problems generated by the current 18 child places are **already** causing safety concerns for residents and parents of preschool students.

Set-down and pick-up of preschool children involves sort stay parking, as the parents enter the preschool for a short time with their children. The current 18 places generate 36 parking events per day, and potentially up to 72 if children attend for only half a day. Increasing the number of children to 40 would increase these parking events to a minimum of 80 per day for all-day sessions, potentially up to 160 per day for half day sessions. These figures exclude staff car parking.

Kerb-side parking is not sufficiently safe for the set-down and pick-up of preschool children. Parents sometimes have to load and unload younger siblings and babies as well as the preschool child. The DA proposes that all 80-160 parking event each day will take place in Hill Corner. This makes for a high risk environment in which to move

¹ *Territory Plan* Part B4: Community Facility Land Use Policies, Objective 1 (e).

² *ACT Parking and Vehicular Access Guidelines*, Urban Services, 2000, Section 3.4 Community Facility Land Use Policies, page 38.

young children into and out of vehicles. This is unfair to parents, children and to local residents who risk injuring a child every time they back out of their driveways.

Parents and teachers have already expressed their concerns to residents about the safety of the child set-down and pick-up arrangements. They have explained that they take the liberty of mounting the kerb in their large 4WD vehicles to park on the Nature Strip and in the Hill Corner Park because they consider it too congested and unsafe to set down and pick up their children at the kerb³. The current risks to 18 students should be remedied by on-site parking, and not aggravated by increasing the size of the problem by more than doubling the number of student places. The high risk use of on-street parking is in contrast to purpose built government preschools which make much better provision for safe parking.

- **The DA parking location and provision fails to meet the requirements of *the ACT Parking and Vehicular Access Guidelines*⁴.**

The DA does not meet the parking provision rates for Community Facility Land Use Policies areas specified in the above Code. The Code would require something like 9 car-parking spaces and 4 pick-up/set-down bays for a child care centre for 40 children.

We understand that a childcare centre recently approved near Mueller St Yarralumla for about 86 children has provided 24 car parking spaces⁵.

The DA attempts to transfer its requirements for parking space to residential streets, not only causing inconvenience to residents, but placing children's lives at risk by not providing safe off-street set-down & pick-up spaces.

The residents propose that the car parking requirements for the preschool should be met by providing on-site parking places, sufficient for the number of student places, with safe entry and exit arrangements and no planned reliance on kerb-side set-down and pick-up of preschool children.

3. Verge Management of Nature Strip

The DA fails to provide a Verge Management Plan, and makes no mention of the fact that its Site Plan shows the Nature Strip in Hill Corner being converted to 4 car-parking places. Four car parking places is insufficient for the current 18 students, let alone the proposed 40 students. However, the residents object to the conversion of Nature Strip to car parking for the following reasons:

- The conversion of Nature Strip to car parking conflicts with ACT Government policy in *Nature Strips in Canberra*⁶:

“... nature strips are an integral part of Canberra’s garden city environment ... designed to complement your neighbourhood’s natural settings. The nature strip or roadside verge is public land and is not part of your lease from the ACT Government. ... Street trees beautify the landscape, enhance property values and contribute to a range of other environmental benefits for the community ... and ... provide the street with its own landscape character ...”

- Until 2002 the Nature Strip adjoining Block 2 featured two 50 year old trees (a Eucalyptus and a Chinese Elm) – they were felled in 2002 and should be replaced in keeping with ACT Government policy on Nature Strips

³ See attached photographs taken March 2007

⁴ *ACT Parking and Vehicular Access Guidelines* Urban Services, 2000, Section 3.4.5 Schedule of Parking provision rates for Community Facility Land Use Policies areas, page 40.

⁵ Telephone conversation with the ACT Office for Children, Youth and Family Support 8 May 2007

⁶ *Nature strips in Canberra*, ACT Urban Services, May 2005

- ACT Roads very seldom grants approval for the conversion of Nature Strips to car parking - such approvals have been limited to inner city built-up areas such as the ANU precinct. The residents consider conversion of nature strips to car parking to be entirely inappropriate in the suburban area of Yarralumla⁷
- The conversion of Nature Strip to car parking conflicts with the following provisions in the *Yarralumla Neighbourhood Plan*:

*“Yarralumla ... will be respected for both its magnificent landscape setting as well as its high-quality streetscapes ...”*⁸

*“Yarralumla ... is popular for its scenic streetscapes, mature gardens ...”*⁹

*“Yarralumla’s top ten community values: ... Peace & Privacy 91%, Green Space 90%, Mature Trees on Verges 90%”, Visually Appealing Built Environment 88%”*¹⁰

*“Whatever the change the low-density character, established street trees and mature garden setting will remain. The rules applying to the Suburban Area preserve the existing garden city character of the majority of the Yarralumla neighbourhood”*¹¹

*“Any redevelopment on Community Facility land should respect the landscape qualities of the area”*¹²
- The conversion of Nature Strip to car parking conflicts with the objectives of the Territory Plan:

*“The objectives of the Community Facility Land Use Policies are to ... safeguard the amenity of surrounding residential areas against unacceptable adverse impacts due to the operation of community facilities, such as traffic, parking, noise, or loss of privacy”*¹³

4. Building setbacks

The Development Application omits any mention of the building setback. The Site & Roof Plan in the DA does not provide a scale by which the setback can be accurately calculated, but it appears to be less than half the Acceptable Standards for setback of community facility buildings¹⁴.

The residents object to the building setbacks in this DA for the following reasons:

- The building setbacks on the plans clearly fail to meet the Acceptable Standard for a Minimum setback to boundary of blocks adjacent to Residential Land Use Policy areas: 6 metres¹⁵
- The building setbacks fail to meet the Performance Criterion for Building Setbacks that *“The setback ... of community facility buildings are restricted to minimise their impact on adjacent residential areas”*.
- The fact that the existing building does not observe the current setbacks is irrelevant, because it is proposed to demolish the existing building (which the DA describes as “temporary” in nature) and replace it with a new building. The *Territory Plan* specifies

⁷ Telephone communication with Gabriel Joseph, ACT Roads, 23 April 2007

⁸ *Yarralumla Neighbourhood Plan* page 4

⁹ *Yarralumla Neighbourhood Plan* page 6

¹⁰ *Yarralumla Neighbourhood Plan* page 10

¹¹ *Yarralumla Neighbourhood Plan* page 19

¹² *Yarralumla Neighbourhood Plan* page 29

¹³ *Territory Plan* Part B4: Community Facility Land Use Policies, 1. Objectives, page 2

¹⁴ *Territory Plan* Part B4: Community Facility Land Use Policies, 3.5 Performance Controls, page 6

¹⁵ *Territory Plan* Part B4: Community Facility Land Use Policies, 3.5 Performance Controls, page 6

acceptable standards for the purpose of good planning, and they should be applied in this sensitive environment.

The residents note that the dwellings in Hill Corner and surrounding streets, including the new houses that have been built in recent years, all have setbacks that appear to meet the relevant standards. Hill Corner itself is quite a narrow street and its continuation across Maxwell Street is Schomburgk Street which is of a similar width. Schomburgk Street has houses on both sides of the street, however, the combination of appropriate setbacks (even in the case of more recently built houses) together with the nature strips produces a harmonious result and avoids the effect of residents being “overwhelmed” by the buildings in their surroundings.

The proposed new preschool development in Hill Corner would, if implemented, produce quite the opposite effect. The design appears to be for a large, solid, ugly building. Even if the nature strip and relevant setback standards were met, it would impose its presence on the streetscape and on the people who live in the street and adjacent areas, rather than being sympathetic to the neighbourhood character. Without observing the Acceptable Standards for setbacks, that effect would be very much more “in your face”.

In essence, the residents consider that the proposed development conflicts with most of the top ten community values set forth in the *Yarralumla Neighbourhood Plan*¹⁶.

5. Building

The Development Application proposes a pitched Colorbond roof in the colour “Bushland”. The residents object to a pitched metal roof for the following reasons:

- The proposed pitched roof is much higher than the semi flat roof of the current building. Since 2002 the lessee has caused to be removed five 50-year-old trees and one 100-year-old tree. These lovely mature trees screened the current small buildings and roof from the park and streetscape. However, with the loss of these trees, and the proposal for a building that is much higher and much larger than its current footprint, there will be no space to plant trees to screen the high roof or bulky building. Indeed, it is likely that further trees would be removed to make way for construction.
- The high pitched metal roof and institutional style of building so close to the property boundary are not compatible with the “garden city” character of the local area.
- Virtually all the visible roofs fronting onto Hill Corner are tiled or flat. The proposed metal roof would clash with the character of the architecture in the local streets and introduce a high bulky harsh note to the streetscape and to views across the adjacent parkland.
- The introduction of a metal roof on such a large building adjoining parkland would introduce an “industrial feel” to the area, and impair the beauty of the parkland.

The residents recommend that the roof in any new development on Block 2, Section 62 should be tiled or a low profile “flat” style of roof.

6. Protection of Hill Corner Park during construction

The *Landscape Management & Protection Plan*¹⁷ mentions that “No carparking or equipment parking is permitted on verges or adjacent parkland”. However, the *Landscape Management & Protection Plan*¹⁸ (which shows the proposed site fencing and proposed protective fencing during the demolition and construction phase) makes no provision to protect the adjacent parkland. Effective protection of the Hill Corner parkland can only be provided by fencing, as

¹⁶ *Yarralumla Neighbourhood Plan* page 10

¹⁷ Development Application 200601605, Document 12 on ACTPLA website, titled ‘Land Scope’.

¹⁸ Development Application 200601605, Document 11 on ACTPLA website, titled ‘Land Scope’.

it would be impossible to enforce these protection plans with the large number of vehicles and contractors who would visit the site.

Should construction occur, the residents would require that the Hill Corner parkland be protected during the demolition and construction phase as follows:

- Erection of protective fencing to prevent car parking by construction workers, access by vehicles such as those removing or delivering building materials, and storage of plant in the Hill Corner park
- Signage on the protective fencing at reasonable intervals to indicate that parking on the verge is not permitted
- Protection of three trees on public land which would be particularly vulnerable during the demolition and construction phase, namely¹⁹:
 - Tree 10 (Quercus) which is right on the southwest boundary and would be vulnerable to canopy and root damage should demolition and construction activity be permitted
 - Tree 7 (Quercus palustris) which is close to the southeast boundary would be vulnerable to canopy and root damage during installation of services
 - Tree 8 (Liquidamber) which is close to the southeast boundary would be vulnerable to root damage during installation of services.

7. Waste Management Plan

The DA proposes an increase in the number of students from 18 to 40. However, the Waste Management Plan²⁰ proposes no increase in the number of recycling bins (2), and an increase in waste bins from the current single bin to 2 bins. The residents object to this plan for the following reasons:

- The Waste Management Plan does not reflect current levels of waste generated by the preschool. This assessment is based on observations of the preschool's bins which have been stored in the public park in full view of residents for the last 10 years.
- The Waste Management Plan underestimates the requirements for recycling bins. It proposes an increase in the number of students from 18 to 40. The School currently fills 2 recycling bins per fortnight for 18 students. However, the Waste Management Plan proposes no increase in the number of recycling bins (2). Based on current waste creation, the School would require 2 bins for every 18 students, which would be 4-5 bins for 40 students.
- The Waste Management Plan underestimates the requirement for waste bins. It proposes an increase in the number of students from 18 to 40. The School currently fills 1 waste bin per week for 18 students. It is not unusual for excess waste to be stored outside the bin on public land, particularly before holidays. The Waste Management Plan proposes an increase from 1 to 2 bins. Based on current waste creation, the School would require 3 bins for 40 students.
- The Site Plan does not comply with requirements in the *Development Control Code for Best Practice Waste Management in the ACT*²¹ to provide sufficient space for bins to be stored within the property line, screened from public view. The Ground Floor Plan²² shows sufficient space for the storage of 4 bins. If the number of students is proposed to be more than doubled, then space would be required for more than double the number of bins (currently 3 bins for 18 students, increased to 6-8 bins for 40 students).

¹⁹ Development Application 200601605, Document 22 on ACTPLA website, titled 'Site & Context Study'

²⁰ Development Application 200601605, Document 37 on ACTPLA website, titled 'Waste Management'.

²¹ *Development Control Code for Best Practice Waste Management in the ACT*, September 1999.

²² Development Application 200601605, Document 8 on ACTPLA website, titled 'Ground Floor Plan'.

Conclusion

In conclusion, the residents whose names and addresses appear below appreciate the opportunity to present our response to this Development Application. Our concerns arise from the lack of compliance with the published requirements of the ACT Government, which are designed to protect the public interest. All the arguments that we submit above are based on reasoned reference to these published planning documents. Therefore we trust that our comments will be seriously heeded and that the developer will be asked to resubmit plans that adhere to the minimum standards required by the ACT Government.

Yours sincerely

Attachment 1: Photographs of parking outside the preschool at Hill Corner, March 2007

Name	Address
Julia Trainor	2 Hill Corner Yarralumla

Attachment 1

Photographs of parking outside the preschool at Hill Corner, March 2007



Parking in Hill Corner Park to set down children safely in spite of available street parking – note emerging wheel ruts in foreground.



Using Hill Corner Park for safe and convenient parking by 4WD driver



Mounting the kerb to set down children safely in spite of street parking places being available