

From: [REDACTED]
To: [EPD, Customer Services](#)
Subject: [REDACTED] DA201629661 Hawker
Date: Wednesday, 27 July 2016 3:32:05 PM
Attachments: [DA201629661 \[REDACTED\].pdf](#)

Attached please find my submission on this DA for Block 9 Section 3 Hawker. Consultation closes 29 July 2016.

[REDACTED]
[REDACTED]



27 July 2016

Customer Service Centre,
Environment and Planning Directorate,
16 Challis Street,
DICKSON ACT 2602

By email: epdcustomerservices@act.gov.au

**DA 201629661 BLOCK 9 SECTION 3 HAWKER
19 WALHALLOW STREET**

Thank you for the opportunity to comment on this lease variation. My siblings and I co-own our late father's former residence across the road from this proposed development. While the house is currently rented, we retain it for future family use, so we have a strong interest in any redevelopments in the neighbourhood.

The land in question is currently zoned PRZ2 Restricted Access Recreation Zone and was developed as a privately-owned tennis centre (12,698 sq.m.) in the late 1970s, presumably under a concessional lease. This merit track DA is to add another use, i.e. child care. It appears that child care is a permitted use in this zone even though the normal zoning for child care would be CF Community Facilities – Child Care facility. There is no justification in the DA for seeking such a change to the lease rather than continuing to operate the tennis centre as a commercial enterprise.

The Lease Variation General Code stipulates at Criterion 1 that:

A lease is varied only where all of the following are achieved:

- i) the varied lease is consistent with the Territory Plan including all relevant codes
- ii) the land to which the lease applies is suitable for the development or use authorised by the varied lease.

The Parks & Recreation Zones Development Code (PRZDC) applies to the subject site along with the Community and Recreation Facilities Location Guidelines General Code (CRFLGGC). The Statement of Criteria declares that there is nothing in the PRZDC relevant to this lease variation. The PRZDC, however, includes the following provision for some non-sporting uses in PRZ2:

Element 1: Restrictions on Use

Intent:

- a) To provide for high quality recreation facilities without adverse effects on the amenity of the locality

1.1 Club, Educational Establishment, Guest House, Hotel, Motel

Rules	Criteria
<p>R7 Development for these purposes meets one of the following:</p> <ul style="list-style-type: none"> a) Is ancillary to the use of the land for recreation purposes b) The proportion of the land area of any discrete PRZ2 restricted access recreation zone (i.e. not separated by another zone) used for these purposes and associated car parking and other site facilities is a maximum of 15%. 	<p>C7 Development for these purposes in the PRZ2 restricted access recreation zone meets all of the following:</p> <ul style="list-style-type: none"> a) Does not unreasonably restrict the availability of land in the zone for recreation purposes b) Is of an appropriate scale and compatible with the recreational purposes of the zone.

It is odd that, for some reason, child care centres do not appear to be included in these restrictions on use despite the similarity in terms of their reduction in the amount of land available for recreation purposes. Element 1 contains no such restrictions for other permitted uses, most of which do not alienate much recreation land.

The Australian Government's Information on Child Care states:

Most Long Day Care centres will have an early education component to their programme so children will learn as they are cared for.¹

This suggests that Long Day Care centres should be included along with Educational Establishments for the purposes of Rule 7 and Criterion 7 of the PRZDC. The criterion, however, removes any specific need for this site to be used for recreational purposes or, indeed, any activity ancillary to recreation purposes, thus undermining the intent of Rule 7.

Suitability of site

Attachment D to the Statement of Criteria in relation to the CRFLGGC states that:

The site is adjacent to the Belconnen High School and various recreation facilities including district playing fields, softball centre and enclosed oval.

It is interesting that no mention is made of the fact that the portion of this site chosen for the child care centre is immediately adjacent to the Belconnen Bowling Club which is the only venue in the immediate area that serves alcohol and has poker machines to allow gambling. Notably, a childcare centre is currently being constructed in a similar location adjacent to the Magpies' Club at Kippax by one of the lessees of the Hawker tennis centre. It is questionable whether a child care facility is compatible with these activities.

Remainder of site

The DA indicates that only four of the twelve tennis courts are proposed to be redeveloped as a childcare centre (20-25% of the total area). This begs the question of what will happen to the rest of the site. Since the original owners and developers of the centre, Bruce and Stephanie Larkham, retired to the coast, there has been little real effort put into maintaining the Hawker Tennis Centre as a viable business operation. The Statement against Criteria states that it ceased commercial operation in 2012 but gives no reason for doing so.

¹ <https://www.mychild.gov.au/childcare-information/options>

Prior to 2012, there was a proposal to redevelop the entire site for townhouses which was rejected on the grounds that residential use is not permitted in this zone. Subsequently, there was talk of hostel/hotel accommodation for visiting sportspeople being constructed on the site. It would be a loss to the ACT community if the remaining tennis courts were destroyed. It is important that the remaining portion of this site, if not all of the site, be retained for sport/recreation of some kind.

The DA shows that the site is jointly owned by two developers. In the local area there are two new childcare centres at Kippax – the YMCA (90 places) already completed and another on Southern Cross Drive (122 places) just commenced construction (a project of one of the lessees of the Hawker block). Another of about 100 places is proposed for the former Higgins preschool site (4,575m²). Scullin has two existing childcare facilities, one in the old primary school building and the other nearby.

Child care seems to be highly attractive to investors at present. It would be regrettable if supply were to exceed demand in the future and lead to the loss of the entire Hawker site for sporting or other recreational activities.

Demand for tennis courts

The Hawker Tennis Centre was used by Tennis ACT in past years for major tournaments. It is to be hoped that Tennis ACT has been engaged with EPD in consideration of any changed usage of the Hawker Tennis Centre.

The South Belconnen area will face increased demand for sporting facilities from residents in the new West Belconnen/Parkwood area and also from the new suburbs along the Molonglo Valley. The Weetangera playing fields have already been upgraded in expectation of increased demand from these new suburbs to the south.

At present, the Kippax tennis club has only four courts which is not enough capacity for current demand. During school holidays, children have priority use of the courts, leaving adults unable to participate in their weekly exercise. The Macquarie tennis club has eight courts. With significant population growth anticipated to the west and south, along with densification in the town centre, it must be assumed that demand for sporting facilities will increase and, indeed, should be encouraged.

It seems counterproductive to remove any established sporting facilities from the supply. Hawker will be readily accessible from Molonglo once Coulter Drive is extended across William Hovell Drive and will be convenient for residents of the future suburbs around Strathnairn. Of the twelve courts on the subject site, four have been upgraded to an all-weather surface. Two of these will be destroyed by the current plan to build a child care centre.

Conclusion

As a concessional or non-concessional lease, there needs to be a balance between the lessees' rights and the community's need. The lessees have not provided any evidence, let alone convincing evidence, of the need for any portion of this block to cease being used for tennis courts or other recreation facility. The lease should not be varied.



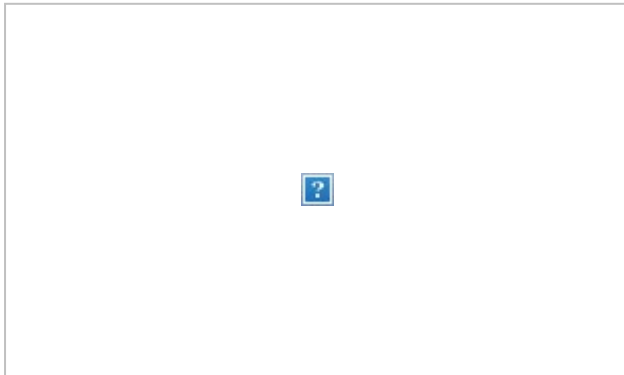
From: [BBCadmin](#)
To: [EPD, Customer Services](#)
Subject: Development Application 201629661 - Lease variation Block 9 Section 3 Hawker - 19 Walhallow Street
Date: Friday, 29 July 2016 2:19:20 PM
Attachments: [image001.jpg](#)
[vcf](#)

I wish to comment on the abovementioned Development Application.

As a sporting club, we would prefer the lease to remain within the sporting precinct and be taken up by a sporting body. This opportunity has not presented itself and the lease has languished for years and the environment is slowing degrading. In being adjacent to the proposed development, the only issue that could affect us is if shadows cast from the building were to reach the greens area; this is unlikely but confirmation of this would be appreciated.

Given the above, we see no reason to object to the application. Increased activity in the area should also reduce the possibility of vandalism in the immediate vicinity.

Submitted for your consideration.



From: [EPD, Customer Services](#)
To: "purdons@purdon.com.au"; "dominicpelle@bigpond.com"; "John.Krnc@krncgroup.com.au"
Subject: CLOSE OF PUBLIC CONSULTATION PERIOD-201629661-01 [SEC=UNCLASSIFIED]
Date: Wednesday, 3 August 2016 11:42:00 AM
Attachments: [DA201629661 Hawker.msg](#)
[Development Application 201629661 - Lease variation Block 9 Section 3 Hawker - 19 Walhallow Street.msg](#)
[image001.jpg](#)

Dear Sir/Madam,

**CLOSE OF PUBLIC NOTIFICATION
BLOCK 9 SECTION 3 SUBURB HAWKER
DEVELOPMENT APPLICATION NUMBER 201629661**

The public Notification period for DA **201629661** has now closed.

Attached for your information is a copy of all representations received by the Environment and Planning Directorate during the public notification period.

The assessment of your application will now be finalised taking into consideration the representations that have been received. You will be advised in writing of the decision as soon as the DA has been determined.

If you require any further information please contact (02) 6207 1923.

Regards

Customer Services

Phone 02 6207 1923

[Access Canberra](#) | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

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