



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON PLANNING, PUBLIC WORKS AND
TERRITORY AND MUNICIPAL SERVICES**

(Reference: [Draft variation to the territory plan
No 307 Griffith—change of zoning](#))

Members:

MS M PORTER (The Chair)
MS C LE COUTEUR (The Deputy Chair)
MR A COE

TRANSCRIPT OF EVIDENCE

CANBERRA

FRIDAY, 4 NOVEMBER 2011

Secretary to the committee:
Ms V Strkalj (Ph: 6205 0435)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 9 August 2011

The committee met at 9.36 am.

GILL, MR KEVIN, President, Inner South Canberra Community Council

DENHAM, DR DAVID, Member, Inner South Canberra Community Council

THE CHAIR: Good morning, everyone, and welcome to this public hearing of the Standing Committee on Planning, Public Works and Territory and Municipal Services. Today is the second hearing of our inquiry into proposed draft variation to territory plan 307, change of zoning. This inquiry concerns a proposal, as you know, to vary the lease from commercial CZ6 to RZ4 and consequent amendment to part C5, the multi-unit housing development. The committee is going to hold a number of inquiries over this month and next month and is keen to hear from everybody. You are both here representing the south—

Mr Gill: Inner South Canberra Community Council.

THE CHAIR: That is right.

Mr Gill: Inner south Canberra.

THE CHAIR: Have you had a chance to read the privileges statement?

Mr Gill: Yes, I have.

THE CHAIR: Dr Denham, have you had an opportunity? Will I give you a minute or so?

Dr Denham: That is okay.

THE CHAIR: So you understand the implications?

Mr Gill: Yes.

Dr Denham: Yes.

THE CHAIR: Do you wish to make an opening statement, Mr Gill?

Mr Gill: Yes, please. At the outset let me say that I have just got back from five weeks in North America and I am still jetlagged, so if I start dozing off and sounding silly you will understand why. I have been back less than 36 hours.

I thought at the outset I would talk about how the Inner South Canberra Community Council started. It has only been in operation just over 12 months. There was seen to be a need for a combined effort from the inner south similar to what happened in Weston Creek, Belconnen and all the other regions. The inner south was the last one. The inner south already had a number of community groups going such as the Griffith/Narrabundah Community Association, Yarralumla Residents Association and the old Narrabundah Community Council.

Unlike other community councils, we have put a formal structure in our organisation

that guarantees any suburban representation on the board of the inner south. We also constitutionally have guaranteed that if a suburban group such as Griffith-Narrabundah has a firm position on an issue the Inner South Canberra Community Council will not take a contrary position and nor would we take a contrary position to the heritage people.

I think also I need to say that I am a life member of Easts rugby union club and I have used Griffith Oval since the early 60s so I am a rugby union supporter and I understand the need for the Brumbies to gain some self-sufficiency. But I think the issue of good quality planning is more important than using the planning system to help out organised sporting groups in this fashion.

That is the opening thing I wanted to say. The next thing I want to say is about how the public perceive the planning system at the moment. I think there is a great deal of mistrust out there in the community. They understand that infill and redevelopment are necessary given the landlocked nature of the ACT. They are not against infill and redevelopment but they are against bad infill and redevelopment, the inconsistent application of planning rules and regulations, and general statements that seem to indicate that we are in favour of one thing and when a proposal comes out it looks like it is recommending the opposite to the principle that has been enunciated generally by public figures in the ACT on occasions.

So the community are looking for consistency, they are looking for transparency, they are looking for fairness and they need to rebuild their faith in the planning system of the ACT. They want a system that builds on what we have, not takes away what we have. They do not want to end up having the urban sprawl of outer Sydney or things like that. They want Canberra the bush capital. In essence, they want the space between places. Better education of the population to understand the need to go up in certain areas and the principle of living closer to work and all that is a good idea. But when the inner south particularly has been cherry picked—all through Deakin and Griffith in particular—that is what concerns us. It is not purely a backyard NIMBY type issue. It is about consistency and quality of approach.

One of the things that have caused this is the lack of a strategic plan for each of the suburban and regional areas of the ACT which underpin or are part of the territory plan. Neighbourhood plans have been criticised for being too picturesque rather than precise to be used in a legal sense. There needs to be a firm commitment from the ACT government that in the future there will be development of strategic plans that interlock the smaller areas of Canberra into the larger areas of Canberra and then part of the territory plan that can be used in the whole process.

We are pleased that the planning authority have indicated next year that they will be using virtual reality computerisation to help explain development applications. We would hope to see executive summaries of every application, instead of forcing people that are lay people to go through myriad development applications which are totally lacking transparency. We do not have the ability to grasp a 200-page document. All those things as we move along will improve the public's perception of the planning process.

Then I would like to talk about the vision thing. I will give an example of the cherry

picking approach to some of these applications. A while back it was suggested that the Brumbies perhaps should go to the defunct Phillip District Oval, formerly used by ACTAFL, which had myriad opportunities for development on it, around its outside. This is just an example; it is not hard and fast. Had they gone there, that would have freed up the Brumbies site or the old Canberra south bowling club site, in effect, for something like the French-Australian school, which would have then kept the Red Hill primary school area free for further growth, instead of jamming two schools next to each other, with the constant problems of traffic and similar issues. So we think people are not thinking through in the bigger picture some of these issues and I think we could have avoided being here had that sort of thought process taken place.

The other big issue from the committee's perspective is the inconsistent approach to handling the changed conditions applied to concessional leases which were issued by the commonwealth to encourage Canberra to grow. Years ago just about every suburb in Canberra had a bowling club. Lots of licensed clubs have bought those out and are progressively closing them down. People may not be playing as much lawn bowls, but those areas could be used for other community purposes including sport and recreational, which brings me to the growth of population in the inner south.

In my view there is inevitable growth happening in all those old inner south Canberra suburbs and it cannot be avoided; it is how you handle it. But one thing is clear: if you put more people in the same amount of space you should be providing more recreational facility space, not reducing it. We have seen more houses being built on the full block, so where do the kids play? There need to be more ovals. There need to be more places where the older citizens of Canberra can go and play golf, play bowls, walk et cetera. So the great pressure on the inner south is to maintain community recreational facilities, not lose them for seemingly good reasons to help other groups out.

There is the question of windfall profits that come from it. I am very well aware of that. My own rugby club, Easts, was on a prime site at Manuka and it got redeveloped into a townhouse complex. I do not think the taxpayers got fair recompense for that land. In the long run the club did not do anything well with the money, in my view. But that is another side issue. The issue is the inconsistent approach. People are saying: "We got this land for this purpose. We are now saying it is not viable. We do not have the members. They have moved out to the valley or somewhere else." Our view is that the government should take those leases back and ask other community groups if they want to take them on, or, if they develop them, should provide similar, matching land in the area.

There is still a lot of unease about population estimates for Canberra. I do not think there is any doubt on how those estimates are achieved and there is no doubt that the inner south is going to go through significant population growth now and into the future. I have lived here since—not that I can remember that—back in 1947. I have lived here since then and there is not a part of Canberra, not one street that I have lived in, that has not got more people and more cars in it now. So there is absolutely no doubt of the need to keep community facilities and to expand them.

On the specifics of the objections from residents of the inner south, the Inner South Canberra Community Council fully supports the Griffith/Narrabundah Community

Association's submission. The thing that we particularly wanted to talk about was the impact of traffic in the area. That Captain Cook/La Perouse border is already significant. Austin Street is a little connector. We do not think that has been looked at adequately, nor do we believe that adequate attention has been given to the flood control issue. My father was the street cleaner at the Manuka shops and we have experienced many a roaring flood down through the stormwater system over at Griffith Oval and down to Endeavour House, which has been flooded many times. That is why they have built the mounds separating the two Griffith ovals.

If you go back to the 60s and 70s, they had to redesign streets and drop them lower in Red Hill because of some massive floods that happened in exceptional downpours. We think this is a big problem area. Once you seal, pave, whatever, and build townhouses there that is going to exacerbate the problem. It is an engineering solution but we do not think enough time and energy has been put into that.

My final general comment is that this site is right next to a lot of suburban housing and it is more appropriate to be RZ1 than RZ4. If you are going to change the purpose we do not really see how RZ4 is the way to go. I understand that if this application fails they can probably do things on that site that could be even more of a concern. Nevertheless we are addressing just the current application.

There is great concern out there generally about the principle. There is the question of adequate recompense of the community on a concessional lease. I think there is already a lot of disquiet in the bowling community about how the acquisition and the takeover of the place happened. I think we need to be very careful about finding a solution that everybody is happy with. I think I will stop there.

THE CHAIR: Thank you, Mr Gill. We will go to questions from members. Ms Le Couteur?

MS LE COUTEUR: Thank you, Madam Chair. If residential development was to go ahead on that site—I have read quite a lot of the submissions on it and have heard you, so of course I do appreciate that generally you have issues with it—would some of your issues be allayed if it basically was not covering the whole site? From a flood point of view I think clearly it has got to come uphill—I am not quite sure exactly how far uphill—so that the area by the creek, which I assume is the area that the residents would use, mostly should be untouched, except that I would probably suggest that the developers should have to pay for concreting or bituminising the pathway between the ovals and the bowling club site, for want of a better word. There is clearly effectively a road there; turn that into a nice, safe pathway with light. I guess what I am saying is that if there was a reasonable amount of public realm improvements and it shrank a bit in most directions but it was RZ4 as residential, what do you think the view of the residents would be?

Dr Denham: Neither the council nor the Griffith association has adopted a specific policy on what should be developed on that land or what should happen to it if the Brumbies go. My personal view is that it would be a good option to have the RZ1 zoning because then it would be consistent with the surrounding houses. I agree with what Ms Le Couteur said just now, that the open space should be preserved, because the flooding is certainly a definite issue. If I have time I would like to say a few words

about the flooding because I think the papers in the latest application are seriously flawed when they come to flooding.

When you are looking at floods, you have got to have an input to the flood, you have got to define what sort of rainfall you are going to get and then you have to look at how that might change with climate change, because with the world heating you are going to get more water vapour in the atmosphere, so the rainfall is going to go up a little; it is bound to.

The third thing you are going to have to look at is what happens to the area around there where they have tarmacked over it. In the analysis all that has been done there is that they have used an off-the-shelf program that the USGS have used and they have plugged the data into that. They have not said what the uncertainties in the 100-year estimate of highest flood are; they have just given a number. Like everything else to do with weather and things like that, it is essentially a chaotic system and you have got to have some median value. They have just put that in without saying what the uncertainty is going to be. They have not specified what the input function is in terms of rainfall and they have not discussed what the changes in the land cover have been.

So I would not put too much weight on that analysis without more information coming as to how they have done it and I think that therefore we should, whatever happens, leave that lower bit of the land there free as green open space. Then it gives the complete track from Manuka right up to Mugga Way. It is all green. It makes planning sense.

THE CHAIR: Thank you. Mr Coe.

MR COE: Mr Gill, you mentioned the value of the bowling club. But the bowling club has not been trading for a little while now. How is the land as it is currently being used by the community and what are some other ways that you think the land could be used by the community, if not for a bowling club?

Mr Gill: That needs to be tested. The community needs to be asked. If that land was to be lost as a community facility potentially, the community should have been asked a long time ago. I know the bowling club went through various stages of attempting to be viable, but their age demographic was always against them. Two other rugby clubs, Royals and Easts, ran the licensed facility, but the bowling facility was allowed to just be reduced in quality.

We have got a debate on at the moment about a fitters workshop. There are lots of people out there that want access to quality facilities that could be converted to their use. I do not have an answer to that, but at some stage people in the Griffith area in particular should have been asked if they were interested in taking up that site as a community facility, to see what they think. If those sorts of questions had been asked, you might have overcome a lot of the opposition that has grown. The earliest possible involvement of the community on any change to a larger degree takes the community with the proposals rather than them just being told, "We own the site now and we'll do what we like with it," when in fact it was granted for zero dollars in that instance.

That needs to be tested and, if the community does not come up with a solution and

the government does not have a use for it, then, okay, we talk about what is the next step. You might have got here to a redevelopment proposal that the community worked on, instead of walking into a room with a set of drawings up and saying, “You have got option A, option B, option C, but we really have another one over here that we are not talking about yet,” which happens a lot. I am not saying it happened necessarily here.

MR COE: On that issue of a conditional lease, the proponents advised us that the journey for deconcessionalisation began some time ago, whereby the bowling club, I believe, bought out some of the concessional lease and—

MS LE COUTEUR: They believe that they bought out the entire concessional lease—that is what they have told us—for zoning and that because they were doing this process ACTPLA went and looked at their papers again and discovered that there was a small deficiency in that. I do not know how small small is, but they certainly said it was a lot less than the majority of the site.

Mr Gill: Yes. I do not know the precise technicalities of what happened, but I know that the bowling club in the event felt a bit screwed by the whole thing. They had built up a significant debt and another organisation came in, effectively bought their debt and that gave it total control over the site. You can talk about whether they deconcessionalised it, but at no stage, from my memory, was the Griffith or the inner south community consulted on any of this.

My particular interest was sparked by the fact that Griffith oval was about to be possibly alienated from public use. My rugby club found an alternative down at Jerrabomberra oval, which I believe they are very happy with and they still play there. That is the oval where Bob Hawke got his glasses smashed while playing cricket years ago. That has been a famous park in Canberra’s history and that is what got me involved in that particular issue. I was to a degree less concerned about the future use of the club site. But that is just my personal opinion. The community’s opinion is that it was there and was a community facility and nobody consulted them about where it might go.

MS LE COUTEUR: Do you think it has been an issue that the original consultation was done, as you said, with the oval and the residential; that most people were totally shocked by the oval and that there was not sufficient attention paid to the residential because people were overwhelmed by the other?

Mr Gill: Yes. And the tree issue is a big one too; we have not touched on that.

THE CHAIR: So you understand, I am sure, now that the oval is not part of this suggestion or this application?

Mr Gill: Yes. Again I go back to if it had been handled differently maybe the community and the organisation involved could have come up with a much more acceptable solution.

Dr Denham: There was great confusion really in the community because when the oval was deemed heritage everybody thought: “Oh, the battle has been won. We have

got the open space. Everything is going to be all right.” A lot of people had not realised the difference between that and the fact that it is another block that has to be redeveloped if the Brumbies move or whatever. I do not think the community had realised that there were two things there.

THE CHAIR: So you do understand that a lot of the trees are not actually on this block; they are surrounding it?

Dr Denham: Yes.

MS LE COUTEUR: Most of the trees will stay.

THE CHAIR: Most of the trees actually will stay.

Dr Denham: Yes.

Mr Gill: Just to throw something out of the left field for what it is worth, I just walked up what is called the Green Walk in New York, which was a train track, a flight up off the ground, and it is now the most popular tourist and recreational facility that I have seen. Hundreds of people are using it. There was vision and thought about how to change things like this, give the community what it wants and also the organisation can actually make a benefit out of it. It is really about strategic thinking, rather than just saying, “This is a corner that looks good; let’s do something with it.” We have experienced that in Deakin, in Kent Street, recently, to a great amount of angst to the Deakin Residents Association. We have got to stop this sort of block cherry picking and think strategically.

THE CHAIR: Did you have a question, Ms Le Couteur?

MS LE COUTEUR: Can you talk more about how we should be doing the process for thinking strategically? This is something that we have been discussing with the government with little success for a number of years as part of our agreement with them.

THE CHAIR: Are you talking as a member of this committee or are you talking as a member of the Greens party right now, because I think this committee has—

MS LE COUTEUR: Okay. I should not have used the word “we”. You did talk about strategic planning. I was going to give a bit of background, but I will not. Do you have any more ideas, given it is not happening at present, as to how we can do it better?

Mr Gill: I have been away for five weeks, but I was involved in some initial public meetings on the Kingston foreshore and suggestions coming forth from the community about how to change that and how to reflect the history of Canberra and its current use there, and I think that is a good process. I was involved with the golf club stuff at Narrabundah and that was—

MS LE COUTEUR: You saw the *Canberra Times* today?

Mr Gill: Yes. I live on that golf course. That process was one of the better ones I have seen, but people still went to the first consultations with a fairly fixed view on what they wanted, rather than saying: “This is the problem; can we work through it from that point. This is what we’d prefer. We can tell you the issues that we have got and you tell us the issues and we work through it.” It is a difficult question—

MS LE COUTEUR: Absolutely.

Mr Gill: It is about actually being fair dinkum and saying to people, “This is the issue,” instead of having a hidden agenda and suddenly, “I’ve got the magic solution in my back pocket; what do you think of that?”

MS LE COUTEUR: I do not think in this case the agenda was particularly hidden, actually, or, if there is a hidden one, apart from what is here, I have not found it. The two examples you gave were both specific sites—Kingston foreshore and the Vikings club—but when you talked about strategic planning I thought you were talking about bigger scale. Am I right?

Mr Gill: I think how the smaller scale fits into the bigger. If you have a strategic area for Griffith, for Narrabundah, for Deakin, for Yarralumla and they are all consistent with the plan, it makes it clear to developers, community, architects, designers and whatever: this is a goer here and this is not a goer here. I think the government did in fact do that with Griffith oval and said, “Right, we’ll separate the issues.” It needs to be clear at the outset what is possible in a particular area. I recall years ago Minister Corbell putting signs up in parts of Canberra which had been used as public parks for years, saying: “This may not always stay as a public park. It is not gazetted as that.” So people could say: “I see that. I understand that. When I buy into that street, I know that that one day might change.” That is 90 per cent of the angst, particularly, and other questions of Morling Lodge and a whole range of areas of Red Hill. It was the surprise and the lack of information, and, in some cases it was felt, subterfuge.

MR COE: It is worth noting that one of the recommendations of a previous inquiry in regard to Mawson was that better signage for future development sites would assist.

Mr Gill: One of the things we have learnt through our dealings with various agencies is that no-one seems to be responsible for actually promoting or advising people what is going on. We have heard stories of a development application sign being up and then suddenly whisked away in 24 hours. When we ask who is responsible for letterboxing all the people, there is no-one. They say, “Well, it’s not really our job.” We say that the developers are not required to do it but they are wise to do it. So I think that that is an issue that could be addressed.

MS LE COUTEUR: Absolutely.

Mr Gill: If you do a strategic plan for each suburb that fits into all the other layers of plans, people have a degree of certainty and understanding and—

MR COE: It is interesting that you should mention letterboxing, leafleting. What consultation have residents in the immediate area and beyond had with both ACTPLA and the proponents about this plan?

Mr Gill: I will get David to say something about this in a minute. I live up the top of La Perouse and I do not think that was seen as an area that you would consult on the Brumbies site. I went to the club where a series of drawings of potential things were in a room and you walked around and you could grab one of the experts and talk. There was no “let’s have a meeting and talk about the future”. I still think some people in Griffith do not understand that the licensed type facility that was there before can be maintained and changed to, I would assume, a nightclub or whatever.

THE CHAIR: I am not sure the residents would be happy with a nightclub on their doorstep.

Mr Gill: Yes, that is right—but if people understand that clearly from day one. The old bowling club never made much noise.

I think there was an attempt at reasonable consultation, but it was not sophisticated enough really to take the community with it. David?

Dr Denham: I think the only consultation was the two or three open days that the Brumbies had at their headquarters when all the plans were displayed. But there was certainly no consultation about the specifics of applying to buy out the concessional lease. They said in the application there was consultation over that, but as far as I know there was nothing. The only avenues through which residents got to know of things were things like the Griffith/Narrabundah Community Association and the inner south community council.

To get back to the planning, if I have got a couple of minutes, I think the draft ACT planning strategy, which was introduced by Minister Corbell last month, was a good start and some of the words that he said there were very encouraging. For example, he said:

... for people to live in a diversity of housing types, to recognise that the suburban environment is highly valued in our city and that we need to seek to maintain the wonderful garden city characteristics of our suburban environment
...

I think that is the sort of thing that people somehow are really a bit uncomfortable with, because they see that that is being eaten away; certainly if three storeys plus attic plus basement are put into that site where the Brumbies are that would destroy the garden characteristics of that part of Canberra.

Mr Gill: I think there is also seen to be an inconsistency with that sort of generous public statement, and then, when an application for a development came in, the previous CEO of ACTPLA said to us, “Well, we have to follow the letter of the law and as far as I am concerned with this development we’ve done this and it does,” but the community were still very unhappy about another development in Deakin. So we can have our leadership say these sorts of things, but when it is applied in the pure planning sense that statement is not legal. It is a bit like the old neighbourhood plans: they drew a picture but that cannot be interpreted in a legal sense. This is why we are saying we need a strategic plan for each area that can be interpreted legally.

MS LE COUTEUR: Just on that point, one of the things you said earlier, Mr Gill, was that there was more need for open space because what is happening is that houses are covering the entire block and thus there is no open space. I share your concern about what has happened to the garden city, but it is not clear to me that RZ1, which is where these houses, as you described, are becoming so big, is actually necessarily going to be preserving that any better than an RZ4. Potentially RZ4, with significant conditions about keeping open space within it, could look more like the garden city than some of the things, because, as you know, you can build two storeys in RZ1. It is potentially not going to be that much different.

Mr Gill: Again we are talking zone categories, but if we are actually talking pictures we can say, “This is the end result,” and you can draw it and show it—do a virtual—and everybody will say, “We understand that.” But they do not understand plot ratios and step-ups and step-downs and walk-ups and all that sort of stuff.

THE CHAIR: We only have a few more minutes to go. Mr Coe, did you have any more questions?

MR COE: With regard to the trees on the site, the proponents have advised that under the proposal that they have submitted they are keen to keep the majority of the trees, especially the perimeter trees, and they in effect advise that that actually adds value to their development so that they do not want to destroy those trees. Do you think it is possible that the fact that there is such a perimeter of well-established trees will in some ways mask the building as it has been proposed?

Mr Gill: It is hard to say until you see some final drawings. I am looking at the front door of the club now. The trees on the left, on the La Perouse side, are thinner and sort of sparser than the ones that really captured the community imagination on the Captain Cook side up the top corner there. Some of the specifics of these matters I would prefer to leave to Griffith/Narrabundah when Margaret Fanning comes because it is their bailiwick. They have written more detailed stuff and I think that I would just be clouding the issue. But I would say that I think a good design outcome here could be a potential quality outcome.

MR COE: Sure. In terms of the garden city and the character of the area, does having an elite sporting club there, as it is at the moment, suit that character?

Mr Gill: When the original Brumbies moved in there and they had that quality restaurant and a whole range of things, I think that was very welcomed by the community, but it sort of went a bit downhill after that. I do not think many people noticed the difference once the new office, as I believe under the Carnell government, was funded. I do not think anybody had objected then. It goes back to the process. It is a concessional community lease. Windfall profits keep being talked about and a whole range of things like that. I think I would prefer to leave that. Margaret has done some quite detailed work, along with David and others, so I do not want to sort of muddy the waters.

Dr Denham: I am not a tree expert.

Mr Gill: Yes. And I am sure Anne Forrest will have something to say about the trees.

MS LE COUTEUR: This is probably a question for Griffith/Narrabundah, but we have been talking about the flood area and that it needs to go further back. Have you got any sort of anecdotal measurement information that would be really useful?

Mr Gill: The only anecdotal I have got is that I have actually been in those tunnels as a teenager at Telopea Park high school when the water came down and I got out very quickly. That is why they built the—

THE CHAIR: You are very fortunate, Mr Gill; others were not so fortunate.

Mr Gill: That is right. It was a common playground in the 60s. I do recall the night when Red Hill flooded; the street was too high and all the houses got the water. I forget the name of the street now, but they had to dig it out. When the water does come down there and is charging down to Lake Burley Griffin—if something like, God forbid, what happened in Queensland happened—there would be a lot of worried people living there. So I think there needs to be a lot of engineering done on that corner.

Also the road intersection; if I could just add briefly, quickly, the level of annoyance sometimes is typified by all those road humps being built on La Perouse and Flinders Way. Everybody said, “We consulted.” But they did not. So people do not have faith. I keep talking about this: take the community with you rather than tell them, “This is what’s good for you.”

In that bottom corner there is an engineering solution for the stormwater. Where Flinders intersects with La Perouse, those speed humps actually have slowed everything down. It is not a bad outcome; it is how they were put there and all that sort of stuff. If a quality design solution can come from all this, okay, but there needs to be a fair bit of infrastructure dollars spent there.

THE CHAIR: Probably some residents complained and that is why they put the speed humps in, I would suggest to you, Mr Gill.

Mr Gill: That is right. Look at what has happened at the new road. You are now going to spend a lot of money landscaping it, if it is the total package—

THE CHAIR: That is part of it. It has to be done. It is done for every road.

Mr Gill: Yes.

THE CHAIR: Thank you very much, Mr Gill and Dr Denham, for your time this morning. We will send you a copy of the transcript so, if there is something you can see as an error in the way that Hansard has recorded it, will you please let us know? If members have any other questions, they will get them to you as soon as possible.

Meeting adjourned from 10.16 to 10.35 am.

STRAW, MR VIV, President, Planning Institute of Australia ACT

THE CHAIR: Good morning, Mr Straw, and welcome to this public hearing of the Standing Committee on Planning, Public Works and Territory and Municipal Services. Today is the second hearing for our inquiry into proposed draft variation to the territory plan 307, change of zoning. This is to do with the commercial CZ6 leisure and accommodation zone to RZ4 and the consequent amendment to part C5, multi-unit housing development code.

I believe you have read the privileges statement. Could you please indicate if you understand its implications and you are happy with that.

Mr Straw: I have read it and I understand the implications, thank you, Madam Chair.

THE CHAIR: We have about three-quarters of an hour, or just under, to ask you questions, but you might have an opening statement that you wish to make.

Mr Straw: Madam Chair, I do have a short opening statement, if I could make that first. I would like to thank you for the opportunity to speak to this committee on what is World Town Planning Day. It is important for us to remember that people have been planning for the ACT, and then planning what happens in Canberra, for over 100 years now, and on World Town Planning Day we would like you to keep in mind a number of principles or issues in regard to dealing with this matter.

The position of the Planning Institute is that we do not have a specific or clear position on this particular development but we do have a very clear position on this type of development and we would like to have this committee consider a number of principles around this type of development or this type of rezoning process.

PIA basically supports the concept of more intense development and infill development within the ACT, for a number of reasons. Basically we believe that it facilitates a broader range of housing facilities, infill development, it encourages people to stay within their existing communities, and when they downsize or when they have other or changing housing needs it gives them more opportunities to stay within an existing community. It generally supports existing service providers as we get demographic change in our suburbs, and it supports commercial and not-for-profit providers as households shrink within existing suburbs. We believe that these facilities allow the facilitation of social stability and the reduction of churn within communities. I am happy to take questions on any of these issues. We believe that it encourages healthy populations and we believe that it enables people to live where they live.

Canberra's ageing suburbs are going through natural demographic change and some parts of the suburb are emptying out as suburbs age. Consequently, the Planning Institute of Australia is concerned that when young people leave home or older people want to downsize or communities want to restructure the way they live, this type of rezoning provides opportunities that are not there within existing suburbs.

We are concerned that a number of policies around residential developments and residential adjustment push infill development beyond the reach of ageing and

residential developments, and we are very concerned with the ACAT's response recently to affordable housing. We believe they have redefined affordable housing within the territory to mean housing that people can afford; in other words, any housing that sells.

What is needed is affordable housing for people. We hear from a lot of people whose families have basically left home. They want to downsize, they want to stay within their existing communities but they do not want to take out a large mortgage and move out of their suburb to areas like Kingston and so forth where expensive infill housing is provided. They are looking for infill housing that is around a similar sort of cost to what they have got at the moment and we believe that there is a paucity of that type of development in Canberra. So for those reasons we support this rezoning.

THE CHAIR: Thank you. I might go to questions from Ms Le Couteur first.

MS LE COUTEUR: You said that you were looking for infill that was affordable and the same sort of price so that people can move from existing houses, with which I totally agree. How can we as a committee try to either ensure that happens or at least encourage that to happen so that we do not end up with housing that is simply not affordable?

Mr Straw: Ms Le Couteur, it is a fairly complex mix of things. There is no silver bullet for that kind of thing, but certainly we need to provide more of it. There are some very simple principles that we would like to see. When the market demand is greater than the supply, obviously the prices are pushed up artificially. We would like to see a larger supply of this kind of thing. That is the first principle.

The second principle is that we actually believe that in Canberra, as well as a lot of other cities, there are still requirements, when you get down to the development control type level, not so much at the rezoning level, for additional car parking spaces for bedrooms. A lot of extra requirements are put on this type of development that are not put on normal house-on-a-block type development. We do not believe that the ACT's policies at the moment recognise the fact that people are actually becoming less connected with the car and want to look for alternatives, so they move to this type of development because it is close to bus routes, to a city's rail networks and things like that—here it is mostly about bus routes—and it is close to shops. So they want to disconnect from the use of the car a little bit. But we are still requiring rather high standards in terms of car parking. That is one issue.

There are a number of issues like that around urban design requirements that actually push the cost up for developers—and of course they pass those costs on. We would like to see a review of the actual design standards, but that is probably not so much a matter for the actual rezoning. The rezoning is about putting more of this type of land on the market.

THE CHAIR: Just on the back of Ms Le Couteur's question, you said that this is Canberra but there are other examples elsewhere. I was wondering if you could give us an example of something that you have seen in other places, whether it is in Australia or overseas—the kind of development that you would prefer.

Mr Straw: Can I start off by saying that we think this is a good step forward. You are meeting the first requirement of providing more of this type of development. In Sydney and Melbourne there are a number of developments that use what we call TOD principles, transport oriented design, so they are designing things around transport facilities and intensifying development.

There is quite a bit of it in the redevelopment of Newtown, Alexandria. I have got a mental blank about the name of the place but where the old sort of Leyland car facilities were in Sydney; I just cannot remember the suburb, but certainly around Newtown, Alexandria and places like that in Sydney, and certainly around Richmond in Victoria there are a number of these infill developments. In Melbourne there are tram lines and stuff, light rail, that helps considerably. Certainly that type of development we would suggest should be emulated. We are not suggesting massive height or massive density. These are moderate changes that should be stepped out over time.

THE CHAIR: Mr Coe.

MR COE: In terms of that transport oriented design, this particular site is adjacent to a sub-arterial road at best in Flinders Way and really I would imagine people would still need a car to live in this sort of property.

Mr Straw: Yes, I think they would.

MR COE: So it is not quite creating that cultural shift and that lifestyle shift that perhaps living in the city or living on Northbourne Avenue might create. So to that end does the fact that there are relatively few redevelopment options on arterial roads leave the Planning Institute in a position whereby, “This is pretty much the best we have got for the time being; therefore it is a good development,” whereas in actual fact there might be lots of other better locations but they are not actually on the table for ticking or flicking?

Mr Straw: Two things: one of the things we believe needs to happen is greater diversity in the housing market. So, yes, this is not ideal to turn into a TOD development—in fact lots of Canberra is not—but what it does provide is for additional housing styles within an existing suburb that either will attract more people in or provide for people who want to change their housing style but do not want to move away. So that is the churn issue. A number of people leave communities but they do not necessarily move far away. They may well stay in Canberra but they would prefer to stay where they are. We are thinking about younger people who want to live close to where they have grown up or older people who want to stay close to where they have lived and raised children—do not want to stay in the large house on the large block of land but want to stay within the same community. So, yes, this site provides a number of things that we think are good but it does not provide the transport shift that we would like to see in some other sites. That is probably the fairest way I can think of to answer your questions.

THE CHAIR: Ms Le Couteur.

MS LE COUTEUR: Do you think RZ4 with three storeys is the appropriate level of

density for this site?

Mr Straw: I think we would prefer to see a two-storey development in that particular locality. But three storeys do provide some opportunities. With three storeys you can get quite a bit of increase in density. I think we need to be realistic that there will be other types of development over time close to this and that may well then provide enough density for a bus stop, for instance, to come through that site. Bus services there at the moment are not particularly good. You have got to go some distance to get a decent sort of bus service. But as densities increase you have then got the opportunity for that kind of change to happen. The Planning Institute would say that you should actually change the bus service first, to encourage the right type of people to be there and to reduce the car usage, but in practice that is actually fairly difficult to do.

MS LE COUTEUR: Mr Gill earlier talked about the lack of a planning strategy and that he felt that the consultation on this was less than desirable because of that. Do you have any views about how we should approach opportunities or situations, whichever way you want to look at it, like this?

Mr Straw: I represent the Planning Institute and we have planners who are in private practice and we also have members who work for the government, and there is constantly a challenge. Your planning system at the moment is fairly general around these sorts of things so it provides opportunities. Occasionally you are able to grab opportunities as they arise, so there is a little bit of a wing and a prayer in it, if you like. The Planning Institute would like to see more detailed work done on some particular sites which would provide more opportunities than others and actually focus or identify some sites as being prime sites.

This probably would not have been a site that would have been picked out as being one that you would do first, if that makes sense. So we would agree possibly with that point of view. But we would also probably be a bit more circumspect and say that over time this type of development probably would have moved into this locality. It is probably because it is a commercial; you do not actually control development that tightly and it is very difficult to pick sites. There are some sites that you can quite easily pick and say, "That should never happen there," and so you do not do the rezoning. But we think that this is a site that should be developed at some stage. It probably would have been preferable if it had been done earlier when other infrastructure and other sites nearer to shopping centres and stuff were done. Nevertheless, we would agree that this site should be developed in this way.

MR COE: There is open space and there is open space. You have open space which is like a reserve or open space which is landscaped grass, like in a park, and in this case the open space is bowling greens, albeit disused bowling greens. From a planning point of view, does it matter what type of open space it is, to an extent, or is any open space going to meet the need for a community to have that kind of area?

Mr Straw: It does matter. Based on principles, certainly in New South Wales, Victoria and Queensland, the concept of open space is overlain by a concept of how accessible it is to the general public. This would more likely be seen by a planner as a commercial or a not-for-profit organisation using their land for a particular use and for

a select group of people who basically pay to go there. They buy drinks or they go bowling, so it is a commercial activity which happens to be an outdoor sporting sort of activity.

Open space that we believe should be sacrosanct is public open space—that is, children’s playgrounds, recreation areas, walking tracks, stuff that protects greenways, bird flight areas and those sorts of things. There is a difference between those two. Having said that, whilst you have an increase in density here, we would like to see some protection of amenity for open space in the future development and design of the site, which obviously is another stage.

MR COE: That is right. So how is that done? Are there other jurisdictions that do that better? For instance, there is a funny sort of relationship between the zone and then the DA, whereas it seems that sometimes the planning committee or the planning minister might want something to happen. But that goes to the DA stage and once it is at the DA stage it has really just got to comply with the territory plan, and that is that. What is a better way for us to put specific caveats or recommendations on a development?

Mr Straw: There is actually something that has been very recently released, and it will be interesting to see how it works. The major cities unit in the federal department of infrastructure have very recently released urban design protocols. They have used very Australian language for it. The protocols, I think, are things that should be considered carefully by the ACT government. There is a planning philosophy in the United States. Basically it is the philosophy of designing for ecological development. It is a philosophy that moves on from new urbanism, which was the fashion in the 80s and 90s. It tries to give weight to the parts of the environment—and I am not just talking about the natural environment—that do not have a voice. The current generation speaking to you now obviously have a voice. Future children, future users of the site, do not have a voice. The environment needs a voice.

It tries to give you protocols around how you go about balancing what we might call amenity, for want of a better word—transport amenity, open space amenity, visual amenity, community growth and development-type stuff. They have come up with 12 fairly clear, fairly usable principles. I would encourage this committee to have a good look at those. I may be able to send you a link to that site. It is a federal government site.

THE CHAIR: Thank you, Mr Straw. It would be great to get that link.

MR COE: Is the major cities unit suggesting that these actually be incorporated in legislative instruments such as the territory plans?

Mr Straw: Yes. They released the *State of Australian cities* report two Fridays ago in Brisbane. Minister Albanese released that. They have picked 18 cities, of which Canberra is one, as the major cities of Australia that need to rethink how they are doing urban development. This protocol looks at the state of the cities and where Australian cities, from a federal point of view, are going. It is basically asking you to look at those protocols and say, “What are we going to adopt about those and how can we be more in tune with what is happening across Australia?”

THE CHAIR: Mr Straw, one of the suggestions that the Brumbies had talked about earlier—I think it is probably not likely now but it was on the agenda before—was a hotel. Do you have any comments about that?

Mr Straw: No, I do not.

THE CHAIR: As far as you are concerned, what would the Planning Institute believe would be the worst outcome for this particular site?

Mr Straw: We believe that the worst outcome would be not recognising that things need to change. If we are talking specifically about the suburb, things do need to change. There are a number of people in the suburb who could potentially be disenfranchised by not having other opportunities. While we need to respect the past and respect the existing design characteristics of those suburbs, we also need to look to the future and at how young people moving to town actually want to live, what they want as part of the market, without destroying the past. There needs to be respect for the past but an openness to change some things for the future. The worst scenario for us would be a “do nothing” scenario.

MS LE COUTEUR: You were talking about consulting on a site by site basis, which is what has happened on this site, clearly. Do you think this is the appropriate way of doing things and that we should not do it on a bigger basis? My supplementary to this is: one of the things that the residents have been saying is that there has basically been one option. You can have residential or you can have residential; and potentially there could be a whole range of things which could be done on this site, if you were taking an open look at it. But the process that we have does not encourage that or enable that in any way. From a planning point of view, is there something we could do better, and assist consultation on a site?

Mr Straw: In general terms, it is our view that the ACT government does consultation reasonably well, but it is very difficult to engage people when you are dealing at a larger scale because at a larger scale we tend to talk about: “Is infill a good thing? Do you want more commercial development?” You have seen it yourselves in your time in government. People generally say, “Yeah, it’s a good idea.” When you come down to this scale and say, “Should it be there,” that is when people say, “Hang on, there’s a pile of issues on this particular site—traffic, our amenity, change to what is happening around the place.” So the consultation does get done on a bigger scale.

I think that the step that could come in between and that the ACT government may want to think about is the step of being able to say that you have got circles around the city and areas in which you think infill development would be good. I think it would be very good to have a look at some general planning, some general mapping, of those areas and say, “Where are the areas that are particularly restricted; where are the areas that you would ideally like things to happen,” and test in the marketplace, or in the community, some areas that you think are prime areas for development.

I think it would do two things. It would highlight to developers that there are some areas that you are actually looking at. At the moment it is fairly difficult for

developers. They look at these circles and say, “Okay, what land’s available within the circle?” “Okay, let’s go and see whether we can get that rezoned.” And then you get neighbours up in arms. If you actually had some priorities at a closer level within those areas, I think it would help communities to be able to say, “No, they shouldn’t be priority areas,” and it would help developers to be able to say, “Yes, we’ve got some clear areas that we can go and market to or knock on doors or try and find out if one’s available.” I do not think you do that middle level at the moment.

MS LE COUTEUR: You think that the current zoning is in the wrong places?

Mr Straw: No, I think—

MS LE COUTEUR: We do have different designs in the—

Mr Straw: I think it is appropriate to have this level in there. I think there is a step in between. If I go back to the question that Mr Coe asked, you need to be able to identify those areas, those priorities, that you would want to time first. As I said earlier, we think it is appropriate to rezone this site. It is perhaps a little bit earlier in the sequence. If you look at the sequence around that region, there is a lot of other stuff that could be happening earlier. It is more about timing. So we support the idea of rezoning this site but would reflect on the fact that it is probably a pity that it is happening right now when, if other things had happened, you might have more bus routes in place, you might have other sites that had developed and built up—nearby commercial services, not-for-profit services and stuff in the area. I think it will happen. It is just getting a little bit out of step.

MR COE: My question is broadly on the issue of property rights and the actual or perceived right neighbours have to the amenity of their area. With respect to residents that are living, in effect, either directly opposite on Austin Street, or in effect opposite on Flinders Way or La Perouse Street, can they reasonably expect that an area that is marked for community use will remain for community use indefinitely, or is that taking the notion of property rights too far?

Mr Straw: Perhaps I will turn the question around a little bit. I think that by using language that calls this a community use, you set an unreasonable expectation in community minds. We as planners need to be more circumspect and more careful about the actual phrases that we use when we zone land for particular uses.

In actual fact, a community use could be a shopping centre, for instance. And that is the problem with the zoning system. A shopping centre is a commercial activity but we refer to it as a community centre. I actually think that the language that we are using for a lot of this stuff is sending the wrong message. So I would start from that point of view.

Having done that, I think we need to be very aware that the community reads that language and interprets it very differently from the way we interpret it. So that builds up expectations which, in retrospect, we probably look at and say, “That’s a bit unreasonable.” In fact, we have set it up ourselves. We have set up an expectation in their minds. I do not want to be quite that cruel but I am trying to find a way of saying that we have probably set ourselves up to fail, in that sense. We probably, in

retrospect, would have been better off if we had said to community groups, “This is a commercial open space facility.”

MR COE: In the circumstances that we are in, where we have perhaps given that expectation or perception, do they have a perceived right that the bowling green is going to remain a green of some sort?

Mr Straw: I think they have perceived expectations and I think that the government needs to be careful about how you manage those expectations. That would be as far as I would be prepared to go on that.

MS LE COUTEUR: When we are talking about rights, to my mind clearly the neighbours have some rights but so do the owners of the land.

Mr Straw: Correct.

MS LE COUTEUR: The issue to some extent would seem to be how to balance the two lots of rights, which both clearly exist.

Mr Straw: I think the landowner has rights in that they own the land. The community has expectations and I think we have raised those expectations by the language that we use. That is what I am trying to say.

MS LE COUTEUR: Surely they have some degree of rights as well as expectations.

Mr Straw: Ultimately you are the decision makers. Ultimately you have to make a decision as to whether you decide this is a good thing or that it is not a good thing. We all have the right in a democratic society to express our views and we have a right to say to you that we feel disappointed that we have been led up the garden path, if I could use that phrase. You need to take that into account and decide how heavily you are going to weigh that. To my way of thinking, from a planning point of view, my view would be that we have set ourselves up to fail in that we have set up what I think is some fairly poor language around that, and we need to rethink that language to manage those expectations differently.

THE CHAIR: One of the issues that you may not have any comment about is one of the things that is dealt with in the original consultation and examination of the site. It has been raised by a number of witnesses. It is to do with the concerns around flooding in that particular area.

Mr Straw: I am certainly aware of comments in regard to flooding issues but I am not a flood expert. I cannot give you any information about the actual flooding.

MS LE COUTEUR: Maybe just as a general principle, do you still think that given the extreme climate events that happen—the Queensland floods come to mind—building to the historical one-in-100 flood level, given the changes that seem to be happening, is still appropriate or should we be more conservative about where we build?

Mr Straw: The information that we are being given by the scientists is that this area

will dry out considerably but that rainfall events will be more intense. We do not have modelling that I am aware of. I know the ACT government and a number of adjoining councils use a modelling system called MUSIC, which models how you manage stormwater. Within those models some people around here have put more extreme weather events into the models, to have a look at what might happen. I am aware that they are saying that when we look at the one-in-100 level, they are concerned that it will move up the hill a little bit. But I am not a hydraulics engineer and I cannot tell you how far up the hill, how conservative or whether it is an inch or a metre. That is something that, as a planner, I would take advice on. We are receiving advice at the Planning Institute to say that you need to be very careful about flooding issues, but I cannot say whether on this site the effect is large or small.

MS LE COUTEUR: But you could say as a general principle that one-in-100 needs to be at least clearly modelled and looked at, because it may no longer be appropriate—the historical one-in-100.

Mr Straw: Yes. The problem with this sort of modelling is that the scientists and the engineers are saying to us that there are five or six scenarios that they have modelled and we do not know which scenario might eventuate.

MR COE: On the issue of traffic, if they do develop a building with, say, 150 apartments or thereabouts, is that going to generate traffic that will make a significant difference? I do not know how many car movements that represents—if it is 400 car movements or whatever it is; I am not sure. Is that actually a significant number to impact upon intersections which probably take triple that each day or whatever?

Mr Straw: The short answer is yes, it will have an impact. The longer term answer is that traffic is a little bit the reverse of climate change. It is our understanding that people are actually looking for alternative ways to travel and are using the car a little bit less. People are looking for opportunities to give up the car. The other thing is that ACT roads tend to be built to very high standards with fairly high capacities, but people get used to not having to wait at all at intersections. They get used to travelling fairly fluidly around the place. In Canberra, people are much more sensitive to relatively short or relatively small increases in their level of discomfort on the road.

To be honest, some of this is literally about how people feel about things. If you were to add that much traffic in Sydney or Melbourne, nobody would notice it. If you add it in Canberra, people will notice it. There will be a perceptible increase in traffic. If you talk to a traffic engineer, they will say to you that it is well within the design requirements of those streets. If you talk to the residents, you will get a different view. My view is that it will be gradual, it will be over time and it is well within the design parameters of that locality.

THE CHAIR: There being no further questions, thank you very much, Mr Straw. You will get a copy of the transcript very shortly and you will be able to look at that to see if there is anything you believe that Hansard has interpreted wrongly. If there are any questions that come to Ms Le Couteur's mind that she has not thought about, we will get those to you as soon as possible. We thank you very much for appearing before us this morning. This hearing is now adjourned until 25 November.

The committee adjourned at 11.14 am.