

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

STANDING COMMITTEE ON PLANNING AND ENVIRONMENT

(Reference: draft variation to the Territory Plan No 173)

Members:

**MRS V DUNNE (The Chair)
MS K GALLAGHER
MS R DUNDAS**

TRANSCRIPT OF EVIDENCE

CANBERRA

FRIDAY, 29 NOVEMBER 2002

**Secretary to the committee:
Mr D Abbott (Ph: 62050199)**

By authority of the Legislative Assembly for the Australian Capital Territory

The committee met at 10.09 am.

SANDY BLAIR and

GARRICK CALNAN

were called.

THE DEPUTY CHAIR (Ms Gallagher): Welcome, Sandy, to the Planning and Environment Committee's public hearing on Draft Variation 173. I am the Deputy Chair, and will be filling in until Vicki Dunne arrives shortly.

You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege, which gives you certain protections, but also certain responsibilities. It means you are protected from certain legal action, such as being sued for defamation for what you say at this public hearing. It also means you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

We have a new member of the committee—Mrs Cross. For the benefit of all committee members, perhaps you would not mind making an opening statement about 173. We can then take some questions until 10.30 am.

Dr Blair: This is work the heritage unit and the Heritage Council have been busy with for some years—since before I joined the heritage unit, in fact, which was only two years ago. Basically, the Heritage Council has been looking at Canberra's garden city character. Some time ago, they had listed nine inner city areas that they thought reflected the garden city character and should represent the garden city character on the heritage register.

The nine inner city areas are listed in the explanatory memorandum. Basically, they are areas around Ainslie, Barton, Griffith, Braddon, Forrest, Kingston and Reid. There are nine different precincts, and about 1,200 people live in those precincts.

Given that 1,200 people live in those precincts, and that Canberra has had a very strong property boom in the past five or six years, there have been a lot of actions impacting on those heritage precincts. There have been many property sales; and a lot of people wishing to update their properties by putting on additions and undertaking dual occupancy developments—a whole range of things. The original garden city listings have become part of the Territory Plan, and therefore council issues a set of development controls to protect the heritage values.

Experience of working with those had shown us and the community that they were not working very well. We were constantly in the Administrative Appeals Tribunal with cases brought either by residents concerned that the values were not being protected adequately, or by developers who thought they were not getting a fair go. There were inconsistencies—and there was not a clear set of rules. The result was that council, in late 1999, decided to review the nine precincts which reflected the garden city character.

They felt they needed to start by getting a better understanding of the heritage values and history of those areas, so they commissioned work by an architect named Andrew Ward, who carried out a detailed study. He looked at the areas in an Australia-wide and international context, to decide how important they are and what characteristics should be protected and conserved. He produced a report that we circulated widely.

We then went into a series of public workshops with residents of the precincts and the range of interest groups who had said they wanted to be involved. Those workshops were run by a facilitator—a town planner, named Mr Rob Purdon. We worked with the community and interest groups to ascertain the key sorts of policy directions in which we should be going, to update our understanding of both the heritage values of the precincts and the development controls that should be in place.

That is really the work you have in front of you now as draft variation 173. If Mrs Cross would find it useful, maybe we could go briefly through some of the major changes set out in the explanatory memorandum that goes with the draft variation. Do you have that?

THE DEPUTY CHAIR: Yes—that would be great.

Dr Blair: There is a bit of background on page 3, which basically covers what I have just explained—the story of how we have got to where we are. Then there is a section which lists the precincts we are talking about. The rest of the committee had a bus tour of the precincts some months ago, which unfortunately you missed out on, Helen.

The next section is about the existing Territory Plan policies. If you turn over to section 4, it goes through the key areas of change being proposed in DVP 173. We start at the bottom of page 5. There is a set of dot points which cover the general areas the council is concerned about. I think my copy may be different from yours. I am in section 4, and the heading is, “Changes to the Territory Plan”.

THE DEPUTY CHAIR: Is this in the explanatory statement?

Dr Blair: Yes.

THE DEPUTY CHAIR: So it is section 1, page 2?

Dr Blair: It is in the section headed, “Changes to the Territory Plan”.

THE DEPUTY CHAIR: Yes, that is right.

Dr Blair: There is some discussion about definitions of words, and then there is a list of general policy areas that the controls address—they are dot points in my document. The first one is, “Conserving the garden city subdivision and urban infrastructure”. That basically means that the garden city planning is very much based on a particular way of laying out blocks, allotments, the grid of streets and a focus on small parks. That is what that refers to.

Concerning the landscape and streetscape values, a very important part of garden city planning was to have cottages set in a garden landscape, with street trees, but with plenty of room in the gardens for the planting of mature trees and hedges. That is a very “Canberra” thing now. Originally there were vegetable gardens, chookyards and so on—but no longer. There is a particular landscape. Canberra residents still feel that what they can see from the street is important. Obviously, it is not their business to look over back fences and into backyards, but what you see from the street is very important—streetscape values.

The third area of policies is about the cottages and the buildings themselves. There are different styles of cottages that are typical around the various precincts. Most of them are small, single-storey, detached cottages, although not always. In some precincts there are double-storey duplexes and triplexes. They are to keep the character and ensure that any additions are consistent with and do not impact on that character. There are other requirements, including those over demolition in the precincts. They are the general policy areas.

If you look further on in the document, there is a series of headings. I will pick out some key points. One of the key changes in DVP 173 is about the amount of area you are allowed to develop on your block. It refers to the size of your development. At the moment, there is a plot ratio of 35 per cent in most of the precincts. DVP 173 would reduce that to 25 to 30 per cent. That is trying to ensure that, where development occurs, the development is such that it does not adversely impact on the existing heritage values. There is room for development. People want to change their houses. They have families, they want to add rooms—they want to update.

So there are those controls on the plot ratio and the size of development on the block. There are controls to try to maintain the landscape setting and the streetscape. There are controls on things like where buildings can be sited, and where extensions, additions or other buildings can be sited, the setbacks from side and rear boundaries and so on.

There are controls over the amount of soft landscaping on the block. In the new requirements, they would be set at 40 per cent—again to keep the garden city character. Experience tells us that that is about the right level. There are restrictions on the removal of mature trees—this is complemented by the interim tree legislation. There are controls on hedges, verge crossings and driveways. Driveways have been tricky in the past, because people often want to put in a second garage and a new driveway. Yet a very important part of the garden city character was to conserve a pattern, often of shared driveway crossings and garages set back. There is a set of controls about that landscape setting and streetscape, and maintenance of it.

The next heading is “Built Forms”—in other words, the houses and buildings. In many of those precincts, the original houses that were built in the 1920s and 1930s are still there—they are still pretty well intact—not always, but mostly. Where the original houses are still intact, there are controls to keep them in their current form, as far as possible. There are controls on what sorts of extensions and alterations can be made—in particular, on the sort of height, scales, roof forms, materials and so on.

There is a control to limit development to single storey unless the original dwelling was two storey as it is in, say, the Blandfordia 5 precinct. There are controls to maintain the public environment as well. There are lots of ACT government assets in these precincts—bus shelters, street signs and so on. There are controls over those and we work directly with the ACT government agencies that maintain them. That is a quick overview. Is it sufficient?

MRS CROSS: Yes.

THE DEPUTY CHAIR: Yes, thank you. This draft variation concerns a lot of suburbs in many different areas. Why has it come as one draft variation—and not one for each area?

Dr Blair: It was felt that the heritage values of these areas all reflect the garden city planning that goes back to the Griffin plan and the garden city movement internationally, and so on. In a sense, it is a theme, and they are all connected. As you are aware, for each precinct there is a very detailed document about the intrinsic features, the specific conservation requirements—and there are even some little illustrations about do's and don'ts. Whilst we did a detailed document for each precinct, we felt that they are really a grouping around garden city planning—so council proceeded with them in that way.

MS DUNDAS: In the consultation documentation, there is a lot of discussion about Draft Variation 200 and how it is going to impact overall on this. How are you going to coordinate—or is there a need to coordinate—any amendments that might happen through the Draft Variation 200 consultation process and how it applies to the garden city principles that you are trying to maintain in the heritage precincts?

Dr Blair: We worked with PALM to do an analysis of DVP 200 when it was out for comment—and this—to ensure that there was consistency between the two documents. If DVP 200 changes—

MS DUNDAS: Yes, that is what I am talking about. Is that in the pipeline?

Mr Calnan: I am Garrick Calnan, Manager of Territory Plan Coordination in PALM. We have been conscious of that issue. Some of the provisions within DVP 173 have been modified in response to DV 200, although they are not modified to include the specifics of DV 200. There is just a reference to it.

There is reference saying “subject to the provisions of the residential land use policy”. DV 200 will introduce a new residential land use policy. Where the two interact, there are references in the heritage registers which say “subject to DV 200”, where this provision will apply.

MS DUNDAS: If there is a situation where they are not necessarily complementary, which one overrides?

Mr Calnan: Typically, the more specific provisions in a heritage register would apply.

MS DUNDAS: It is the heritage register that is going to apply?

Mr Calnan: Yes, so wherever there are more specific provisions in the Territory Plan relating to a particular area, they would tend to override. However, if there are more onerous provisions in the general policy, then they would override.

MS DUNDAS: On a different topic, a number of people raised concerns about this. The response from PALM was that heritage listing does not preclude sympathetic alterations and additions. We are looking at a number of dwellings across a huge range of suburbs which will have different impacts—and those kinds of things.

How will transparency and accountability be maintained in the implementation of the draft variation? You are saying you need this draft variation to keep things out of the AAT. However, I can see people on one block being allowed to do one thing but people on another block not allowed to do the same. How will the public be informed of this—especially when, in Ward’s report, he mentions that one of the key recommendations is involving the community. How does this draft variation address that?

Dr Blair: Perhaps I can comment, and then Garrick might want to add something. When a development application comes in that will affect one of the properties covered by the variation, PALM refers it across to the Heritage Council to provide a heritage assessment and advice—back to PALM—on the development. It is also publicly notified at that point. When there is a development application for a heritage-listed place, it is publicly notified and people put in submissions to PALM.

Mr Calnan: This is really an attempt to make it more transparent and accountable. One of the criticisms of the previous registers was in relation to the discretion it gave to the decision-makers. There are clauses in the existing provisions which say things to the effect that additional dwellings will be permitted only where they do not detract from the heritage values of the precinct.

People have asked, “What are these heritage values?” They say, “You need to make those heritage values clear.” So this is an attempt to clarify exactly what those heritage values are and what the specific provisions would be, so everybody knows what the rules are and can operate within the rules. As Sandy said, there is then the development application process, which requires public notification, and there are appeal opportunities to ensure that the decision-makers get it right.

Dr Blair: I can give you an example.

THE DEPUTY CHAIR: Perhaps people could speak up a bit. Apparently some witnesses in the public gallery cannot hear.

Dr Blair: To give an example, in the current development controls, the wording is something to the effect that a second-storey addition will be allowed only where it will not adversely impact on the streetscape, whereas the new requirements would say that a second storey shall not be allowed in the precinct. The discretionary area has become a much more rule-based approach, which is what people have told us they would like—a much clearer set of rules, so there is consistency and people know where they stand.

THE DEPUTY CHAIR: Public comment on the draft variation seemed to be rather divided. There were some people in support of it and others who felt some of the controls were going to impact significantly on their ability to develop or redevelop their properties, especially in line with environmental sustainability issues. Is that a fair comment? How will people be able to improve their dwellings in line with 173 but still maintain the controls of 173?

Dr Blair: In general, often the development is now captured by the process PALM has put in place called high quality sustainable design. We work with the proponent, and with PALM, to ensure heritage values are protected, insofar as there can be sustainable design which does not adversely impact on the heritage values. There is often flexibility to do that.

One example is the installation of solar hot water systems. We obviously do not want the placement of the units to be such that they are very visible from the street. There are ways you can install solar hot water systems and keep the heritage values. We have produced some guidelines on that.

THE DEPUTY CHAIR: I refer to things like windows on the fronts of houses, in particular. It seemed to me, when we went on the bus tour, that a lot of the issues about redevelopment of houses dealt with the streetscape—how the houses looked from the street, rather than if you were in someone's back garden. Things like changing the front of the house in some way would be more difficult.

Dr Blair: Yes, that is true. There is a strong view from the community, and from heritage professionals, that if those original details are an important part of the heritage values it is important to keep those original details.

THE CHAIR: Excuse me for being late.

MS GALLAGHER: I have no further questions.

MS DUNDAS: I have a follow-up on the question that I kind of asked with my other question before—it does not necessarily relate to the draft variation—about what PALM will be doing to ensure that the community in these areas is aware of its responsibilities. I guess there should be greater involvement in the whole planning process in these areas. It was identified by Ward, and was also obvious in the consultation process you went through, that, through the suburbs, a great disparity of ideas and understanding exists. Changing the Territory Plan is one thing, but how is it going to be implemented?

Mr Calnan: There has been an extensive consultation process undertaken in the development of these policies—and Sandy is probably better qualified to talk about that than I am. We went to extensive lengths to ensure that all residents within these precincts were provided with copies of the documentation, so they would be aware of what was going on. There are ways to do that in the future—by means of the preparation of brochures and information material. I cannot make commitments to that now, but there are mechanisms whereby this information can be made more widely available. The Territory Plan is widely available free of charge, via the Internet.

MRS CROSS: Not everyone has access to the Internet. Dissemination of information is always the problem with any process.

Mr Calnan: That is right, but we have done as much as we can possibly do within the resources available to us.

Dr Blair: If this finishes its journey, is accepted, and becomes part of the Territory Plan, I think it is important to create some major explanatory material for the public, and to work with PALM on that process. It would take what is in here. As I have said already, I think these are quite helpful, and they have some visual pictures of do's and don'ts. We need more in that direction.

Regarding the role of the council itself, residents are always ringing the chair, especially, and members of council—and council encourages that. The council has largely driven this work, and they are happy always to talk to people about the detail of how it is being implemented, or the justification or rationale for it. People have the ability to ring council, or indeed the heritage unit. People ring me up all the time, to ask about aspects of this.

Mr Calnan: As well as making these documents available on the Internet, we have hard copies. Anyone who comes to the PALM shopfront can pick up a copy of the document.

MRS CROSS: They have to come to the shop? You do not notify the stakeholders?

Mr Calnan: We did. We sent a copy of this to every resident in the heritage precincts, but we will not continue to do that.

THE CHAIR: How do we get over the situation which still seems to exist, where some people might buy in the area and not know what they are buying into? I think it was your chairman who said, on the day we went on the bus trip, that real estate agents are still not very forthcoming. There are pros and cons there. It can be a very strong selling point for some people when it is a heritage area. Other people may not want to get involved.

Dr Blair: We watch the ads very closely. If real estate agents are advertising without identifying the heritage interest, we are in their face. We ring them up. We have a project—we are hoping this will be undertaken in the next year—to work with real estate agents as a group, to ensure that they have access to up-to-date heritage information, and that they use it in their businesses. The executive officer of the Real Estate Institute is very keen on that. I hope we can make things even better there.

THE CHAIR: Thank you. All done, all finished—to use a real estate term.

MS DUNDAS: I am pretty sure I know the answer to this. You are convinced that this draft variation addresses all the concerns raised in respect of implementing and maintaining garden city principles? Tell me you are happy with it.

Dr Blair: I think this piece of work is a great step forward from what we currently have. Heritage values are not static—that is one of the things we love and hate about them—but views do change. We cannot guarantee that, going into the future, this will be the

perfect set of work for the next 20 years, but we are pretty sure we have it right for the next four or five years. As I said, a great deal of work has gone into it since 1999. The Heritage Council, the heritage unit and the community have put a lot into this work. I think that is reflected in the standard of package we have.

THE CHAIR: I refer to a case that was recently before the AAT. I have not read the judgment so I may not have the full story. Just from my reading of it in the paper, the tribunal was saying that people have the right to modify the private domain, and that they do not have to condemn themselves to living in little black boxes—and that some of these buildings are very attractive, but they are about as solar-friendly as a shoe box. He was saying that this family could continue to live in a house with small windows and not much light access, or they could make some significant changes to the back of the house that would give them quality of life. With this, is it going to be easier to make those changes than is currently the situation, or are people still going to end up at the AAT?

Dr Blair: I think the rules are clearer. That should mean we do not end up in the AAT as often as we do currently. I believe there is still scope—we do not want to turn the precincts into a museum—we do not want to freeze them. People do want to update their lifestyles.

THE CHAIR: People will possibly not want to live there.

Dr Blair: That is right, it would be against everybody's interests to try to maintain them in such a way that they are not attractive as residential areas. There has to be enough scope for people to update, and we do make that distinction between the private and public domains. So, in general, we do not get involved in what people do in the interiors. The focus is on the streetscape and what you see from the public domain. We are less interested in backyards.

People might want a pool or an extension. We have already talked about the issue of a second storey in precincts which are predominantly or entirely one storey. I said before you came, Mrs Dunne, that under the current rules, as they currently operate, there is an element of discretion and council can make a judgment about it. They can allow two storey if they believe it will not have an impact.

Under the new rules, second storeys shall not be allowed in certain precincts. There has been a judgment made that they should be ruled out. So, in that sense, whilst there is still scope for change and for people to adapt, I think the rules are clearer.

THE CHAIR: Even if the topography allowed for it? If you were on a block which fell away steeply so that you could keep the same roofline, essentially, but build down, would that be ruled out? I do not know whether such properties exist.

Dr Blair: Can I call my advisers, who know the detail of the draft variations? Do you have any comment on that, gentlemen?

Mr Calnan: In certain precincts, where the original building was two storey, there is provision to allow two-storey extensions. However, in other precincts, that has been ruled out, because they are predominantly single storey in character.

MRS CROSS: I would ask people to speak up, because there are some people in the audience who cannot hear.

Dr Blair: I have been advised that, where there are blocks which are steeply sloped, the draft variation sets up a situation where they can do the extension. They can step it down the slope, so that it fits into the contour—but not two storey.

THE CHAIR: Thank you very much. Would you mind staying and perhaps giving some further input as we go along?

Dr Blair: Certainly.

Mr Calnan: Yes.

THE CHAIR: You remain sworn-in.

CHRISTINA SLADE and

DONALD PERCY WILLETT

were called.

THE CHAIR: You should understand that these hearings are legal proceedings of the Legislative Assembly protected by parliamentary privilege. That gives you certain protections but also responsibilities. It means that you are protected from certain legal action such as being sued for defamation for what you might say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated as a serious matter by the Assembly. Dr Slade, would you like to introduce yourself?

Dr Slade: My name is Christina Slade, and I'm here representing a group of owners of houses in Blandfordia 5. You have seen my documentation. I'm sorry it's such a bad photocopy. It's a copy of the letter I wrote to Simon Corbell a year ago in which we raised a number of issues. Mr Willett is also a member of this committee. I have here the original signatures of more than 75 householders I've represented. I can leave you a copy, but I don't want to leave the original signatures.

I'm grateful for this chance to talk to you. I hope that you might read my letter, because it's more articulate than I'm likely to be here. I've just rushed from the examiners board this morning, so things are a bit rushed.

In that letter I was concerned about consultation. I understand that the process of consultation was intended to be good, but I was told that 18 households—22 people—were represented at the meeting in Blandfordia 5. We were told we only had two weeks. I got back here, and we were told we had to have a letter to PALM in two weeks, which seems a bit ironic since it's now a year later that we come with this.

Don and I walked the streets talking through the issues of the draft variation. Most of the people knew nothing about it. We got 75 signatures. I did three nights. I'd come home from work at half past five. I was determined to be home before it got dark, because otherwise people get too frightened. That suburb is full of old ladies.

We got massive support, with a terribly strong feeling that there had been no proper consultation. There is no doubt that there's a very strong and articulate group of people who are tied to the LAPAC. They've got really interesting views, and I'd be very happy to support them in many ways, but they don't represent the feelings of the community. That's what we're doing here. We're representing that group.

Blandfordia 5 is right next to Manuka. It's anything but a garden city in the British conception on which Ward drew so freely. I wasn't very happy with the garden city report. I'm not a landscape architect by any means, but I'm an academic. The academic style of the research documentation was such that if I had a first year student doing that they'd fail. It was a disaster.

I also felt that the documentation on the garden city, which was a really interesting study of Birmingham and the like, didn't address the issues of Canberra, which is a very different game. Nor did it address the issues of the part of Canberra right next to Manuka. Manuka is now a major city centre. On Friday and Saturday nights those of us who live near Manuka have bottles, drunks, glasses. Last Saturday night outside my bedroom window the kids broke the bus seat and were banging on the door. I was at home with my daughter, absolutely terrified. I turned on all of the lights in the house and tried to flash, and they did go away.

This is meant to be a garden city. We're meant to have open gardens with 1930s plants. It's crazy to think of it that way. That's a very important part of what needs to be recognised.

I haven't looked at other heritage areas, but Blandfordia 5 has fort demeure. I fought as hard as anybody against some of the developments in Manuka—the big parking station and so on. I didn't want them. I wanted it to stay a village, but it isn't a village any longer. On Friday and Saturday nights it's the major drug and alcohol centre in the town, after Civic.

We have to be able to protect ourselves. A whole lot of the stuff about the garden city concept is absolutely absurd. We're next to the bus stop. The buses are the major way the really drunk ones get home. I think we need to be able to protect ourselves, which probably means barbed wire fences and lighting.

I wrote to Mr Wood earlier this year after my fence had been burnt twice and said, "What about a bit more street lighting in the street?" I know it might not be consistent with garden city principles, but it's really dangerous. I've had the fire brigade and the police there about six times this year. Mr Wood wrote back and said no, it wasn't necessary.

This has gone over 15 years. I've asked for a rubbish bin next to the bus stop. I go out every two days and pick up beer bottles and glass. I imagine you do as well, Don.

Mr Willett: Yes, that's right.

Dr Slade: It's scattered everywhere. If we're going to have a nice garden city, then beer bottles and broken syringes are not what we're aiming at.

That's the issue of Blandfordia 5. We cannot live with strict rulings about how the front garden is going to look without throwing us out. A lot of the properties still belong to the Catholic Church and are in very bad repair indeed. They are fully in line with all heritage concepts, and they're a dump. Ward complains about gentrification of the heritage areas. A little bit of degentrification is under way, I can tell you. It will happen more, certainly with the rulings about the protection of the edges.

I'm going to ask Don in a minute to talk a little bit more about the building constraints, because I don't understand them very well. I live in a two-storey house that has always been a two-storey house. It was never one of the buildings built by the National Capital Authority, which had nothing to do with Walter Burley Griffin's design. He would have

died if he'd seen what they put in those suburbs. That doesn't mean I don't think it's charming. I chose to buy in there. But come on, let's be clear about the truth of these matters.

Those of us who bought into that area—I'm a teacher; Don is a builder—are not multimillionaires, are not developers. We've spent our whole financial wellbeing. We've put it into those suburbs. I work all weekend every weekend getting the garden in order. It's very dry now. I slave over that garden. I slave over the house. They are hard houses to look after. They are my major financial commitment. These rulings, according to the real estate agents we've spoken to, are undermining the values of our houses.

I feel that it behoves those who are making these rulings to remember that if this place is going to look all right it's because of us. You give us no support. The heritage unit gives us no financial support for upkeep. Boy, they're a nightmare. I've had a specialist guy who's particularly talented in 1920s/1930s work. I've been bringing in stuff from Adelaide so that it all matches. It seems to me that the lack of regard for those of us who are putting our money where our mouth is is shocking.

In particular, I'm deeply in sympathy with what Dr Blair said about trying to avoid the AAT process. I think that has been barbaric. The loss of social capital with neighbours up against neighbours has destroyed the prassi. What we want is a suburb where we get some sort of cooperative feeling about keeping it looking good. You'd better call on those of us who are doing it, because we are doing the work; no-one else is.

I want to hand over to Mr Willett. For him to come here is fantastic, because he's a builder and he's doing the most fantastic heritage work on his own house, all with his own hands, totally alone. He's no youngster, but he's a very experienced builder. He has been out there all the way through this heat, slaving to make it heritage consistent. Did you have the windows made separately?

Mr Willett: I made one window, the others were—

Dr Slade: All of this is extraordinarily expensive. We feel as though we're being tied to constraints which are not—I don't want to say “well thought through”—probably as well motivated as they might look.

Mr Willett: My name is Don Willett. My wife and I live at 18 Murray Crescent. We've lived there for 12 years or so. We moved there from Weston. My main concern is that nowhere have I seen in the documentation about heritage any acceptance of the fact that the properties there are personally owned. As Chrissy said, they're our biggest asset. That's where most of our money is. I'd like to see some more recognition from Heritage about that. When we want to do anything in the way of altering our houses, we've got tougher rules than anywhere else in Canberra.

I have written to the heritage people saying that Manuka is in an area of very reactive clay. That means as it dries out and gets wet it shrinks, and the houses are moving all the time. On my house and pretty well every house in the area the brickwork is shattered. If you look closely at the render on the walls, you will find the pattern of the brickwork all the way through it. It's like that all the time. It's very hard to control. What I've done

very few people could afford to do. I can because I've done it myself. I have battened the walls all the way around and put plaster board on. I've used a plastic adhesive so that the plaster board can move a bit. That's the only way I've got over it. I very much doubt if many people could afford to do that. I've done it myself to save the money. I'm retired.

THE CHAIR: Do you mean you've clad your home?

Mr Willett: Yes, that's right. Not on the outside; the internal walls. They're cracked everywhere.

Dr Slade: I didn't know about this. This is bad news for me. Would there be a cheaper way to do it if we didn't have the heritage constraints?

Mr Willett: A cheaper way would be to knock the house down and rebuild. Alteration work in the heritage business is very expensive if you're paying someone to do it. I can do it myself, so I can get away with it, but for other people who have no knowledge of building it would be very expensive.

Those are my two main concerns with the whole heritage rules. I'd like some recognition that the people in the area own their own properties. I know the land still belongs to the Crown, but a Crown lease says we own everything on it. I'd like to see some recognition of that and some more sense applied when people want to renovate their house.

MS GALLAGHER: I understand what you're saying about no recognition for the fact that you own these houses. I support the comments you make in that regard. Is there anything specifically about 173 that you don't like, or is it the whole package? Is it just your view that tighter controls are going to be placed on you, affecting your ability to develop and fix your properties, or is there anything specific in what's proposed that you don't like?

Mr Willett: The two things to me are the restriction on the hedge height, which is coming down to 1.2 metres—

Dr Slade: That one's absolutely crucial. I would suggest that in areas where there are buses on the major roads around Manuka that is absolutely improper. I can't see how we can live there.

MRS CROSS: So what would you change it to?

Dr Slade: Just no restrictions on the hedge height. Just allow us to have hedges—proper protection. I don't know what we're going to do. I feel as though right now I need to go for an electrified fence. Somebody went into my garage and opened my car, which wasn't locked—right in the back garden. Obviously they were looking for money, and they stole all the CDs.

This is not suburban garden city stuff. I think we should stop the constraints on the hedges. That's going to change the streetscape, but I tell you that the streetscape, when the kids go through there with their bottles, is not too great either. If you want to keep us in there, then you've got to allow us to look after our property.

THE CHAIR: But, Dr Slade, it could be construed that you're confronting a social problem with an architectural solution.

Dr Slade: It seems to me that the social problem has been engineered by ACT government planning regulations. We've got these problems because we've got Manuka. I've rung and asked for more police patrols. I've rung and asked for more lighting. There is no other solution. I don't want to get overwrought here. I think there are two sides to this. I've only been able to do a certain amount of investigation of this, but in fact the whole hedges issue wasn't original to the garden city concept at all. As I understand it, it was brought in by Bill Kent Hughes when he was the head of the national planning authority in the 1950s. His wife came from Upper Montclair, New Jersey, a city outside New York, where they pride themselves on not having front fences. He copied this idea and announced in the 1950s that we weren't going to have front fences in Canberra. It was nothing to do with the original garden city concept. I think there are a lot of issues there that are rather mixed, but the height of the hedge strikes me as one that's totally inappropriate in the streets bordering Manuka.

MS GALLAGHER: Can we ask Heritage about it? In the paper it does say not more than 1200 is encouraged.

Dr Blair: We encourage people to maintain their hedges at that height, but it's not a mandatory control.

Dr Slade: I think we shouldn't have any rulings around those streets of Manuka, because I don't know what we're going to do. There are other rulings on buildings as well.

MS DUNDAS: Before we go back to hedges, can I ask the question in a slightly different way? I want the specifics, but this is a more general question. Is your concern with draft variation 173 more about the lack of consultation than the implementation? Would you be happy with rules guiding the areas in which you live because of the heritage significance, and hence would you want to participate in another, better consultation process, or are you unhappy with the rules, full stop?

Dr Slade: My view is that it's the former. I desperately tried. I spent time on the telephone at this time last year to get more consultation. For Blandfordia we need much clearer consultation. I don't know what went wrong.

MS DUNDAS: Because of the heritage value of these older suburbs, there should be a different understanding of how planning processes apply there?

Dr Slade: Absolutely. As I said, we've bought in there. I imagine that your house in Weston was much bigger, Don.

Mr Willett: It was, yes.

Dr Slade: You could have much more. You could have your swimming pool in the back yard—which I certainly couldn't afford now—if you had a property there. But we've chosen to live in these heritage areas. The LAPAC wasn't representative of the views in that suburb.

I understand the reasons for pressure. I pressed and pressed. Every night I went out and got these signatures, and every single one of these people took an hour. You can't imagine how long it takes when you're the first person somebody has seen all day. You get a signature. They need to chat. I did all of that in two weeks, because I was told that was the time line. Now here we are a year later. I don't feel it's quite fair to say we're in such a hurry.

I'd like to call in other people with landscape architecture experience. I don't understand the building issues. I don't want to expand my house, but now that I've heard that I'm going to have to do something about the brick walls I'm having a fit.

MS DUNDAS: When you discuss specific problems with the draft variation, can you perhaps provide alternatives? What would you prefer the rules to be, accepting that you agree that there does need to be a different level of understanding of planning in those areas? Don, you've said the easiest thing to do would be to knock down the house and start again. If that were to happen, we hope it would be built in the same style so we still had the streetscape. Can you talk about what rules you would be happy to have, as well as the rules you're not happy with?

Dr Slade: I'm not happy with the rules for fencing and protection of property.

MRS CROSS: You mentioned the limitation on the hedge. We've just heard from Dr Blair that it's not mandatory.

Dr Slade: But you're not allowed to put up a new one.

MRS CROSS: Can I just finish my question, Dr Slade?

Dr Slade: Sorry.

MRS CROSS: Dr Blair, if Dr Slade wanted a higher hedge to deter someone from coming in, that would be all right?

Dr Blair: Yes, it would.

MRS CROSS: If that limitation is removed—apparently it doesn't exist—is that all right with you?

Dr Slade: No. You're not allowed to put in a new hedge at that extra height, are you?

Dr Blair: You can grow your current hedge taller. Or you may wish to replace your hedge and grow it higher.

Dr Slade: Mine is slightly different.

LINDA HEATHCOTE and

CHRISTOPHER HEATHCOTE

were called.

THE CHAIR: Mr and Mrs Heathcote, while we have a break, please identify yourselves for Hansard, and then you may contribute. I won't read this statement, because you heard me read it before.

Mrs Heathcote: My name is Linda Heathcote. I live at 65 Dominion Circuit, corner of Melbourne Avenue. My husband and I have been living there since 1963.

Mr Heathcote: Christopher Heathcote, 65 Dominion Circuit.

THE CHAIR: On the subject of hedges, the other issues that Dr Slade has raised are ones of lighting. Is there anything particular about the street lighting? There are some places in Canberra where the street lighting is not very good because of the design of the lights and the overhanging greenery is often a problem. Is there anything about the lighting which is intrinsically heritage at the moment and is there scope to change the lighting, either by trimming or by changing, if not the actual fittings, the light bulbs or the level of light?

Dr Blair: We are certainly working in Reid at the moment on street lighting with ACT Roads, where some light fittings have been damaged and they need to provide a greater level of light. Those issues can be worked through. I don't know offhand the specifics of the lighting planned, though one of my staff might. But I am sure that there would be similar approaches that could be worked through, where the level of lighting could be looked at and handled in a manner that is sensitive to the heritage values.

Dr Slade: I have made that request more than once. There is one light about 50 metres from the corner and another one 50 metres in the other direction.

THE CHAIR: So you actually live on a corner block. Garrick, I am not sure whether you can answer this now, but there are guidelines in more commercial domains for planning to alleviate criminogenic behaviour, planning to discourage people from carrying out criminal behaviour, vandalism or things like that. There are guidelines. Are they applicable in residential areas?

Mr Calnan: I can't remember the exact title of the guidelines, but it is something like the use of urban design for preventing crime. Those guidelines are used in assessing particular development applications, particularly in central areas, in commercial centres and things like that, or in areas where that sort of issue is prevalent, certainly in the design of any public buildings or buildings which are going to be used extensively by the public in, say, commercial centres, but they are not used in this sort of situation.

THE CHAIR: Is it possible, do you think, to have them adapted to address some of these issues? Actually, one of the things that I was thinking as you were speaking, Dr Slade, is that sometimes being open and visible is a better protection than putting up a wall.

Dr Slade: I wish people from PALM would go and live in a heritage area, actually, to feel just how extraordinarily—

MS GALLAGHER: You could invite us to tea!

Dr Slade: I did. Look at the letter. I invited everybody to come to the meeting, and nobody even answered the telephone. I feel as though really we are struggling. I take your point about the openness, but I did have it open for a long time. In the end, I put up what is now an illegal structure, desperate, because I had little children and we were having break-ins so regularly. It has been a great concern to me and I would be very happy to see proper policing. The police are fantastic. You ring them up after something is burnt or something and they come out and I say, “Can’t you even just have a guy on the beat on Friday and Saturday nights, just walking up and down these streets.” They say that the problem is that there is no lighting, so I write to the people about the lighting.

THE CHAIR: I think that this is something that we probably need to explore.

Dr Slade: Yes, but that is an issue.

THE CHAIR: Mrs Heathcote, you had a concern about hedging.

Mrs Heathcote: That’s right.

THE CHAIR: Do you want to raise it now while we are in that general area?

Mrs Heathcote: We have written two letters, one to PALM in August 2001 and another one in August 2002. Our main concern has been about privacy and security and I support most of what I have just heard. The height of hedges and the replacement of gates and fences, both in front and on the sides, has been recommended in minute detail—1,200 millimetres per hedge. This means that anyone can look into your garden. We are on the corner. We do not have a backyard, so there is absolutely no privacy. People could look into our house from either side of the street. We do have a small area at the back where we have a swimming pool and now there is something being built with windows facing us. So, apart from the driveway, nothing is private. In terms of security, you were saying that if you have an open garden you are safer, especially if you put in security lights.

THE CHAIR: That is a view that is put. I am not an expert on this, but it has been put, yes.

Mrs Heathcote: But you raised the issue, I’m sorry. You could perhaps argue that, but what happens is that the person who wishes to break in, and we did have a break-in, can see if you are home or not—they can look in the windows; they can go to the back—

whereas they don't really know what to expect if you have a big hedge around. It is a threat to them and my feeling is that the hedge is more protective than a completely open house with windows.

The other aspect is nuisance people who come in. Maybe they don't rob you, but they can knock on the window. The third for me very important aspect is dogs. I am afraid of dogs, especially big dogs. One of our neighbours had one. It used to run through our garden, damage the garden, and also frightened children—not our children, but other people's children. If you have a hedge, this doesn't happen or it doesn't happen nearly as easily. I think that hedges are more protective. They also give more privacy. We wrote to say that houses are not museums, even if they are heritage houses, for everyone to come and have a look and, funnily enough, the same phraseology was used by the tribunal, exactly the same words.

THE CHAIR: That was the case I was referring to before about six weeks ago.

Mrs Heathcote: That was later, in September. So the hedges and side fences we see as essential protection and I support your views on this. The other thing we wanted to raise was that it is not clear what you mean by soft surfaces. You want so much of soft surface. I can sympathise with the idea that you don't concrete the front and the back as it is not very attractive. On the other hand, at the front we had a hill and it was just plain rock and nothing would grow on it, so we made a gravel courtyard and it looks very nice. It is surrounded by vegetation and it is useable. The rocks were so big that the rock removing equipment brought by a professional broke, so it was quite a business and you couldn't grow anything there. So, again, you have got to adjust. I don't know if gravel is a soft surface. I hope it is.

THE CHAIR: It is permeable.

Mrs Heathcote: It is permeable, yes.

THE CHAIR: When you talk about soft surfaces, are you actually talking about permeability?

Dr Blair: Yes. By hard surfacing, we are referring to concrete or bitumen or something like that.

Mrs Heathcote: Okay, well that is clear.

Dr Blair: But your garden sounds perfect with what you have done.

Mrs Heathcote: I also wanted to return to a point about hedges. It was stated that you encourage people having hedges which are not very low, but there was also a statement that if they die, which they very well might right now, you have to replace them with something which is 1200 millimetres. If that is not so, that should be stated in writing somewhere, because I couldn't find that.

MS GALLAGHER: You say that it says that it is not mandatory, Dr Blair.

Mr Calnan: I can read the clause out, if you like.

Mrs Heathcote: I may have missed it.

Mr Calnan: It says, “Hedges shall be retained at existing locations,” so we are encouraging people to retain hedges in existing locations.

Mr Willett: But this is a “shall”.

Dr Blair: It’s a “shall”, yes.

Mr Willett: But that is mandatory.

Dr Blair: “Should” is mandatory; “shall” is encouraging. Sorry, I’ve just got it exactly around the wrong way.

Mr Calnan: I understood you were concerned about not allowing hedges, not requiring them. Anyway, to go on, “Hedges shall be retained at existing locations. The planting of hedges along front boundaries and along side boundaries forward of the building line and the maintenance of hedges to heights of not more than 1200 millimetres is encouraged.”

Mrs Heathcote: But what about replacement if they die? There was some statement about what happens when you replace them.

Mr Calnan: “Replacement or new hedge species should be evergreen and of an appropriate scale and shape to form a border of typically not more than 1,200 millimetres in height.”

Mrs Heathcote: That is what I am objecting to.

Dr Slade: Can I ask a question here?

THE CHAIR: Yes.

Dr Slade: Can I ask through you, Chair, what is the justification for that ruling, from what part of the garden city document or aesthetic principle did we have this ruling that it should be 1200? I have never found any justification for that.

Dr Blair: I think the picture below the words, if you’ve got this document.

Dr Slade: I haven’t got a copy.

Dr Blair: There’s a little picture below which I think makes clear the concept.

Dr Slade: It is clear what the concept of it is.

Dr Blair: The house should be visible.

Dr Slade: But it seems to me that if we are going on heritage values we ought to be looking at what the heritage of that area is, and this is a heritage which, until the 1950s, everyone had huge hedges. In fact, not only did they have them; they were maintained by the government at that height. So it just seems to me that the aesthetic judgments are not heritage at all.

THE CHAIR: I think that we have probably done hedges. I think most of the members of the committee would like some clarification and I think, Dr Blair, you might be the person to provide it. Does this draft variation have interim effect? It doesn't have interim effect.

MS GALLAGHER: Because it applies to heritage?

THE CHAIR: Because it applies to heritage? Why?

Mr Calnan: I can answer that. It is under the land act. Section 11 of the land act says that variations relating to the heritage places register do not have interim effect. The notion here is that it is the existing heritage controls, the existing heritage registers or the interim register if it was a new listing that would have effect up until the time that the final policies take effect.

MS DUNDAS: So it hasn't had interim effect. What has been happening over the last year since this was first released for public comment? What has been happening in the suburbs? Dr Slade has been working on this for a year.

Dr Slade: That is not quite right. I worked on it a year ago and waited.

MS DUNDAS: Yes, you started working on it a year ago. What would have happened if a hedge had died over the year?

Dr Blair: As I said in my introduction, these garden city precincts went onto the register some time ago with specific requirements, so those are the law until the DVP goes through, but there are current—

Mr Calnan: These are not new listings. These places have been in the Territory Plan for some time.

MS DUNDAS: But the restrictions that are now being clarified with the draft variation have not been part of the thinking over the last year as applications have come through PALM relating to the areas, or have they?

Mr Calnan: I am not involved in the assessment of applications, but my understanding is that certainly people have been encouraged to comply with these new regulations, but—

MS DUNDAS: With the draft regulations.

Mr Calnan: But, at the end of the day, what has legal effect are the provisions that are already in the Territory Plan.

MS DUNDAS: I guess what I am trying to find out is: since the draft variation has been available—I know that it has no legal effect—has it been utilised in terms of conversations that have been going on with people making applications and what has been its effect? Has it had positive impacts? We are hearing it said that it could have quite negative impacts.

Mr Calnan: There are differences of view, I think. Some people have been—

MS DUNDAS: I am trying to find out how it has worked over the last year. Obviously, there is no legal standing for it to have worked over the last year, but has it been applied in any way?

Dr Blair: The current specific requirements for Blandfordia 5, according to the advice I have just had, do not currently cover hedges specifically, though we do encourage people to retain their existing hedges.

MS DUNDAS: That is possibly just one specific of the whole thing. I am trying to get a broader—

Dr Blair: In terms of this and the way it has been viewed across the last year, when we do our heritage assessments of DAs that come in in the precincts, we do an assessment under the existing specific requirements and then we often look at this document and we say, “This has no standing as law yet, but under the new draft variation 173, this would be the case.”

MS DUNDAS: Have they been picked up? What has been the response to that, to the individuals coming in with DAs?

Dr Blair: Some of these cases have subsequently gone to the AAT and the AAT has made it very clear in their rulings that draft variation 173 is not to be considered anything more than an indication of the direction of government policy.

MS DUNDAS: So people have appealed the guidelines that you have informed them about in relation to 173 because they don’t like 173?

Dr Blair: No. In fact, the cases I can think of have happened the other way round: the community has said, “Why aren’t you applying the tougher standards in 173, instead of the weaker standards in the existing requirements?” So, as I have said, we have applied the current standards, but we often inform people what the outcome would be if we applied the new standards.

THE CHAIR: Mrs Heathcote, you had something you would like to say?

Mrs Heathcote: I return to the question of replacement. We now have a great drought and some of us may very well lose our hedges. You have, on page 8, the definition of “shall” and “should”. What struck me was the “should”. I am quoting, “The authority shall have discretion to accept an alternative solution, subject to the applicant demonstrating to the satisfaction of the authority that,” and then there are conditions. It

sounds to me as if “should” is not the same as “encourage”, because the final decision is with the authority. Therefore, replacement of hedges may be forbidden once this becomes law.

Mr Heathcote: The document we are looking at is—

MRS CROSS: Yes, it is the explanatory memorandum.

Mr Heathcote: It is this one. I wonder if we are out of date. This says attachment A.

MS GALLAGHER: “Shall be retained”; it doesn’t say “should”.

THE CHAIR: On what page is that?

Mrs Heathcote: It hasn’t been altered; I looked.

MS GALLAGHER: Section 1, page 12.

Mr Heathcote: This is page 8 of 23.

MS GALLAGHER: It only says they shall be retained. It doesn’t use the word “shall” or “should”.

Mr Calnan: In the text clause it does, though.

MS GALLAGHER: In the bottom one.

Mr Calnan: “Replacement of new hedges should be evergreen.”

MS GALLAGHER: Now that you have pointed it out, I think there is a little bit of ambiguity in 2.5 (b). The way I think it is intended is that we are trying to say that, if you are going to replace your hedge, you should get an evergreen species that will grow to an appropriate scale and height. That is the intention of that.

Dr Blair: Which is 1,200 millimetres.

THE CHAIR: But what it is actually saying it could mean is that it must be capable of growing at least that and, if it grows to two metres, no-one is going to come along and give you a hard time about it.

Dr Slade: But if it is a “should”—

MS GALLAGHER: I think it is badly phrased. It should be evergreen.

Dr Blair: I think the emphasis is on the type of hedge species.

MS GALLAGHER: Yes, it should be evergreen.

Dr Blair: Not on making the height mandatory. I agree that it is an ambiguous way to write it.

Mrs Heathcote: It is ambiguous, yes.

THE CHAIR: One of the things that the committee might look at is how we might do this.

Dr Slade: I just want to urge you to leave out those rulings. It seems to me that all of those rulings are inappropriate, those sort of lines of rulings, when you have mixed use areas, where on one side of the road you have got doctors' surgeries. I'm really not happy with any of the shalls or shoulds. It just seems to be that defining here is retrograde.

THE CHAIR: Okay. I am sorry to do this at this stage. I am not sure whether you can give me a quick answer now, but we have got six or seven heritage areas here. Were they all developed at the same time?

Dr Blair: The original listings?

THE CHAIR: No, not the listings, the actual areas. Was Blandfordia developed at the same time as, say, Wakefield Gardens, with the same design principles in mind?

Dr Blair: Within roughly the same decade, yes. There are slightly different dates.

THE CHAIR: Were the same design principles in play for, say, Wakefield Gardens, as compared to Blandfordia or to the Barton precinct? Were the people who were setting out to design them different people? When they were out designing them, was their imagination being exercised in a particular way because they were all exponents of the garden city concept, or is this a modern day accretion?

Dr Blair: No. My understanding from the research we have done—and Andrew Ward's report has been added onto, but Andrew Ward's report was peer reviewed at the time by Professor Robert Freestone, who is head of landscape architecture at the University of New South Wales, and I think it was also reviewed by Eric Martin, who is a locally practising heritage architect—is that this body of work that has been peer reviewed does indicate that these are intrinsic features that go back to garden city, city beautiful, the application of those ideas in Canberra in the 1920s, 1930s and 1940s.

THE CHAIR: Okay. Looking at the documentation, I am just wondering whether we have got a one size fits all approach and whether there may need to be scope. It is easier for the heritage unit to say, "This doesn't comply," or "This is how you comply on an across-the-board basis," but I am just wanting to get your view about whether it is possible that we might be having too much of a one size fits all approach.

Dr Blair: I suppose what we felt or what the Heritage Council felt in doing this as one body of work and hence gathering together these precincts in one variation was that it was recognising those common concepts of garden city planning. But they did develop a listing, and a very detailed listing, for each precinct which did address the specific

characteristics of that precinct and developed requirements, development controls, specifically to those characteristics.

MRS CROSS: If that is the case, Dr Blair, because Vicki has asked a very pertinent question, why is the ultimate recommendation the same for everything if you have done a distinctive document for each area?

Dr Blair: But there are differences in each document. The development controls do vary from precinct to precinct, depending on the features of the precinct. There are some common things, but there are some differences as well.

MRS CROSS: Dr Slade, do you want to ask a question about what you have just heard?

Dr Slade : I read very carefully Mr Ward's report and was struck by the fact that, in fact, he did not seem to have any evidence about Canberra. He talked about a suburb outside Melbourne where the garden city concept had been applied and he talked about one outside Birmingham and said nothing about Canberra, as far as I remember. I am sure that it was an elegant and scholarly piece of work, but I felt rather startled by it.

Dr Blair: What he did, I think, was he certainly did do the research on Canberra, but we asked him as well to put that in an Australian and an international context, because garden city was an international movement.

Dr Slade : I don't have this report, but I did read it quite carefully and, as I understood it, he talked about the garden city principles as they were manifested in this English case and the Melbourne case and said nothing about Canberra having been a garden city concept. I would have to check. Certainly, Burley Griffin wasn't a garden city concept person.

MS DUNDAS: There is a section called "Overview of planning principles in Canberra" that talks about streetscapes, et cetera.

Dr Slade: Well, they would have come a lot later, you see, which is the interesting part about the heritage issue, I think.

Mr Heathcote: Surely the garden city notion has moved on since the 1920s. In a sense, the basic welfare objectives of getting people out in the fresh air, away from industrial slums and so forth, have all been fulfilled.

THE CHAIR: Especially in Canberra.

Mr Heathcote: Especially in Canberra. Certainly, current circumstances, it seems, just don't justify the intrusiveness and the authoritarian tone of some of these recommendations here, especially on things like hedges. Being aged, I guess, I feel strongly about gardens, but I really don't see why I'm now reading, "Hedges shall be retained at existing locations." This is 2.5(a). Turning over, the replacement of new hedges should be evergreen and existing hedges of species that are an environmental weed should be replaced. Does that mean get rid of cotoneasters and things like that? I think this is going into far too much detail. There is simply no need for this amount of

intrusiveness and lack of respect for privacy and the rights of the homeowner, for that matter. I think a few general statements from the planning authority would be quite adequate.

MS DUNDAS: In terms of how this works across the rest of the ACT, because I haven't read the draft variation in the last two weeks, can you just clarify for me what the restrictions are on fences and hedges in any other suburb in Canberra? Off the top of your head, Garrick.

Mr Calnan: The no front fences policy remains part of the residential land use policy. You can't have fences forward of the building line except for courtyard walls, and there are criteria about the height, width and setback of courtyard walls. There is no prohibition on any form of landscaping or no controls on the form of landscaping other than the legislation relating to tree removal and things like that. But in terms of putting in hedges, it is encouraged. One of the original concepts of Canberra's planning was that hedges were a fairly significant feature and there is nothing in the Territory Plan that stops that.

MS DUNDAS: If somebody was living in a suburb somewhere else, such as Cook, and they had three-metre high hedges, that would be fine. The reason you are limiting hedges in this area is specifically so that the houses are visible from the street in terms of maintaining the streetscape. Okay.

Mr Willett: We dispute that totally. Could I just mention a couple of things. Firstly, on 173, I don't believe the plot ratio should be changed, quite honestly. I think it should stay at 35 per cent, as for the rest of Canberra. I don't see why we should be under different rules there. Also, I would like to see more flexibility as regards demolishing and rebuilding. This has happened in Bougainville Street, where a pair of semi-detached were knocked down and rebuilt exactly as they were. Everybody seems to be happy with that. Why should people keep on going along patching up their houses when they could knock down, rebuild and put in footings that are suitable for the ground, as engineers know today.

One other point I would like to make. There was quite a large appeal between Cat Gascoyne and PALM recently—the report on it was that it went on for five whole days—and the panel there made one very relevant comment at the end of it. They said that heritage is not museum and they allowed the extension to go ahead.

THE CHAIR: Just by way of clarification, what is the plot ratio in Blandfordia?

Mr Willett: The proposal is to drop it to 28.

THE CHAIR: Why is that? Why is the proposal to drop the plot ratio?

Dr Blair: In terms of the amount of coverage of the site and the ability to keep sufficient space for the garden city concept to work, you need space around the buildings to have mature trees and let gardens, hedges and shrubs develop. So it is a judgment about how much of the site can be covered by the dwelling and other buildings and so on and still allow sufficient room to have the mature trees and gums near.

THE CHAIR: Isn't that a contradiction of the point that you made to us before that the principal concern is the public domain, how it faces the street, so what you do in your backyard shouldn't matter to the same extent? There seems to be a contradiction between those two points.

Dr Blair: No, because usually in most of the precincts that sort of plot ratio at around 30 per cent allows you to extend the existing dwelling in a way that is not visible from the street, and many people have done that, yet it still retains the ability to plant sufficient trees so that you keep the tree canopy. In particular suburbs, Wakefield Gardens is one, the tree canopy is very important and is largely unbroken. Mature trees need a certain amount of space to grow, so that if there is too much coverage of the site, you can't keep that canopy of mature trees.

THE CHAIR: How does that affect solar access for either the property owner or the property owner's neighbour?

Dr Blair: In Canberra, the trees are often deciduous trees. I would need to do some detailed work to look at that, almost case by case. But that certainly hasn't ruled out solar access. Solar hot water has been installed in heritage houses. The current government is encouraging solar hot water. The same department that we are in is encouraging solar hot water.

THE CHAIR: But it wouldn't be unusual for departments to have contradictory policies. I am not just talking about solar access for hot water, but solar ingress into the house, so that you actually get sun shining into the house to warm the house on cold days.

Dr Blair: That is a question of design and siting for your extension.

MRS CROSS: But then you are restricting that, too. From what I have heard today, you are restricting it because, if the house can only have small windows, there is a restriction on how much sun will get in. What land mass do the heritage houses take up, the existing ones? Is it 35 per cent of the block, or is it what you are going to reduce it to, 25 to 30 per cent?

Dr Blair: The existing heritage houses and their outbuildings. It varies greatly.

Mr Calnan: Most of them would be much less than that. I haven't got the block sizes, but in Blandfordia, they are typically about 1,000 square metres, I think. I think most of the original cottages would be of 100 to 150 square metres, which is 15 per cent. I think the provision here is 27½ per cent, which is allowing up to 275 square metres of building on a 1,000 square-metre block.

MRS CROSS: But why should we dictate? I am just being the devil's advocate here. Why should we dictate to people on how big their house should be?

Mr Calnan: The scale of development in these areas has been one of the most contentious issues. The impact that large houses are having on the character of the area has been one of the most contentious issues about development. You can take the view

that they are private leases and therefore people should be able to do what they like. If you take that view, then we just ignore the community reaction to that concern, or you can put some policies in place which attempt to get a reasonable balance between protecting the objectives which have been stated about retaining the garden city character. If you are going to have a garden city character, you need to have some space for some gardens.

Mrs Heathcote: There seems to be a little bit of an imbalance as far as extensions are concerned because apparently people are allowed to come up to three metres away from the side fence, and it is often quite close, especially if there is a hill. But we will leave that. I wanted to draw attention to the fact that, whereas there are minute descriptions for the people who live in the houses—I am supporting the lady over there—there seems to be a bit of neglect of the streetscape.

THE CHAIR: I noticed that in your submission, yes.

Mrs Heathcote: What do we get in return? The paved footpath in Dominion Circuit and Melbourne Avenue where our house is located is totally uneven, and there are lots of old people who don't walk very steadily. Go to 51 Dominion Circuit and you will see what I mean. The thing sticks up about this much. When I rang up and asked to have the footpath repaired—I actually thought of the whole block—they just repaired it outside my house. You insist on the same materials being used, but what they did was simply smear a little bit of bitumen. Two of the blocks are standing at 45 degrees and there is bitumen on top. The trees in Melbourne Avenue are a disgrace; they are dying. This is one of the main streets in Canberra from Parliament House. They had been like this before the drought, so you can't blame the drought for it. They probably need spraying. I don't know; I am not a forester.

Dr Blair: Have you raised it with Canberra Urban Parks and Places, which manages the trees?

Mrs Heathcote: Yes. I have been put through many extensions and I don't know where I have finished, but I asked for the trees on our street, on Dominion Circuit, to be trimmed, and they trimmed three trees outside my house. Then there is the question of asking people to do certain things which cost money but there is no compensation. Look at New South Wales. You can make a request for a restricted valuation, taking into account that the site cannot be developed in certain ways. This can result in lower rates and lower land tax, but land tax doesn't apply to us. There is absolutely no assistance if there is a structural fault, as far as I know. When I rang up we had a problem with the house, a structural problem, and I was told, "Well, that's your house, it's your concern." I don't really see why it is all one way.

Dr Blair: You have raised a few things. To start with, your earlier issues were about how the government maintains its own assets in the heritage precincts. That is a good point. We are working with ACT Roads, who have just done an audit of all their assets in the heritage precincts, and we are going to look at those and work out the maintenance needs. A lot of them are semi-redundant or redundant as they have been replaced by new street signs or new forms of lighting. We are certainly working on the heritage aspects of that. We regularly talk to Canberra Urban Parks and Places, but we certainly don't

determine their priorities for their maintenance programs. That is obviously a matter for them. But where the community or residents raise issues with us, we certainly talk to Canberra Urban Parks and Places about them, if we are able to help.

In terms of the incentives or the assistance that private owners are able to have in the ACT compared to what is available elsewhere, I know that in New South Wales some local governments do offer rates rebates, some of those forms of assistance. It hasn't, as far as I know, been done in the ACT. It is something that could be looked at. What we currently do is we have a free architectural advice service that we offer to owners. If you have a problem and you want to take up that free advisory service, you are able to do that. We have a heritage grants program, but there are many calls on it and there is a limited amount of money, as there is with many grants programs. Certainly, the Minister for Urban Services, Bill Wood, funds what he can from a range of projects that come forward. We do help people prepare conservation plans in some cases and we do help with urgent works in some cases, but it is a competitive process.

THE CHAIR: But, Dr Blair, the heritage grants do not address the issue that Mr Willett is confronted with of the reactivate claim. The heritage grants won't address the issue that you might have to underpin your footings.

Mrs Heathcote: That's right. That is our problem, too.

Dr Blair: The only way I can think of that we would currently be able to help would be through helping to source all commissions, technical work, that would inform the best and most economical way to go about it, but certainly it hasn't been the practice.

Mr Willett: From my personal opinion, I don't want to take taxpayers' money. All I want to do is live under the same rules as the rest of the city and knock the house down and rebuild it, if that is the cheapest way. If it is cheaper to patch it, fair enough, go that way. I don't want to rely on taxpayers' money.

THE CHAIR: Are there are any more questions at this stage? Time is moving on. I think that at this stage we should call an end to it, but it is quite possible that we will have to revisit some of these issues. I thank you very much for your time and your contributions this morning. I hope it has been helpful to have it more as a round table than a po-faced taking of evidence. Thank you very much for your contribution.

Dr Slade: Can we thank you for listening to us, because it is a process which has made us fairly desperate, I might say, trying to get heard. If we were a little bit emotional, that is why. It has been a year.

THE CHAIR: Thank you very much for your time.

The committee adjourned at 11.52 am.