

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

STANDING COMMITTEE ON PLANNING AND ENVIRONMENT

(Reference: Draft variation 200)

Members:

**MRS V DUNNE (The Chair)
MR J HARGREAVES
MRS H CROSS
MS R DUNDAS**

TRANSCRIPT OF EVIDENCE

CANBERRA

FRIDAY, 7 MARCH 2003

Secretary to the committee:

Ms L Atkinson (Ph: 6205 0142)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry which have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

The committee met at 10.04 am.

THE CHAIR: The committee welcomes all in attendance at the second day of public hearings on draft variation 200. Another public hearing for draft variation 200 will occur on 11 March and, just for the record, that will be the first time the Planning and Environment Committee meets with the community at night. Our first day of public hearings was on 28 February at 2.30 pm. Draft variation 200 has been revised about five times between 30 May, when it was released by the Planning and Land Management authority, and 23 December, when it was referred to this committee.

The key dates in the life of the draft variation are that it was released by PALM on 30 May 2002, with notices in the *Canberra Times* on 1 June. Closing dates for submissions to PALM were extended from 29 July 2002 to 30 August.

Revisions occurred on 31 August, 26 November, 17 December and 23 December before the referral to this committee. The 31 August revision allowed development applications for house and land packages in Canberra's new greenfields suburbs, to be assessed under the former rules for private open space, to be extended to 31 May 2003, which is when interim effect for draft variation 200 runs out.

On 11 January, this committee advertised for public submissions in both the *Canberra Times* and the *Canberra Chronicle*, with a closing date of 14 February. We received over 100 submissions, with the majority from Downer residents against. Two submissions not from Downer residents were in favour of draft variation 200.

501 submissions were received by PALM during its consultation process with 478 against and 23 in support. There were 209 form letters from Downer against the draft variation. There were 49 from Quiros and Pelsart Streets and Supply Place in Red Hill with objections as well.

PALM staff are in attendance at this hearing as special advisers to the hearing to clarify any issues witnesses might feel should be clarified in an open and public forum. It won't be a forum for debate, rather for evidence and facts to be placed before the committee to assist with its inquiries. I made it very clear last week, and I would like to make it clear at the beginning of these proceedings, that PALM are here to advise and not to critique the evidence given by members of the public.

This arrangement will also give PALM the opportunity to clarify the complexities of draft variation 200 as the hearings proceed and perhaps clear up any misunderstandings that may have been generated through the documentation.

The committee would like to make the public hearings for this draft variation as comprehensive and as open as possible, as an effective complement to the submissions already received. All witnesses will be asked to identify themselves and their roles at the beginning of their evidence, for the purposes of Hansard. Witnesses and members of the committee who use acronyms are also asked to say what those acronyms mean to assist Hansard staff.

You should understand that these hearings are legal proceedings of the Legislative Assembly protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from legal action, such as being sued for defamation for what you 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 by the Assembly as a serious matter.

Welcome to the Downer Residents for a Liveable Community. Please identify yourselves for the Hansard recording, then whoever would like to start may give a general outline of your position.

MILES BOAK,

JOHAN VAN DER VELDE and

JIM DERRICK

were called.

Mr Boak: Thank you. I am Miles Boak.

Mr van der Velde : I am Johan van der Velde.

Mr Derrick: I am Jim Derrick.

Mr Boak: Thank you for the opportunity to present to the committee. The three of us are long-term residents of Downer who feel very passionately about this issue. Who are the Downer Residents for a Liveable Community? Basically, we're just a group of residents of Downer who have come together to produce a combined view on DV 200. We don't purport to be representing all Downer residents on the issue, but we have all attended the public meetings that analysed the Downer submissions—there's a copy of that analysis there—and we've talked and listened to our neighbours, so we do feel that we have a good understanding of how people are feeling about the draft variation in our suburb.

We don't plan to follow our submission specifically today. After attending the hearing last Friday, we propose to home in on what we think are the main issues and maybe bring up the things that haven't been raised as yet. The first of the three main topics we wish to discuss is the circumstances in Downer, in support of which we will show some images to explain what Downer is and provide a bit of insight into why residents are so unhappy. The second topic is the shortcomings we see with DV 200 provisions, which we will talk about. The final topic will involve a presentation about what we would like to see it amended to.

From the outset, we would like to acknowledge PALM's endeavours in this regard. The whole issue of urban consolidation or renewal is a vexed question; no-one has all the answers and what might work in one suburb mightn't work just up the road. PALM staff

have been very helpful to us. They've met with us on a number of occasions. They've answered all our questions. They've provided data and included us in their discussions. We just don't agree that the final recommended version is the best model for our circumstances.

What's got into Downer over DV 200? We want to start by giving you a brief snapshot of Downer and why we want a solution that fits the suburb for our necessary dose of urban consolidation. If you talk to the original 1960s residents, of which there are still many around Downer, you will find that the suburb was developed as a cottage suburb for workers. The blocks were smaller, the roads are narrower, there were more duplexes and flats initially, from the original establishment time in the 1960s. That's why we have the highest population density and the lowest public open space ratio, before infill even starts in Downer.

(Slides were then shown.) As you can see by the images, Downer is characterised by its streetscape, which is not just the deciduous trees.

THE CHAIR: Is that Barnett Street?

Mr Boak: That's Berry Street. Yes, just around the corner.

THE CHAIR: I said in committee the other day that I thought Barnett Street had the best streetscape in Canberra.

Mr Boak: It is, Barney Street is pretty amazing. That's Padbury, I think.

THE CHAIR: It's nice too.

Mr Boak: But it's not just the street trees, there's a lot of vegetation on the block. There's a kind of uniform setback to the streets. The buildings generally have a low profile, there aren't too many two-storey buildings away from the more arterial streets of Antill, Melba and Bradfield. The open feel is definitely a characteristic of the suburb.

This is a dual occupancy that's just happened recently. The people whose backyard is pictured here have lived in that house for 40 years and suddenly, across the way, a monstrosity appeared three metres from the back boundary where, for the previous 40 years, they had a lot of trees and there was a good 30 metres—well, it wasn't that far, but it was a long way—to the guvvie at the front of the block.

This one happened recently in Legge Street, and it is similar. What the residents of Downer are seeing with dual occupancy is that, despite the detailed site controls, the usual thing is that someone comes in, all the trees go and they build up to the boundary as far as they can.

This just shows the narrowness of the streets. That's the existing old age home, and I think it's Cotton Street that comes off it. It is quite narrow and in the centre of Downer. That's Atherton Street and you can see, when there's street parking, it is a pretty hazardous street to get up and down. Even the postie has trouble getting through sometimes.

That was just a snapshot of what Downer is. Why did 300 of the 500 submissions from the original DV 200 come from Downer. By and large, even though we're part of the inner north, we had been left relatively untouched by any large-scale renewal to date. It hasn't really kicked off in Downer. The first draft of DV 200 was the first time we were immediately in the gun sights. We had 40 per cent of the suburb identified for the targeted higher density zone that was to become the residential core and, critically, opportunities for this medium type of higher density development were restricted elsewhere.

With the double whammy with the shops, we had a large part of the suburb identified, so people were very unhappy when they looked around at what was happening elsewhere. Also, the big thing in Downer is that people can see that ours will be the next heads on the block as far as higher density development is concerned. It's already on our doorstep and we're next in line up Northbourne Avenue. It's gone up and ours is the next suburb.

The other thing is that not many people like the look of what happened in Ainslie, where it appeared that residents basically had no say or were given no protection from the planning scheme.

Another thing that brought this issue to a head in Downer was that, at the same time, hardly a day went by without real estate agents knocking on your door with a map of DV 200 in their hands, saying, "Could I buy your house?" At that time you could still buy a guvvie for under \$300,000, so there were very attractive margins there for property developers. Basically, I think residents see that it's now or never time for Downer and we will have to take a stand if we want to salvage that character. It's very hard to do this retrospectively and through the courts so, basically, we want to get the protection and planning in place before the large-scale renewal takes place.

What's wrong with the revised DV 200? After listening last Friday to the discussions here, we found that the emphasis on the day seemed to be on the fine details of the urban design issues of DV 200. But we would contend that, if you don't get the big picture things right for suburbs, the individual design issues are not critical. It doesn't necessarily follow that, if something looks all right, doesn't impact on neighbours too much and a few sustainability requirements are thrown in, you can build anything anywhere, which seems to be the central tenet of the revised DV 200.

The question of what type of residential development is permissible and where, should be the focus of the document. This is our main point. We think that, if you hone it all down to arguing about site controls, you're already lost. Draft variation 200 should be about setting the big picture agenda for the suburbs, setting out where dual occupancies can go and where the higher residential core development can go. In that way, people will have a bit of certainty in planning in the suburb. What we're presented with now is uncertainty for everyone. Everywhere is potentially up for grabs and higher density dual occupancies could happen anywhere.

This big picture stuff for the suburb should be based on looking at the circumstances in the particular areas, and asking what the attributes of those areas are, which doesn't seem to come into the equation in DV 200 at all. Where's the justification for where the lines come down? The area's suitability to what's proposed you would think would have been

a fundamental consideration for these big decisions in DV 200. Looking at the suitability of different areas down to a sub-neighbourhood level would mean that dual occupancy wouldn't be permissible everywhere. If you look at some of those streets, you will see that they're not suitable for dual occupancy, but other parts of Downer could be suitable for higher density buildings. Higher density in the residential core could even be achievable at select locations within the suburb.

One of our biggest frustrations with PALM over DV 200—it's a related point—concerns the ability to look at what the provisions actually mean in the suburbs now, on the ground. We're unwilling to accept their line that we should be happy with DV 200 because it's tightening up what could've been developed in the past, so they're comparing it to the previous controls. To most residents, the past controls are largely irrelevant. They're interested in the here and now and what it's going to mean to the shape of the suburb in the future.

The here and now for Downer: at the moment, we have an average block size of between 700 and 800 square metres. The plot ratio of dwellings would be around 15 per cent on average and those 700 to 800 and 15 per cent figures give the suburb its low-density character. The acceptable standards put forward in DV 200, in comparison, mean that lot sizes of half that are permissible—down to 350 if 700 is the minimum for dual occupancy, and you can subdivide off. So what we're getting as the vision for Downer is lot sizes to be halved with twice as much building on them, with the 35 per cent plot ratio.

When residents compare the new standards to what is there now, they find that there's a dramatic difference. The logic is that we should accept an increase in the ratio of private open space—50 per cent on the new blocks has to be private open space—on smaller blocks as a step forward and as protecting existing residents' interests, even though the amount of private open space now is reduced by 50 per cent in the first instance before the calculation is even done. Residents are not going to be hoodwinked. They realise that what is proposed under DV 200 in a suburb like Downer that hasn't been redeveloped much, where you basically have what was there originally, is a drastic change.

The other point is that people have a healthy cynicism about whether the detailed application of site controls will deliver the desired outcome. Going back to the photos, most people's perceptions are based on what's actually built on the ground now, even though those controls were developed under the old Lansdown guidelines. When you look at that and what the revised DV 200 has become, there's not much difference. They're basically the same thing. The second one is tarted up with a few more sustainability things, but the crunch issues are dealt with in exactly the same way. With the new 700 model, they're actually extending the distance the development can come out.

A previous planning study, not done in the ACT, did an audit of medium-density applications actually built, which found that 60 per cent didn't comply with their own design standards. It's not the way to do planning. The sustainability things are very important and should be an essential part of the package, but they shouldn't be the whole package.

Regarding the submissions, we contend that there isn't a mandate to make the changes on the basis of the issues and the numbers who objected. We would contend that 90 per cent of people actually supported the original DV 200, or the suburban controls part of it that prohibited subdivision and controlled consolidation. Especially in the Downer case, what they didn't like was the 40 per cent for the residential core area. This is where we're particularly upset: our submissions are being misconstrued to be a driver for changing suburban controls, where the actual wording said that the majority wanted the suburban controls to be kept in the original DV 200.

How can we improve it? What has to happen? I think the government has to keep the promise it made in the planning for the people election platform that they took to the people. It said that local residents must have a major say in what happens in their communities. That document also said that urban consolidation was not going to be focused in the suburbs "around" the town and group centres, it actually said it was going to be focused "in" the town and group centres. If that happened, it would be a start.

The big issue for us is that we would like to see the local plan or the custom-fit model for Downer, to come up with the controls to fit our circumstances, prepared prior to the DV 200 lines being placed on maps that show where the higher density areas are being put. We'd like to see some protection in the interim. Whether that means that the original suburban part provisions go forward or the DV 192 provisions—that kind of interim protection—are continued in the future. A local plan should be the key document to dictate what happens in the suburbs.

I know that there is an opportunity in neighbourhood planning to make that happen, but there's extreme doubt about whether the model we have is going to deliver that. Regarding what we would like to see Downer look like—and Johan is going to talk to that briefly—we have developed our own principles. They were derived from the 300 submissions. What we did is take all the submissions about what people wanted to see Downer look like, and come up with the principles document.

Are there any questions?

MR HARGREAVES: How many dwellings are there in Downer?

Mr Boak: In Downer I think it's 1,500 or 1,800 or similar.

THE CHAIR: It's quite big, isn't it?

MR HARGREAVES: So it's three times as big as Dickson?

Mr Boak: Downer is quite big.

MR HARGREAVES: That's all I need, thank you.

THE CHAIR: Sorry, Johan, do you want to continue?

Mr van der Velde: Yes.

THE CHAIR: Would you keep it brief, because I think that members probably have some questions as well. Thank you, Miles, for that very comprehensive presentation. I think it says a lot.

Mr van der Velde: Thank you. We were concerned that DV 200 did not show any intellectual leadership on planning principles, and we were quite keen to come up with our own planning principles which were a custom-fit for Downer. We looked at the 300 submissions that were put forward to the first submission of DV 200 and we came up with 13 principles which are categorised under three headings: the natural environment, development issues specific to Downer, and the neighbourhood planning process that we want to see involved.

I draw your attention to this handout which we have distributed to all committee members. I'll briefly outline the 13 principles. The first three are under natural environment: we ask that open space be preserved, large canopy trees be preserved as much as possible, and that there be preservation of the setback from the block boundaries so there's no encroachment on open space.

Under the Downer development issues, we've come up with six principles, largely relating to our request for more rigour in identifying redevelopment areas. We request that there be parallel upgrades in infrastructure and facilities to accompany the extra houses being placed on the area. We're concerned that, with more rooftops and less open and permeable space, there'll be a bigger load going into the stormwater and sewerage systems. We're very cognisant of the fact that, whenever there was a heavy downpour, the first thing that happened in Ainslie was that the streets were overflowing with water. We were very concerned that the solution to that was that they came along and ripped up the streets and put in bigger stormwater drains. We were very concerned about that happening in Downer.

We asked that the redevelopment proposals address the safety and security of young families and the elderly, and that all the redevelopments cater for off-street parking so that the streets do not have an increased burden of parking. We're looking for a diversity in accommodation standards and capacities. We would like to see suitability studies commissioned to identify and preserve the best examples of garden city neighbourhoods.

The last four issues that we identified relate to the neighbourhood planning process. We're quite keen that it's not just about technical controls, but embraces the wider social and environmental issues, and that residents are empowered because the process is more transparent and inclusive, and because wider public consultation is involved. We'd like to see more open debate on the urban infill policies and a focus of community programs located in the social or the commercial centres of the neighbourhoods.

From here I'll hand over to my colleague, Jim.

Mr Derrick: I'm Jim Derrick. My contribution is just to express some concerns we have about a particular survey that was commissioned by PALM. You know it as the Artcraft report. We have some worries that this seems to be being used as a justification for a large increase in dual occupancy. Our concerns centre around some factors relating to the study.

First, they asked people who already lived there what they thought of dual occupancies. We'd say they were a self-selecting group, so they were not necessarily typical of the general population. There may, in fact, be a large proportion of the population who might not choose that type of residence, so that's a shortcoming. There was no measurement of people's views prior to the commencement of dual occupancies, so you'll find in that document that X per cent of people are very satisfied with the streetscape—and it might be 50 or 60 per cent—but what it doesn't tell you is that possibly 100 per cent were very satisfied before, but with the onset of dual occupancy they actually feel that the quality of the street has declined. We think that's a shortcoming.

No questions were asked about what their views would be if there was a large increase in the number of dual occupancies, which is possible under the current version of DV 200. The survey was obviously taken at a time when there was a 5 per cent limit under DV 192. Despite what we'd see as some shortcomings with that, it was interesting that some of the issues raised were similar to the concerns that Downer residents have. Quite a high proportion—38 per cent of the people who lived in dual occupancies and 32 who lived next door—said too many people and buildings was a concern. Twenty-nine per cent of people who lived in dual occupancies rated loss of gardens and trees and greenery as a concern and 46 per cent of people who lived next door thought it was a concern.

I won't bore you with the details, but you can look through the document. It mentions poor building design, more car parking on the streets, pressures on drains and sewers and so on. We are concerned to ensure that, if that document is used as an input to decision making, it is viewed carefully and what we see as some of its shortcomings are taken into consideration before too much weight is placed on the results. Thank you.

THE CHAIR: Just for the edification of the committee, Miles, you spoke about an audit of medium-density housing which didn't meet the design criteria. Would you talk about that? You said it wasn't in the ACT, but in Sydney.

Mr Boak: No, it was in Sydney.

THE CHAIR: Did you refer to it in your article yesterday?

Mr Boak: Yes, there was a report done by the University of Western Sydney.

THE CHAIR: Can we have one?

Mr Boak: Yes.

THE CHAIR: Fabulous.

Mr Boak: It is probably the most comprehensive look at the issues surrounding urban consolidation done in Australia. It's a six-month report and they used the experience of three councils going through the whole history of New South Wales—20 years of urban consolidation policy there. Basically, that is very much the conclusion: you need effective site controls but, simply because of the development assessment process and so on, what you get on the ground isn't necessarily what you envisage in your controls. I would contend that is very much the case.

THE CHAIR: Sorry, can you just explain that to a non-technical person?

Mr Boak: Yes. The standards might say you have to build five metres from the front boundary. The building that actually goes on the ground is three metres from the front boundary.

THE CHAIR: So that's a compliance issue?

Mr Boak: It's a compliance issue, and that's the nature of planning. In that study they did an audit and, in 60 per cent of cases, what was on the ground didn't comply with what the standards were in your planning controls.

THE CHAIR: Does that mean that it didn't actually comply with the plans that were submitted or the development application that was submitted?

Mr Boak: Yes, I would say it would be a bit of both.

THE CHAIR: Okay, so the people who put the stamp on the plans may not be making sure that they fit the rules.

Mr Boak: That's right.

THE CHAIR: But it could also be that, once the stamp is on the plans, someone plays fast and loose.

Mr Boak: The builders' fudge, yes.

THE CHAIR: Okay. In the second case, I presume councils are pretty loath to say, "You've done it wrong, boys. Pull it down and start again."

Mr Boak: That's right. I think the whole point of that, and the reason I raised it was that in your planning tool box you want to have a whole lot of things, not just site controls. Site controls are important but, if an area of dual occupancy or higher density is suitable in the first case, it should be permissible or prohibited. Whereas, under DV 200, going back to 700 metres, dual occupancy is permissible everywhere.

THE CHAIR: There aren't many blocks except in the newer areas of Gungahlin that come under the 700 metre rule. Do you have a feel—and somebody might be able to get back to us on this, whether it's your group or PALM I don't mind—about how many blocks in Downer, for instance, between the old—oh, you do have a feel.

Mr Boak: It's a huge difference.

Mr Derrick: It's a massive difference.

Mr Boak: Mark Patterson wrote an article about that. It quoted all the figures.

THE CHAIR: It's really not so much to absorb now, but to absorb when we deliberate.

Mr Boak: Basically, I think Mark's figures were that 80 to 90 per cent of blocks in Downer would be—

THE CHAIR: Potentially for dual occys.

Mr Boak: Yes.

Mr Derrick: Yes, or dual occupancy and more dense development.

Mr Boak: I think it was a 40 per cent reduction. All the figures are there.

THE CHAIR: Thank you.

Mr Boak: We have to thank PALM, which has provided all that.

THE CHAIR: Can I summarise your views? If this is not an accurate summary, feel free to say. You said in yesterday's article in the *Canberra Times* that this is a one-size-fits-all approach. It's something that resonated with me as I think I've used that term myself. What you're actually saying—and I think that I've heard other people before the committee say this as well—is that you don't have a problem with redevelopment as such but you, as a community, would like to have more of a say about the right place for it to go.

Mr Boak: That's right.

THE CHAIR: I'd just like to see whether this is a reflection of your views as well: I think someone from the Institute of Architects said, last week, that drawing a line around the shops may not be the best place to do densification because the topography might be wrong and the orientation might be wrong.

Mr Boak: Definitely.

THE CHAIR: Let's look at our suburbs and say where the best bits are within the suburbs.

Mr Boak: Yes, exactly.

THE CHAIR: You're nodding. Is that a general assessment of your views?

Mr van der Velde: Yes.

Mr Boak: Yes. We would contend that some of the bits are in the residential core, in our own individual case in Downer.

MS DUNDAS: Just to clarify that, you would prefer individual neighbourhood planning processes to progress, that each street or each block be assessed for its suitability, and that then be set down for the future planning. You said you were also looking for certainty—

Mr Boak: Yes.

MS DUNDAS: —for both owners and developers, so that would need to be set down: this block is suitable, that block isn't. Is that what you're looking for?

Mr Boak: Exactly, and to achieve that we have to resource planning again, because it would be a resource-hungry thing to do. Pre-eminent in the hierarchy would be your local plan, and when someone puts in a development application, an important matter to consider would be whether it complies with your local plan. It is still really fuzzy how the neighbourhood planning process interacts with the actual development assessment process at the moment.

MS DUNDAS: What if the answer comes back and you don't like it?

Mr Boak: Grade it.

MS DUNDAS: Exactly. If the individual assessment shows that there are more blocks that are suitable—

Mr Boak: Yes, so be it. In each suburb there are some areas where you could have more greenfields areas. We definitely want hands off our open space and things like that but in Downer. Whether that means what CREEDA does or not, there may be some scope for some higher density places that could be on a more greenfields basis, and so you can come up with a better design solution, not a de facto, after-the-game, trying to fit another house in your backyard kind of thing, which we contend is—

Mr Derrick: I think it's inevitable that, with any of these discussions, you can't please all the people all the time. However, I think people would be far happier, even if they were grudgingly accepting a decision, if they felt that there'd been a reasonable process in which they'd had an opportunity to have their views considered, as opposed to the situation, as Miles has said, if the provisions of DV 200 as they currently exist are enacted, then the game's really over, because all the important decisions have already been made and you're only fiddling at the edges.

MS DUNDAS: But in terms of process, you did mention that PALM answered all your questions and provided you with information. How would the process be better?

Mr Boak: Whether it's a neighbourhood plan or whatever, we want that local plan to happen, that it be integrated into the planning determination process as a critical factor in saying whether you can do that on your block, so the local planning is integrated into the environmental assessment process. It becomes fundamental in determining what things will look like on the ground in Downer. Basically, you would come up with a fine-grained solution, because there are blocks in Downer on which people have aspirations of higher development, and there are whole streets where people just want it to stay the same.

I would contend that, if you did that, you would actually meet the sustainable city objectives. You would actually fit more people in Downer doing the local thing, because what's happened in Ainslie is that the census population has largely stayed the same,

even though a lot of areas have changed dramatically, because the number of family homes has gone down and the number of corporate villas, with 1.6 people living in them, has gone up. If the objective is to fit more people in our suburbs so we're not sprawling out, the fine-tooth solution would actually deliver more people.

MR HARGREAVES: I've got a question. I think the Downer representation is an ideal snapshot. My perception of it is that we have this individual attention to the suburbs being delivered by neighbourhood planning groups. As they go around, they will more clearly define what those neighbourhoods actually want and how they see it going for the foreseeable future, recognising that it will be a living arrangement, and that it will change from time to time. I'm not convinced either way about this so this is a genuine question to you. Is it not appropriate that we have a broad one-size-fits-all approach and then adjust that to the results of each neighbourhood planning group? How do you see that?

Mr Boak: Yes. I would contend you would have it around the other way. If someone hasn't got a neighbourhood plan, you could have a group or suite of suburbs—it shouldn't be a Canberra-wide thing. You could have inner north, Tuggeranong or whatever. You would redefine the area and have controls in place under DV 200 based on a suite of suburbs until they do the neighbourhood plan. Our big problem with that issue is that, once DV 200 goes, all the big decisions are made. If you look at what's happened in Lyneham and so on, in the community they got to do some fine tuning and play around the edges, but they didn't get to make the fundamental big decisions.

Draft variation 200 does put lines on maps and does make the fundamental decisions. We would ask that the fundamental decisions be made in the neighbourhood planning process and then maybe it has to be fine tuned to fit better Canberra-wide. So DV 200 may influence that, but the primary document is your local plan, not the other way around.

MR HARGREAVES: Do you think, though—and, again, I'm not arguing the case one way or the other—that, because of the evolution of neighbourhood planning groups across Canberra, it's going to take a fair while?

Mr Boak: It is.

MR HARGREAVES: Do we therefore leave a lot of the other suburbs in hiatus until such time as we can get to them?

Mr Boak: Yes. No and yes. It is a difficult question. The solution may be that Canberra recognises that we want a planning solution, and we put a lot of resources into it. You could look at the threat to suburbs. The inner north and the inner south seem to be under a bit more threat at this time so, surely, you could focus on those areas. Canberra's got 102 suburbs, so it'd be a hard thing to achieve if you said that you were going to do every suburb in a short timeframe. I still think you could do some prioritisation so you hit the majority of suburbs that are under immediate threat.

MRS CROSS: I wanted you to expand on your concerns about site controls.

Mr Boak: Yes. Okay. Basically, I think it's fair enough to say we support the site controls. In a lot of cases they do represent a step forward. In the majority of submissions we said just that, and we didn't want them watered down and made more merit based and so on. The sustainability things are great but our view is that we should be realistic about this. The site controls, in a way, are just a bit of gloss. They're very critical, but there are some bigger issues because, if you've already halved the block size from 700 to 350 metres, you've already made the fundamental step and the site controls are just fine tuning what you've got, which is quite different.

We would support the majority of site controls. There are a few issues. Regarding one of the issues raised last week—what areas of the Lansdown guidelines would you like to bring forward?—I agree with Dr Webb that there are some aspects of PPN 6 that actually call up outcomes and not just the process of site controls. I think one was that you kept the street trees and there were a few clear statements of what's intended, where DV 200 is just the process—you've got to put in an application on landscape and so on. I would like to see on-site controls more outcome focused, rather than just as a process.

THE CHAIR: I thank you very much for the very comprehensive presentation. Before you go, you didn't show us slide number 12.

Mr Boak: Site number 12 is not actually in Downer, it's in Ainslie and it's a product of the previous controls. It's not in a B11 or a B12. It was in the old general residential controls. We brought it in because you can see the massive building and, compared to that, what we've got in Downer is quite different.

THE CHAIR: But there are trees planted there. It might be quite different in 10 years time, to be fair.

Mr Boak: Yes. The setback looks to be three metres, where in Downer you've got seven metres. It is a whole different scale.

THE CHAIR: It is a whole different scale, yes.

MS DUNDAS: So you agree that changes do need to be made, just not these changes?

Mr Boak: Yes, I think that's fair enough.

MRS CROSS: You're unhappy with the consultation or lack thereof.

Mr Derrick: We're not trying to be nimby and say, "No changes."

MRS CROSS: No, I understand that.

Mr Derrick: It's inevitable that change occurs, it's just that, with regard to the process by which decisions are made in determining where change occurs and how it occurs, I think people feel that, if there was a better process—and not necessarily the one-size-fits-all approach, but a more sophisticated and specific process than Downer's—then the outcome would be a lot better and people would feel a lot less aggrieved about things.

Mr Boak: That's right.

MRS CROSS: Do you think there is an ideal solution for a Downer approach? You've got a benchmark at the moment on which you can comment. What do you think would be more sophisticated, more workable and appropriate for Downer?

Mr Boak: What we would definitely do is a break down, looking at the streets and sub-neighbourhoods and working out where these things are suitable. There might be some areas that could have a higher density, and some have a lower. We would actually look at what's on the ground and at the issues we've talked about—infrastructure and what's there now—because there are a lot of duplexes and flats in Downer already, but the suburb has grown up with them. They were there from the start.

MRS CROSS: Thank you.

THE CHAIR: Can I just ask for a little bit of clarification? What do the colours mean on here. The red ones are the ones that are subject in both forms to dual occupancy, but there are blue and green ones as well, and yellow. The yellow ones are smaller blocks.

MR HARGREAVES: The red ones are okay, we've worked that out. It's written on the bottom.

Mr Boak: I think that issue is going to form a large part of the Downer Community Association's submission. We might have stolen their thunder with those maps.

MR HARGREAVES: Just one last thing, a very brief one, actually. What I'm hearing—and I was really pleased to hear it, actually—was that you were saying that the consultation process, in terms of the relationship with PALM, was top stuff.

Mr Boak: Yes.

MR HARGREAVES: What in fact we're talking about is just a disagreement on the conclusion, so perhaps we ought to be recording that that relationship was a cordial one.

Mr Boak: Yes, that's fair enough too. I suppose you can have a cordial relationship but, if you don't influence the outcome, you might feel a bit frustrated. But, yes, they've been first class in providing information.

MR HARGREAVES: I appreciate that. Thanks very much.

BARRY RAISON was called.

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

Mr Raison, thank you very much for coming today and participating in our hearings. I ask you, for the purposes of *Hansard*, to state your name and address. Would you like to make a brief opening address?

Mr Raison: Barry Raison; 32 Colebatch Place, Curtin. The background is that I've had a long involvement with land tenure, use and planning as a resident for 33 years; a practitioner as chief valuer for the ACT for 20 years and then as a contract valuer; an academic, studying, lecturing and writing on land tenure; a participant, attending most of the seminars and workshops, making submissions personally and for professional and community organisations; and a consultant for several inquiries—but I'm still learning. I don't want to repeat the submission. I'll talk to the various points as we go, if you wish. The first points are on definition.

MS DUNDAS: Are you pleased to note that many changes were introduced between the draft variation of May and the draft variation of December? What were the changes made that you did like?

Mr Raison: The terminology for core areas. The definition before was general, it was meaningless; so core area, residential core, is more appropriate. The inability to have dual occupancy in the non-core area, to have saleable dual occupancy, was taken out. I think that's an improvement. It's virtually a different plan; it changes throughout.

On the other half of the definition, the suburban area, I don't think that's good enough. I feel fairly strongly on that. "Suburban area" is meaningless. It needs another title and that should be simple to work out. I've suggested previously single residential or residential non-core or normal or standard residential area, but there's got to be some other expression other than "suburban". The minister's statements in November and December, the press releases, referred to the suburban areas, but he was talking generally; he wasn't talking about the defined suburban areas. So it's got to have another title.

THE CHAIR: What you're saying is that it can lead to confusion.

Mr Raison: Confusion.

THE CHAIR: Whether we are talking about capital "S" and capital "A" suburban areas or lower case ones, yes.

Mr Raison: It just needs another term and I'm sure that's possible. And that's if we have to have those zones. I'm not sure that we do. That's a separate issue. But I think it's better not to split the suburb. You allow the whole suburb. You could have certain inner suburbs or most of Canberra—just exclude the new suburbs from possible dual occupancy. But what's far more important than the location is the type of block, and that's where we've been let down in the past. It's been lack of quality. The dual occupancies have been too bulky. They've got around the site density rules by enclosing carports later. They've overshadowed one another, they've built one behind the other.

If you concentrated more on the type of block and the neighbourhood, 700 square metres is probably too low, I don't know why they changed that, but 800 square metres could be a minimum or even higher in certain areas. But have a set minimum, allow for corner blocks or blocks that front plantations. The siting of the existing house, if it's going to be retained, is important. I think it should be more of a judgment on the quality of the subdivision rather than an arbitrary location factor. I don't really think the zones are necessary, but if they are they can be improved.

The new suburbs are catered for in a way already with the five-year rule; you can't have dual occupancy on a block that's less than five years old. You could make that a longer period or, in the absolutely new suburbs, you could ban it altogether because probably the blocks have been planned with the knowledge that they don't want dual occupancy, unless specifically required. Certain blocks may be designated for dual occupancy or multiple-density housing, but the majority should be now being designed for single-use housing. So it shouldn't be necessary in the newer suburbs.

Triple occupancy in the so-called suburban areas is still banned. I don't think it should be. If the block is large enough, 1,400 square metres or so, why not make use of a big block that might be derelict at the moment with a backyard too big to maintain? For tasteful developments, I think there's still scope no matter where they are.

The temporary care garden flat types of development—granny flats, so-called—are allowed under certain conditions, but then they have to be removed. I don't think they should have to be removed. If there was a legitimate purpose for them in the first place and that has ceased, it may come back again; if not, the so-called temporary accommodation could be used for other purposes, recreation or home office, or even let. So what if it's let? If it met the standards in the first place, it could also help to ease the affordable housing problem and may again be used by the family later. So I don't think they should have to be removed.

There was a quote that I was going to give you on dual occupancy. I'll give the secretary the actual document afterwards, but it was supplied by Annette Ellis, quoting Mark Latham, both federal MHRs, and it is to do with federal responsibilities for cities. They were looking at Gosnells in Western Australia, a new area. There's just one paragraph. It reads:

Local government—
meaning us in this case—

also has a role to play. Its planning approvals need to streamline the conversion of residential housing to dual-use and home-based offices. For many people, the era of divided home and work space has ended. Our planning laws need to catch up to the new economy. This is a practical way of easing congestion and combating sprawl. It's good for families and good for the environment.

That is the policy statement on dual occupancy, which I'll hand in as I go out, if you like.

THE CHAIR: Okay, thank you.

Mr Raison: That's also got the source. The other aspects of tree protection and garden development, I think, are overdone. Tree protection is a separate issue, but the bushfires have highlighted the danger of not allowing a resident to grow or remove whatever trees he wants to. I think that's virtually unnecessary, the tree protection legislation. But also this requirement to have a certain amount of unpaved area and a certain amount of planting area, if the resident wants to pave the area and it's satisfactorily drained, why not?

I think we're overdoing it. The garden city implies a sense of freedom and enjoyment, but then we put all these controls on it so we can't do what we want to do with our own land and it makes a bureaucratic nightmare. How are you going to, firstly, approve or otherwise and then enforce all these requirements? Allow a bit more freedom. I think that covers the points that I raised.

THE CHAIR: Could I sum up, Mr Raison, by saying that you would like to see us doing away with the delineation between core and suburban areas, but having a more holistic look at suburbs?

Mr Raison: Use your master plan process or suburban plans.

THE CHAIR: So that you can pick and choose the areas that are suitable for densification in terms of multiunit development, if you want to have multiunit development. You might find suburbs that are entirely unsuited for multiunit development and you would say that you should use the neighbourhood master planning process for that, reflecting what other people see as being more selective and more discriminating about the types of blocks that you use for dual occupancy, if you're going to have dual occupancy.

Mr Raison: Certainly. Because of the mobility here, I don't think the distance from a shopping centre should be the main criterion, except for perhaps elderly citizens units. But everywhere in Canberra is reasonably accessible. You could eliminate some suburbs that don't have a shopping centre at all, but otherwise every property in the suburb is reasonably accessible. You don't need that zoning restriction.

THE CHAIR: Thank you. Any questions?

MR HARGREAVES: No, I think that Mr Raison's comments were pretty clear. The interesting one, I must say, that we haven't heard much about was that you should be able to deal with the trees on your block if you want to: it's your block and they're your trees; you can chop them down or let them grow, according to your want.

Mr Raison: Some of them were even given to us by the government.

THE CHAIR: Yes, that's right. Did you take your 10 trees and plant them?

MR HARGREAVES: And some of them were pulled out of our front yard by the same people.

MRS CROSS: Mr Raison, you want the no front fence policy reviewed. I want you to expand on that.

Mr Raison: That's a side issue, yes. It does get a mention in there.

MRS CROSS: It is part of your submission. Could you tell us why?

Mr Raison: Firstly, because I believe that there are thousands of illegal fences here anyway. Secondly, things have changed. There are security problems, crime, safety, privacy. They've obviously got to be controlled; there's got to be certain types. We don't want prison-type fencing, but certainly tasteful. We made a change a few years ago and allowed courtyard fencing. That's been successful and that could be extended to the front boundary.

I live in a Radburn subdivision in one of the successful parts in Curtin. Most of them were unsuccessful, but Curtin's very nice, except from the street it's like a back alley, but from the plantation it's good. But we've got wide open space, which is good except for the dogs, the bikes and the graffiti artists. I'd probably still leave it unfenced, but I think you should have the option of putting in a low fence or a cyclone mesh fence. You're allowed to have a hedge.

MRS CROSS: It depends on the height.

THE CHAIR: No, it depends on whether it's heritage.

Mr Raison: That indicates, I suppose, that a fence is okay because a hedge can be as forbidding as anything. There are some beauties in our area.

MR HARGREAVES: They're used in O'Connor as a fence.

THE CHAIR: On the subject of the Radburn designs, given your background and the fact that you live in one, it has often struck me in Curtin and other places where they've used it that that sort of streetscape—I mean, there is no streetscape. How does that fit into the garden city concept? I think it's an interesting place where everyone's back fences, their garbage cans and their garages face the street and you end up with an alleyway, rather than a street. You say that you live in a successful one. There have been lots of unsuccessful ones. What are the factors that make them successful or unsuccessful?

Mr Raison: I think it's the open space in front. When it was tried in Charnwood, the blocks were too small and the open space was just narrow spines, and it was nearly all government housing as well. The back street still conforms with the garden city because

it's probably one of the last areas where the government planted a hedge. Occasionally, they come and trim them still, but we generally maintain them and some people are starting to remove them. They can get permission to remove them and they're putting in their own garden.

THE CHAIR: So the Curtin ones had hedges.

Mr Raison: Against the compulsory paling fence, which is a fire hazard. Hopefully, we'll get approval to replace it with colourbond. There was a very high lapped and capped paling fence required, but then that was shielded along the street frontage by a hedge on government land.

THE CHAIR: A hedge on the outside.

Mr Raison: On a nature strip, virtually.

THE CHAIR: But it's fallen into—

Mr Raison: When it's three metres high and straggly, it's not a feature. But it's up to us to maintain it. The government has got other priorities now. It was like the old Ainslie/O'Connor areas, Braddon and such like, where they used to trim the hedges. They still do it once a year in Curtin.

THE CHAIR: Because they are actually on public land.

Mr Raison: Yes. Can I just make a concluding commercial?

THE CHAIR: Yes.

Mr Raison: I'm an advocate of perpetual leasehold, so I've got to take every opportunity of welding that into this process. But when there's a new development, such as dual occupancy or the rebuilding in the bushfire areas, I think a new 99-year lease should be issued as part of the process—or better still, to save you doing that, if you would change the legislation to perpetual or 999-year leases everyone would have it.

It would be much simpler and more certain and secure than the present system, which is not bad. It's a big improvement on the original system as we now have almost automatic renewal, but you have to go through the administrative process, apply for it and pay a fee and there will be a lot of bookwork involved in this. Just make it automatic and you'd get rid of lots of administrative burdens and provide just that little bit more incentive for residents.

THE CHAIR: You don't have an argument from me. Thank you very much, Mr Raison.

THE CHAIR: You should understand that these hearings are legal proceedings of the Legislative Assembly and are protected by parliamentary privilege. This gives you certain protections but also certain responsibilities. It means that you are protected from certain legal action such as being sued for defamation for what you 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 by the Assembly as a serious matter.

Mr Cohen, could you introduce yourself for Hansard and would you like to make an opening statement?

PAUL COHEN was called.

Mr Cohen: My name is Paul Dion Cohen, my address is 25 Somerset Street, Duffy and I'm a town planner. I'm here to represent the Planning Institute of Australia, ACT Division. The Planning Institute has previously made submissions on the draft variation to the Territory Plan 200. We're concerned that the draft variation remains focused on developing residential policies that will dampen development pressures on the inner Canberra suburbs that are seen to have either heritage or historical significance and that these policies do not necessarily apply in an appropriate sense to the suburbs in the new towns. It's clear from reading the policies that they have a limited application and that they are very much concentrating on dual occupancies and triple occupancies—one would say almost to the point of obsession.

We're also concerned that the document, which is regarded as a residential code, is not a residential code really. It is a replacement document for sections 1, 2 and 3 of policy B1 in the Territory Plan. To get a full understanding of what the residential requirements are for building in the ACT, you have to read sections 1, 2 and 3 of policy B1, appendix III.1 which deals with single houses, appendix III.2 which deals with multiunit development, and III.3 which is the urban housing code, master plans and section master plans relating to the relevant area.

Our concerns are that, although the objectives to the policies are couched in positive language—and we support, in general terms, the objectives—the policies themselves are in essence really designed to dampen development in the metropolitan area and, while this might be appropriate, as I've said, in the nine inner suburbs that have heritage and historical significance, on a broader plain they're not necessarily relevant. To give an example, I might point out that one of the intentions is to develop higher levels of housing in the residential core areas around local centres, and those local centres are changing. Their nature is changing considerably; they are becoming degraded and they're changing their function as the retail functions of those local centres go to higher order centres. The perception that there will be any benefits from a transportation point of view from concentrating development in these residential core areas, and that this will improve or reduce traffic movement, is misconceived.

We're concerned that there are a number of issues that really ought to be dealt with before we get down to the fine detail of how you build your house and we're concerned that the sort of development controls that are being imposed by the code will have the effect of really stifling any opportunity to have a city of innovative designs, because housing will have to go within the horizontal and vertical building envelopes that are being prescribed.

We're concerned that we are likely to get to a situation where designers realise that there is a form of house that gets through the high-quality sustainable design process and that, if you just keep whacking those down your drawing boards and putting different block numbers on the bottom, we will end up in the same situation as we were in in the very early 70s when we were building suburbs at a phenomenal rate and everything in those suburbs was six metres back from the front boundary, one and a half metres from one side and three metres from the other and they all looked the same: if you wandered into the wrong house accidentally you could be forgiven because they were all the same sort of development.

We're concerned that there hasn't been enough consideration of the blocks that are available for medium-density housing in the residential core areas; that in many cases the blocks are going to be too small to allow residential redevelopment in one respect but, even if they are big enough, the shape of the block and the requirements for permeable open space and a range of other requirements such as no basement parking will make the proposition of high-density development uneconomical. The designers are telling us that this is the case; that it just simply won't be an economic proposition to go to medium density housing under the new rules because the land isn't going to be big enough to cope.

We've got a concern about the fact that the code is a one size fits all approach. It's a metropolitan code; it does allow for master planning. Master planning is a very slow process and is extremely slow in the situation that the planning authority is now in with a very small number of professional planners and in a situation where there's a concentration on the inner city and there's a shortage of funds.

We believe that the planning for residential areas ought to be done on a precinct basis—a precinct that's defined by the physical features of the place that it refers to. Typically, planners look at factors such as the prevailing winds, the topography, the drainage lines, the outlook and so on. We are all now aware that for those of us who live on the urban fringe of Canberra, in the north and the south of the river, we need to plan for fire attack as well. It's going to be a very important aspect of our planning and we're really not geared to do that. It's going to become more problematic for us if we follow the guidance provided by this code because we are going to create an urban forest. That urban forest is a source of fire and we have to keep that urban forest watered—and we simply don't have the water available to us to do it.

We live in an area of almost permanent drought. We have a limited water supply. We will raise the population to 500,000 over a period of time, with no more water but with a commitment to provide environmental flows into the Murray-Darling Basin. Even if we do build new dams, there is a problem of how we keep watered the permeable open spaces that we've created.

We have had the benefit of advice from Ian Lawrence, who is a fellow of the resource centre on water, and his concerns relate to the management of urban water in residential areas. He believes that we can manage water properly by a balance between the water that we retain on urban blocks and the water retained in the public spaces near the urban blocks; but we haven't done any planning that allows for this.

THE CHAIR: Sorry; who was this, Mr Cohen?

Mr Cohen: Ian Lawrence.

THE CHAIR: Ian Lawrence, okay, yes I know.

Mr Cohen: So, in terms of the more strategic side of the planning, the institute's concerns relate to, first, where do we get the water to provide these leafy suburbs that we so love on a metropolitan basis. Second, we are concerned that there is a need to have planning which relates to places rather than planning that looks at Canberra as seen from a satellite some considerable distance away. Planning needs to be specific and we are concerned that the resources to do this planning are not available within the existing planning framework. There is a need for a much greater commitment by government to precinct specific planning. We need a better professional planning task force or team within the authority and they need to be prepared to take on this task over a long period of time. Then on that basis what we need is a fairly simple residential code that deals with principles and provides some guidance but doesn't—as this one does—stifle innovative design.

MS DUNDAS: To focus on that point, we've heard throughout the hearings the suggestion that we should do the neighbourhood planning process, break down areas that can and cannot be redeveloped almost to the site, and make that decision before we set these controls across the board. Is that also the position that you're advocating? You're talking about precincts.

Mr Cohen: I'm advocating a position which says that—and there was one other; I've said this at the beginning—the approach is not strategic enough now. By strategic I mean that in building up denser development areas you will create a requirement for different transport arrangements and, if you don't think about your transport arrangements first and develop places where there are conglomerations of development and then try and bring in a transport policy that meets that, you're going to get into difficulty. So I think that what we're advocating is a system where the planning is done logically, and the neighbourhood plan should certainly take into consideration the local factors, and then you would refer back to a residential code. But this residential code is trying to do everything at once and it won't fit everything; it's not a universal template.

MS DUNDAS: Yes, the delineation between the residential core and the suburban areas you think is just arbitrary and needs to be—

Mr Cohen: And it doesn't make sense.

MR HARGREAVES: Can I just pick up on something you just said? You've got to integrate the transport planning before you can do any of this and I appreciate that. We've heard earlier on that one of the problems is that DV 200 actually puts an overarching, Canberra-wide, perspective on things and it would have been better to have had the aggregation of the neighbourhood planning group stuff be the driving force. I was querying whether or not in fact DV 200 was actually giving a framework within which that neighbourhood planning group business would work.

I'd be interested in your thoughts on that anyway, but would the imperative to have developed attitudes and transport-related planning negate putting the aggregation of neighbourhood planning groups together? Would you not need to have an overarching, not particularly specific planning framework, with transport needs embodied in that? Would you not get a disconnection between those precincts?

Mr Cohen: I think the simplest way to answer it is that the overall plan could not be an aggregation of the neighbourhood plans; that's the first part of it. But I think what we're saying more than that is that we have requirements in the code which relate to north-facing buildings, for instance. We try and get maximised sunlight in from the north-facing buildings, and in the months to come, in the summer time, I think we will find in some suburbs that are on the fringes of the suburban part of Canberra and have a north-west prevailing wind that they're deadly.

You really can't afford to have that and it's just a simple example of the fact that you have to look at a precinct and say, "In this precinct the houses ought to do these things in order to make the best advantage of the opportunities and to avoid the problems that are contained by the constraints," whereas the policy that we've now got, which is embodied in the three appendices to the Territory Plan plus the code, is so tight that you can't move.

MR HARGREAVES: On that basis, do you think then that, with the conclusions of the neighbourhood planning group's precinct specific considerations—and I take the point that you make: you've got a set of three suburbs on the fringe that are going to have a completely different need from something in the inner north and so you're likely to have a completely different approach to all sorts of things, setbacks, fences and the whole works—we are likely, therefore, to have a request for 30 different changes to draft variation 200 at the end of the day?

Mr Cohen: What I'm saying is that the residential code should be broadly based. You should set principles and there are some specific things that you might not want to have for public health reasons. You might have controls in relation to setbacks, as we have had over a period of time. But we're getting so specific now in terms of the amount of permeable open space. The amount doesn't include your driveway and you've got to include an 18-square-metre allowance in your gross floor area for your garage. We're tightening it down to the point where it becomes too difficult to do a design that is satisfactory for a given location and we're saying that that's not good planning. It might be good regulation that allows a clerk to sit down and say, yes, no, yes, no, but that will not produce, in the longer term, the city that we desire to have.

THE CHAIR: So, Mr Cohen, what you're actually saying is that the institute is concerned that you'll end up with a sausage machine type planning: this one fits through the machine, so I'll get it out.

Mr Cohen: Yes.

THE CHAIR: We talked earlier today about Downer and what a pretty suburb Downer is, but I recall my first visit to Canberra in the sixties. I came here with my family and expected to see a wonderfully planned city and the response was, 'Well, if this is a wonderfully planned city, I'm not quite sure that we'd like to live here.'

Mr Cohen: Was this Downer?

THE CHAIR: This was Downer and all of those areas there, because in those days, before the trees grew, little houses sat on little blocks and they were in a fairly windswept area—just like Gungahlin is now. So the feeling that I'm getting is that you are saying that the draft variation 200 is protecting the streetscape planting regime that is in the older inner north/inner south suburbs, which is actually the legacy of 40 or 50 years of elapsed time—

Mr Cohen: 80 in some cases.

THE CHAIR: —and 80 in some cases. So, with the streetscapes that we talk about that we would like to keep, it's not just add water and it happens overnight; it's add water and wait 30 years. What you're saying is that the sorts of planning constraints we might have on what has evolved over 30, 50, 80 years are not suitable for suburbs like Curtin, Amaroo or Hawker, because they've grown up in a different time.

Mr Cohen: And there are different requirements. To give you another example: over the years we developed curvilinear streets, which we fitted in to conform with the hills and the re-entrants and so on. We overlaid a curvilinear street pattern onto Richardson in Tuggeranong. Richardson is as flat as a table, and all that the curvilinear streets do is stop you from seeing where you're going. You're driving down the street and you're looking at houses in some cases and you don't realise that that house is on the side of the road and you've got to swerve or you're going to go through the front door. So it was the wrong street plan.

What I'm saying is that it's not as quite as desperate as that, but we are opening ourselves to the danger of defining for every block in Canberra a set of rules that don't really apply to them and will not produce a good result, and certainly will not produce any concept of a garden city or a leafy character.

THE CHAIR: Can I get onto one of my personal hobbyhorses—and I state that openly—which is the issue of permeability. Permeability is the new planning buzz word. It used to be connectivity; this year it's permeability. I'm just wondering whether there are other ways to do it. You talked about Ian Lawrence's work. There's lots of work being done by people in various institutes and CRCs around the country about maintaining stormwater, reusing stormwater, reusing grey water. We in Canberra seem to be behind. Once we may have been in the lead, but we don't seem to be now.

This committee, when it travelled to Adelaide to the public works committee midway through last year, saw a lot of things in South Australia that are light years ahead of what we're doing about retaining water on sites and things like that. Does the institute have

views about whether there is more than one way to skin a cat about permeability, and what sort of things do you think we should be doing about retaining water on or near blocks that we're not doing now?

Mr Cohen: The current rules mean that 50 per cent of the site is supposed to be retained for open space, but a maximum of about 27 per cent of the actual block is permeable. But that's too small.

THE CHAIR: Does permeable in this case mean basically soil or—

Mr Cohen: A surface that water can drain through.

THE CHAIR: So it's any surface that water can drain through; so you could have modified masonry or anything like that? Would that be permissible?

Mr Cohen: With holes in it and that sort of thing; that would be permeable, as far as I can see. The view is that the amount of space that's permitted for a permeable area is not enough to make a contribution through permeability to onsite water management. What you have to do is connect the permeable space on the land to what's in the public space outside. Some of the things that you may have seen—a road which has a very wide swale in the middle and the water from the land collects in the swale and that water is the collection point for the blocks, so water is retained in the section—our road systems in many cases don't allow. So, yes, there are ways of doing it, but it requires specific planning.

We need to plan carefully and there has been a lot of research into international and national ways of preserving water, and we can do it, but the general view at the moment is that we're not doing it in our planning and certainly the sort of planning that we're talking about here is not going to contribute to that permeability at all.

THE CHAIR: But say we're looking at redevelopment of areas that are close to the city floor, like we've done in Ainslie, Turner and O'Connor, and we actually don't have the wherewithal without retrofitting in those areas, which could be potentially fairly expensive. To do the sort of swale draining that you've suggested, that we don't have on our roads, would require ripping up the roads, and perhaps they're also too narrow, but there are other ways as well.

Mr Cohen: Yes, sure, but the point I'm making is that in some places, like the historic inner suburbs that you named, we won't be able to do it and we have to accept that. But we also accept that there are a lot of opportunities in other places to do it and we ought to make some effort to get in and do some planning for those places in particular.

MS DUNDAS: One of the major criticisms that have been levelled against planning processes in the ACT is that they just take far too long; that when you're going through a DA process, or trying to actually do something with your block of land the processes are slow. Do you think that breaking down into the precinct plans, as you talk about, and having principle codes behind that will actually help streamline those processes—not for the rubber stamp, but for actually making it more clear what you can do and making the planning processes in the ACT smoother?

Mr Cohen: The answer to that question from my point of view is that I worked in the planning authority for about 20 years before I went into private practice. The planners are willing horses, but I really don't think you can flog them any harder. And whipping a bit of fat off the side is not going to make them go any faster.

MS DUNDAS: So you think the process moves as fast as it can now anyway?

Mr Cohen: They're moving as fast as they can. If we really are serious about having a city beautiful, we've really got to put the money into it. We're not putting the money into it. We need to reinforce the people that we've got now and let them see that the government is serious about this. But, you know, there's no silver bullet; there is no magic management system. We've had management systems lumbered on us year after year and none of those are going to help; it's a case of more hands on the pump.

THE CHAIR: And it goes back to something that I think you said here today, Mr Cohen. I know that the institute has said in the past that actually the planning authorities from your perspective are pretty light on for planners. Is that the view of the institute?

Mr Cohen: Yes.

THE CHAIR: You actually need not just ordinary hands but more planning hands.

Mr Cohen: Well, they probably need more of everything, because the planning task in the city for development control, for policy planning, for development management, is quite enormous. I work with developers every day and they present the planning authority with quite complex development documents. They take a fair amount of time to comprehend before you get around to making a decision. And that takes people out every time a new development is submitted. We're encouraging a lot of development, we're taking out the resources for development control, and we just have to meet the increased demand year by year and not just keep telling people that they've got to pull their belt a little bit tighter and work a little bit longer.

THE CHAIR: Do more with less, yes.

Thank you, Mr Cohen. I thank the institute for their submission and their interest in this.

ROSEMARY LISSIMORE and

DAVID LISSIMORE

were called.

THE DEPUTY CHAIR (Mr Hargreaves): Thank you very much for coming, Mr and Mrs Lissimore. On behalf of the Chair, who's just stepped out for a moment, I'm obliged to read this card to you. You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections, but also certain responsibilities. It means that you are protected from legal action, such as being sued for defamation for what you 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 by the Assembly as a serious matter. That's what the Chair calls the riot act, so consider it read.

Mrs Lissimore: Do you want us to swear on the Bible?

THE DEPUTY CHAIR: No, you don't have to swear on the Bible. I am aware that your voice isn't the best.

Mrs Lissimore: No, it's not, actually.

THE DEPUTY CHAIR: I welcome your interpreter, Mr David Lissimore. The way we'd like to conduct this is to invite you to make an opening statement and then we'll go to questions and see where it takes us. Before you do, firstly, I will let you know that those lights up there indicate that the hearing is being recorded and broadcast throughout the building where people have their monitors on and across public service offices as well. Before we start, I ask each of you to identify yourself for the purposes of *Hansard* and the area that you represent, and away we will go.

Mrs Lissimore: Rosemary Lissimore, president of the Tuggeranong Community Council.

Mr Lissimore: David Lissimore, media officer in the Tuggeranong Community Council.

Mrs Lissimore: I only received the up-to-date copy of variation 200 on Wednesday night. Yesterday, I had to prepare for the meeting, so we haven't had an awful long time to look at it. We have made some notes, of which there will be a copy for everybody afterwards. They are just notes; it's not in detail. We just feel that the time that we've been given to look at this document doesn't give us enough time to appraise it properly.

On summarising it, one of the things that was said to me was that you can look at it in the library. It's not the sort of document you can look at in the library and digest in about five minutes. So that wasn't a good way to go. We did actually get the documents sent out to us from PALM, as I say, on Wednesday night.

At a quick glance, I would honestly say it's one of the most difficult documents I've ever seen to read and assess quickly. I think you need a PALM directory to understand the

technical abbreviations. The other thing that I'm confused about by looking at it quickly—as I say, Dave will read the notes because my voice keeps going—is the fact that I thought we were looking at open plan and a garden city. It doesn't seem to come across that way at a quick glance.

What it does come across as is that we can now have multiple buildings on very small blocks. So, if you want to, you can not only build one granny flat, but perhaps three granny flats on a very small area. The other thing is the shopping precincts. If we're going to build around shopping precincts, I think that's a good idea, but not in the smaller shopping precincts. If we're going to do it in the smaller shopping precincts, then it's got to be very well planned to fit in with those areas.

But what I would like to request from this committee is that we be given further time to consult with our executive so that we can give a more fuller response to this document. David will read the actual notes that we've written out very quickly.

Mr Lissimore: As Rosemary said, these are basically quickly pencilled notes, margin notes and so on and so forth. As I sat over there listening to Paul Cohen, I thought we were in the wrong place, because we haven't expanded by any means on that. We have basically made pencilled notes on the variation as we quickly read it. These are the notes. I'll try not to put in too many of my own words. I'm liable to do that, but please forgive me.

The recommended final issue of this plan seems to be even more complicated than the previous issue. We did see the earlier one, but we didn't think at that time we had to comment fully on it, so we just read it and thought about it. It's general knowledge that changes need to be made in order that Canberra should expand, and somewhere in this DV are the ideas of how it should happen.

The ideas and concepts are difficult to discover. The document is full of formulae and references to standards and codes. This is, I think, what Rosemary said about you'd have to have your guidelines from PALM to read it. About the only things that we're missing in this were references to blocks and sections. This variation certainly needs more clarification and made easier to read for the people, shall we say, rather than the Paul Cohens who have been doing this all their life.

Is PALM deliberately being vague in order to confuse the public? Is it about time the ACT had set rules and regulations, not guidelines, as some of them are, because I used to work with guidelines?

It would seem that dual occupancies may now be considered on smaller blocks than before, which is not a good idea. Even as dual occupancies are at the moment, they can cause problems with getting in and out of the lease. As far as triple occupancies are concerned, mentioned in the thing there, they should not be entertained at all.

We have watched in all areas of Canberra leases reduced to approximately 400 square metres in some areas up north. They maybe on the small side, but at least dual occupancy seems out of the question; you can't do it on those. When designing future suburbs, could or should an average size be 600 square metres? Push it in between and look at

smaller blocks and more houses, but don't forget to make the roads bigger, as they have been overlooked in newer areas in the past. The present average size of blocks we believe to be about 800 square metres. That's an average size, we think, and a sufficient one.

The plans and diagrams shown in the issue of the building envelopes and minimum setbacks need simpler explanations and possibly more dimensions. This is as we have been reading the thing. Twenty-one days is mentioned in there for response. We feel that that is not enough—it should be at least 28—because, as it has been known in the past, the start of these response periods sometimes corresponds with holiday periods and people are away and they come back and they haven't responded because they've been down the coast.

Definitions have been changed in this issue, but they have only made matters worse, or seem to be worse. Surely the word "house" is a simple description of a building in a plan. It would appear that dual occupancy and maybe triple occupancy are being encouraged in residential core areas. The plan, presumably, is to put more persons closer to shopping areas, precincts or whatever you like to call them. In some of the larger areas, shall we say—I'm thinking now of down south; Wanniassa, Calwell, certainly down in the town centre itself—maybe you could entertain two-storey, but not in the smaller ones, like the suburb that we live in, Gowrie. You don't want to see two-storey houses in there or anything like that.

As I say, it's understood from the plans, figures 1 to 4, that it could make sense in larger shopping centres, specifically the Canberra Centre. I noticed on the wall behind me here there's a great big area down Northbourne Avenue. Great, that's the area that should be developed, not the suburbs. I mention in here the Canberra city centre, Braddon, Turner, O'Connor and Dickson, but not really in some of the outer shopping areas in the suburbs.

Two-storey houses should not be encouraged, only entertained when absolutely needed. Building figures are difficult to understand. Maybe it would be better to show in these diagrams the height allowed between existing buildings, not angles, setbacks and so on and so forth. It's much easier to read, if you're going to build a second house, that you can only go four feet above what is existing, not work it out with a slide rule and so on and so forth.

Canberra will expand, it has to, and it should be designed with the bush capital theme in mind. Variation 200 should be looked at in conjunction with a spatial plan for Canberra, maybe a few less trees in some instances. Consideration should be taken into account when planting trees as to whether views could be blocked. The safety of the community should also be considered when the choice of trees is made.

There's also a case for looking at getting closer to other state building rules and regulations. Can we get bits and pieces from other states and territories which would help the ACT? This revised copy of the variation 200 garden city seems to be smothered by dual occupancy. What has happened to the garden part?

Many meetings were held last year for the general public to have their say in building in their city. The overall response from the public was for less development. Instead, we are now having more—another win for the developers, one extra building now being several

on small areas. Maybe we should delay the variation a little bit further, drag it out even more, which might not be a bad thing, until we have a chief planner. There is a rumour—I don't know whether it's right; I believe it to be right—that a chief planner is being thought of for the ACT. Maybe when that person comes along, he or she could look at it a little bit more, rather than rushing ahead with a plan which does not seem to inspire any confidence in our future.

I reiterate that those are just notes that we have made on looking quickly through that. We would like more time, if this is allowable. I don't think that we could come up with anything like Paul Cohen, because he's been doing it for many years now, but maybe we could put one or two more views on to that.

MR HARGREAVES: Madam Chair, can I pick up on something which we haven't heard of so far in the things from people who have come to see us, that is, this business of the concentration of greater density of housing around shopping centres? If I read what you're saying correctly, the philosophy of having greater density around town centres is fine, it gets more people in and around the area. On group centres, I think you mentioned Calwell, which is equivalent to Jamison in size.

Mr Lissimore: Yes.

MR HARGREAVES: I thought you said that that was pretty okay, I suppose for the same sort of thing—more people, more safety, more business, et cetera—but you had reservations about the smaller ones. I think you used the Gowrie shops. I presume that's the one where you've only got three or four shops in the suburb.

Mr Lissimore: Yes.

MR HARGREAVES: In looking at the plan, it seems to be that there are very few shops which I would call suburban shops which are not marked for that greater density of housing. Do you want to expand a bit on that?

Mr Lissimore: The plans that we saw had little hashed areas, core areas, and they were all round some of those smaller shops; not all of them, I agree, but they do appear to be around some of them. I think the general thought when we looked at this, and when we have asked people before, was, as is mentioned in there, that Canberra has to expand, will expand and so on and so forth, but it needs to be in the centre rather than out in the suburbs. If we're going to get work and so on and so forth, industry and commerce and Lord knows what, it's got to be in the centre. The map behind me of Northbourne Avenue and the areas around there, those are the ones that really need redeveloping.

MS DUNDAS: We've had put to us a slightly different view on that in that development should be allowed throughout the suburbs but only when the block size and the block location are appropriate, that there are more specific controls for each block, that you don't draw a line around a shop and go where you can develop in there, but you have greater planning across the entire suburb. Would you be opposed to that or are you more interested in the concentration of high development around Civic, around Belconnen and around Tuggeranong and then just leave the suburbs completely alone?

Mr Lissimore: Not completely alone, no, we're not saying that, but not to do it for the sake of doing it.

MS DUNDAS: The focus should be elsewhere.

Mr Lissimore: Yes. As I say, Canberra will grow, it's got to grow, but we haven't got a great deal of land anyway. The land that we've got to use, we've got to use very carefully. That sort of development in and around the smaller shopping areas should come at the end when we're really running out, or if we really run out of land. Keep it a nice suburban area.

MRS CROSS: What concerns do you have with double, dual and triple occupancy? Why don't you like them?

Mr Lissimore: It seems to me that people didn't think right in the first place. We live on a block which could very easily have a dual occupancy. Dare I say it, some people do it just for the money. Do they do it for the economic benefit of the people or the economic benefit of their bank balance? I don't know. It can be or could be construed in that way.

MRS CROSS: What is your reason for not liking it? What is the problem you have with it?

Mr Lissimore: Because you're cramming more and more houses onto one, kind of thing. Take the simple way of getting into and out of that dual occupancy, even if you have a separate entrance. You've still got two, three, four cars going into one block. It seems to clutter it up to me. Extend your existing house maybe, have a granny flat or something like that, there's no problem with that sort of thing, but not two and three and then multistorey and so on and so forth.

Mrs Lissimore: I think it would spoil the area as well if you're going to do that, because you've got to consider the other people who have bought houses there. If they paid a lot of money for a house, for example, and then all of a sudden the person opposite decides to put two or three houses in there and build up, then that's not really fair on the person who has actually paid a certain amount of money for a house. That has happened in the past and I think it's a shame.

MRS CROSS: If you had a big block—say, 1,400 square metres—and you had two houses on it, one storey, would you have a concern with that?

Mrs Lissimore: No, not really.

MRS CROSS: So you're not against the principle of dual occupancy; you're concerned about the way it would look.

Mr Lissimore: Exactly. It's got to look good, it's got to be done properly.

Mrs Lissimore: It's got to be tasteful and you've got to consider the other people that live in the area as well.

THE CHAIR: Anything else?

Mrs Lissimore: Can we have your permission to come back to you later with something or will it be too late?

THE CHAIR: We will be holding hearings next week on Tuesday night, but they are booked up. We will accept further submissions in writing with your views in there and look forward to doing so.

Mrs Lissimore: And what time level are you going to put on that?

THE CHAIR: Within the next week to 10 days. Probably, 10 days is the outer limit because we have some timetables that we would hope to meet. Our aim is to finish this report by 1 April. We're not quite sure that we can do that, but that's our aim, so we have to work within those constraints. So another week or 10 days and then we will probably get beyond the time when we can actually give it proper consideration.

Mrs Lissimore: Okay. I appreciate that and thank you for your time. There are copies here, if you'd like them.

THE CHAIR: Thank you very much, Mr and Mrs Lissimore, for the Tuggeranong Community Council's contribution.

KEN TAYLOR and

COLIN GRIFFITHS

were called.

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

I ask you to identify yourself for the purposes of *Hansard*. Would you like to make an opening statement, Mr Griffiths or Professor Taylor?

Mr Griffiths: I'll identify myself first, if I may. I'm Colin Griffiths, the heritage officer with the National Trust.

Prof Taylor: Professor Ken Taylor, president of the National Trust.

THE CHAIR: Who's opening the batting for the National Trust?

Prof Taylor: I'll open by saying that the National Trust has a legitimate and well-founded role in commenting on Canberra's planning in that Canberra is a very special city in many aspects. Much of it is of international heritage fame, and heritage isn't just to do with old things like me.

MR HARGREAVES: You haven't got a mortgage on that, Professor Taylor.

Prof Taylor: No, but having been married 42 years, we're thinking of being put on the Register of the National Estate.

MR HARGREAVES: I take it back; you do have a mortgage on that.

Prof Taylor: In 2001 we listed nine suburbs as endangered suburbs on the Australian Council of National Trust list of endangered places. This was acclaimed by the community and the present government acted on this and, partially as a result of this and other things, of course, we've got DVP 200.

I think we would also say that in a perfect world DVP 200 would not be required. But with the developments that have gone on in Canberra over the last few years, particularly the dual and triple occupancy in suburban areas and community concern, DVP 200 has evolved. We would have preferred to see this matter dealt with through strategic planning, through the spatial plan and through neighbourhood planning, but we do have DVP 200 and we think that it needs to be addressed.

Garden city planning of early Canberra continued in the 1960s, 1970s and 1980s with the unprecedented growth of Canberra and this is what much of the city is known for, this integrated planning that it had. I should mention perhaps that a National Trust team is currently doing a study of 1960s, 1970s and 1980s Canberra for the ACT government, the Heritage Unit and Heritage Council, to try to highlight those aspects of this period which are important, and some of them are. Canberra is a special city and needs a special planning approach. We don't believe that what goes on in New South Wales should be applied here without any change.

To go on to DVP 200, let's look at the core areas first. We believe that in the core areas there is an opportunity for Canberra to take a lead again in good residential development. The interesting thing is that, whilst the core area boundaries have been criticised, I think they're open to negotiation through the spatial planning process and the neighbourhood planning process and that a line on a plan doesn't necessarily mean that that's where all the development is going to be.

But there is a precedent for the core areas in the NCDC planning of the 1960s, 1970s and 1980s. If you look at "Tomorrow's Canberra 1970" and the 1984 Metropolitan Plan, you'll see the precedent is there with the development of medium-density housing around district centres and some neighbourhood centres. Hawker is a good example, with integrated medium-density housing. I think that's where the real issue lies, integrated medium-density housing

Those areas were selected for a number of reasons. One was the physical location and site analysis, which the Planning Institute mentioned. They were to be on a public transit system route, which then became a bus route system. But they have worked. You'll see the same at Curtin. Whether some of those would win architectural competitions is not the point in question. The point in question is that there is some good medium-density housing in some of those 1960s/1970s suburbs. It's because of an integrated approach where site planning, architecture and landscape planning all have been taken into consideration and you get a good open space system in which the buildings sit and therefore you get a good streetscape system. This goes on to the whole idea of a sustainable open space system and water system. I'll come back to that in a moment.

One of the problems with the core areas that we see is that they do need to take into consideration special areas like the Curtin Radburn/Swinger Hill development, all of which are, we think, outstanding examples of 1960s/1970s medium density development. It's interesting when Swinger Hill was built there was an article in the *Canberra Times* in 1972 saying that it was an experiment that would probably not work. It's been extraordinarily successful. I would compare those developments with, say, some of the stuff that's gone on in Turner over the last five or six years, where there is open space integral with that development but it's neither use nor ornament. One of the problems over the five or six years prior to DVP 200 was the market-driven planning, which literally allowed development wherever the developer wanted. The trust is not against development; the city must change.

In suburban areas—Colin will add to all this in a moment—we note that there are changes in DVP 200 from the first one, in spite of community inputs that the curb on dual occupancy in suburban areas was supported. DVP 200 has opened this up a little bit and we have on page 6 of DVP 200 the maximum plot ratios for suburban areas.

The trust supports these, and we've said this in our submission, with the exception of going down to 700 square metres. We believe this is too small, that the cut-off should be 800 square metres. The rationale that the dual occupancy over the last five or six years was concentrated in the older areas, in the inner areas, because that's where the 800 square metres blocks are really doesn't stand up to scrutiny. Many suburbs in Belconnen have 800 square metres blocks and above. There are other reasons why it was concentrated in these areas and it certainly wasn't to provide affordable housing, as is often stated.

THE CHAIR: Sorry, could you say that again, Professor Taylor?

Prof Taylor: One of the ideas of urban infill is to provide affordable housing. I hardly think that houses that start at \$500,000 or \$600,000 are affordable. They're not affordable. We need to look elsewhere at providing affordable housing than splitting suburban blocks. I don't believe it works from that point of view.

The four-metre setback we think should be six metres. We have concerns about unit titling in the suburban areas. We're concerned that the areas of territorial significance in PPN 6 have not been maintained specifically, and we think these are important.

MS DUNDAS: Sorry, just quickly on that point, we've already had some discussion about, specifically, section 64 in Yarralumla and its special significance as part of an area for 1960s workmen. Can you explain your reasons for retaining section 64 as a special heritage area?

Mr Griffiths: From memory, and I'm subject to correction, section 64 contains a lot of the original houses that were built to support the work force that was employed in the Canberra brickworks when they were established back in the 1910s or 1920s, so there are some very significant houses within section 64 that still retain some of those characteristics, although I understand from one of the trust councillors that, as a result of DVP 200 having interim effect, those characteristics are being put under degree of threat and are likely to be lost

Prof Taylor: Because it's in a core idea.

MS DUNDAS: Yes, it is in a core area. So DVP 200 is already starting to have interim effect.

Mr Griffiths: I've been advised by one of the trust councillors that that's happening.

MS DUNDAS: Thank you. Sorry to interrupt, Professor.

Prof Taylor: I'd like to address the idea of permeable open space because there has been comment about that. I was certainly one of the people who criticised the demise of permeable open space in suburban areas with dual occupancy and the increase in the build-up of hard surfaces.

One of the problems that we have, and it relates to some extent to comments from Ian Lawrence which have been alluded to, is that in the 1960s and 1970s Canberra led the way in Australia in stormwater control, urban flood management and open space and we have the integrated urban open space and floodway system, which is one of the things that the city is well known for. That was in the days of concrete channels and then grass in one in 100-year flood areas.

Gungahlin used more of the creek lines rather than concrete lines. The reference to Adelaide is that sort of thing where they are using more soft landscapes space where water can be detained and you can also get groundwater recharge. You have to remember that private gardens in Canberra are a major source of groundwater recharge, part of the sustainable water cycle in Canberra. We do not know just how much run-off has increased through what one planner has called the greying of Canberra, that is, with the increase in the amount of concrete.

This has been one of the problems with untrammelled dual occupancy; it increases the impermeable surface, puts more water into the drains and into the Murrumbidgee and then it becomes someone else's problem. This is not a sustainable approach, using that in word. The idea of permeable open space is that you get groundwater recharge; it goes into the ground and becomes part of the important hydrological cycle which keeps trees going. It's important in terms of soil erosion and so on. The idea then of also collecting surface water and putting it into swales is different from the groundwater recharge. We need to look more at collecting surface run-off and putting it into swales rather than in the drains. Mr Cohen referred to that.

I think it's important that DVP 200 did try to address this ahead of wider strategic planning concerns, because it is a concern in terms of environmental planning. I've been dealing with permeable open space and permeable surfaces for the last 25 or 30 years. It was important in planning in Europe before I came to Australia, and in America, and it was certainly an important aspect of the 1960s and 1970s planning of Canberra. Therefore, the trust supports that idea of controls on permeable open space in residential planning.

I think it would be true to say that, as I said at the beginning, in a perfect world we wouldn't need DVP 200. We have it because of community concerns. I think we have to live with it. Our view would be that we should concentrate on the core areas to see how we can get better design there, similar to the stuff that we had in the 1960s and 1970s, maybe better architecture, looking at integrating private and public open space into a linked system which would have benefits from permeable open space and surface run-off.

On the suburban areas, our view would be to accept what is in DVP 200 with the exception of the minimum block size and the setback, and to review it in three or four

years. As I've said in another forum, one can be an optimist or a realist. I think I would prefer to be a realist in this. We have it and I think it would be unfortunate to say that we're not going to accept it.

MR HARGREAVES: Could you be an optimistic realist, Professor, and suggest, for example, as you do, I think, that we accept DVP 200 with some change and come back and look at it again, with the optimism that most of it will be okay, but it'll need some tinkering, but also with the wisdom that the neighbourhood planning groups will actually provide? Perhaps that's the way to go, is it?

Prof Taylor: Yes. That is my view and the trust's view, yes.

MS DUNDAS: Can I just clarify that? You're happy with the delineation between suburban areas and the residential core, except in the four specific areas you've mentioned. You're quite happy with that delineation.

Prof Taylor: Subject to it being refined in the neighbourhood planning process.

MS DUNDAS: And that's the location.

Prof Taylor: The idea of residential core areas, yes.

MS DUNDAS: But what would you like to see refined through the neighbourhood planning process—the location?

Prof Taylor: Yes, in relation to the community input, in relation to specific site analysis and assessment, topography, aspect, vegetation and that sort of thing.

Mr Griffiths: I don't think in our submission we attempted to do a full critique of each of the residential core areas. We pointed out the four particular ones that we were aware of, but we don't have the luxury of being able to do that full critique of each of them.

MR HARGREAVES: Professor Taylor, as I recall, you've done a visit to almost every suburb in Canberra and have given us the benefit of your delightful comments. I'm very curious about your view, given that in the immediate past you've actually gone round and had a look at most of the suburbs.

Prof Taylor: Every one.

MR HARGREAVES: Yes, a couple of times, and you will have seen the group centres like Hawker, to which you referred, Jamison, Chisholm and Calwell and also the little ones, like the Gowrie shops and the Holt shops, where I used to live.

MS DUNDAS: And Aranda, which is my favourite small shop at the moment.

MR HARGREAVES: And what's left of the Latham shops. I ask you to comment on something that Mr and Mrs Lissimore were saying, that is, that the philosophy of putting lots of people around those shops, increasing the density, so that those shops become more vibrant and more viable as businesses is fine in the group centres and town centres but is not so fine in the little ones. What is your view on that?

Prof Taylor: Yes, without putting words into my mouth, I agree with you. Around many of the so-called neighbourhood centres I have doubts. For example, I live in Aranda and it's close to Jamison anyway. Again, it depends on the location and it depends on the topography, but particularly the location. Local neighbourhood shops were put in as part of an integrated neighbourhood planning approach with the primary school at the centre. In Belconnen, it changed slightly to overlapping neighbourhoods. Populations have changed slightly, shopping habits have changed and a number of those neighbourhood centres I don't think are viable any more. I think some of them do lend themselves to medium-density housing, but not all of them. The group centres, the district centres or whatever you want to call them certainly lend themselves to that sort of development.

The other thing is that I don't believe that just building houses will revitalise shopping centres, particularly the smaller ones. I do know, for example, that a number of people who own premises at the Griffith shops have said that much of their clientele comes from quite a distance. It depends on the type of shop, the type of restaurant, the type of office facilities. As Mr Suburbs, one of the things that certainly impressed me in going around virtually all of the suburbs, with the exception of some of the ones with very narrow streets, but even there, was the attention in the planning and layout of those suburbs to the physical nature of the site, to the way groups of eucalyptus have been kept in small corner parks and this sort of thing. It was a remarkable era of planning for the city and we've taken it for granted. I think DVP 200 is the community's response by saying, "Okay, we'll accept change, but we do want the best of what we had protected."

THE CHAIR: What you say about small shopping centres is interesting. Griffith is the classic example, I suppose, of someone saying that it needed to change and it has changed quite radically, having clientele coming from all over the place. The opposite experience of a shopping centre being revitalised is the humble Melba shops. At one stage, there was one tenant and everything else was burnt out. Somebody bought it, did it up and then other businesses came in. It has gone through an entire life cycle and is back to being a prosperous set of shops, which is testament to the foresight of somebody who went along and bought a burnt out hull and the power of the chequebook. But it now actually does work for the people of the surrounding areas.

Anything else? I thank the National Trust very much for its contribution.

Prof Taylor: Thank you for the opportunity.

Luncheon adjournment

THE CHAIR: This is part two of day two of three days of hearings on draft variation 200. We hope that we can get it all done in three days. PALM officers are here to answer technical questions that might arise in the course of things or help to clarify things as they may arise.

You should understand that these hearings are legal proceedings of the Legislative Assembly protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal actions such as being sued for defamation for what you 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 by the Assembly as a serious matter.

I welcome the Property Council of Australia, ACT Division, to the hearings on draft variation 200. I invite you, Ms Madew, to give an introductory remark and, before you do so, to identify yourself for the purposes of Hansard. Similarly, Mr Adams, when you speak, could you do the same.

ROMILLY MADEW and

ANTHONY ADAMS

were called.

Ms Madew: I am Romilly Madew and I am Executive Director of the Property Council of Australia.

I thought I'd just give an overview of who we are for Helen's and John's sake. The Property Council is a national industry organisation that represents the interests of investment property, specifically property owners and managers. I just wanted to distinguish us from the Master Builders Association and the HIA, whom we do work closely with, but we're the owners and managers. Today we just wanted to cover four areas, one of which is crucial to our industry. I'll cover one area and then Tony will talk about the other three. First, I'm going to talk about the change of use charge and its impact on developments that are already in process. We have some concerns about that and we just want to talk to you about some ideas we have and a suggestion to go forward. Then Tony will talk about affordable housing, our concern that DVP 200 does not deliver affordable housing, a sustainable city and not achieving this, and also that the industry is looking for certainty.

Do you understand that in the latest draft there is a section about a change of use charge so that, from 17 December last year, a multiunit development or a dual occupancy—anything that hasn't started or gone through a certain stage—attracts a change of use charge? The problem is that it goes to 1 December this year, so anything that was in the process before that has to be completed by 1 December this year. As you can imagine, a lot of our members do very large developments. Our concern is that they're not going to be completed; it is just not possible because of our planning system, with the HQSD process and everything. There's no way they're going to have these large developments finished by 1 December this year. So what we're asking for is a change in the way that it's written, so that instead of—

MRS CROSS: Can I just ask about HQSD?

Ms Madew: Sorry—high-quality sustainable design process.

MRS CROSS: Thank you.

Ms Madew: Thanks. What we're requesting is either an extension to this period for a further two years, or revised wording on the current information that's been lodged to the effect of "any developments that have been lawfully constructed or significantly constructed but not yet completed", so that our members who have started building—it's not as if they're land banking; they've started building—can be given an extension on 1 December this year. Otherwise, it becomes a retrospective tax for them, because when they've done their costings for these developments they have not taken this into consideration, and it will have an impact on these developments.

MR HARGREAVES: How many, roughly, do you think there are?

Mr Adams: There would not be many. I'm aware of one—

Ms Madew: And I'm aware of a couple of others.

Mr Adams: —at least substantial one, so we're probably talking a dozen or more. An example is a multiunit project that I'm aware of that's had a long gestation through the pre-application processes and involved the NCA as well, which adds to the time frame. But essentially the developer made substantial financial commitments and plans 12 months ago, during 2002. It has got to the point where only now is the development application being processed. That won't be through for another three or four months. There is potential for that to go to appeal, which means that the development application won't be finalised until some time this year, earlier or later, with or without an appeal.

The issue with the change of use charge is that it's actually triggered by the application to strata title the development. When it's a multiunit development, you can't put in the application to do the strata titling until there's enough of the development existing for a surveyor to go and physically find out where the strata units are. If it's a dual occupancy, that's usually done when the concrete slab is in place. The surveyor can go and draw the lines and draw a map, which is submitted as a unit titles plan, because he knows exactly where the two dwellings are going to be. When it's a multiunit one, the units are actually in three dimensions and some of them are a volume of airspace, and the thing has to be constructed up to full height. It doesn't have to be completed but it has to be constructed sufficiently to know exactly where all the units physically are.

MRS CROSS: Sorry, Mr Adams; what do you do? I didn't hear you say who you were and what you do.

Mr Adams: I'm sorry. I'm Tony Adams and I'm a town planner. I'm a partner with McCann Property and Planning Pty Ltd. I'm here today in my capacity as a member of the Planning Committee of the Property Council of Australia, ACT Division.

The implication of that is that, even if the development was fully approved today, there's usually a lead time between final VA approval and construction commencement because there are usually some marketing and some financial arrangements to be put in place and that can take six months. You're not usually obliged to commence for 12 months. A DA usually says to commence within 12 months. Typically, a major project may not start on the ground for six months after approval, and to get the construction up to full height can take 12 months. So an application that's well under way today may well not be able to have a unit title application submitted by December this year, and the wording we've suggested, as Romilly mentioned, takes into account the fact that some things are well under way.

MR HARGREAVES: It seems to me that you're saying that for a development that has begun—

Mr Adams: It's approved and under construction.

MR HARGREAVES: —in a bona fide fashion and, due to circumstances well beyond its control, the date passes, some exemption should be made, but for anybody who doesn't have a bone fide reason for going past the date it's tough luck.

Mr Adams: Yes, remembering that there is a safety net. If someone has an approval and doesn't commence construction for five years, usually the development approval requires construction to commence within a certain time, so there's a safety net to avoid things going out of control.

Ms Madew: I mentioned another three issues we want to cover. We have concerns about draft variation 200 not providing a range of affordable housing and not achieving a sustainable outcome. With those two in mind, we also have a concern with where it fits within the spatial plan process. We think it really is crucial that there is more integration between draft variation 200 and the spatial plan process. If you look at some of the scenarios coming out of the spatial plan, they seem to go against the draft variation. I'll let Tony give some more technical reasoning behind that.

Mr Adams: Thank you. The DVP 200 aims to achieve three different things. One is to protect and retain the leafy character of Canberra—the garden city elements—and it goes a long way towards that, I believe. It also aspires to achieve affordable housing and a more sustainable city. With the latter two objectives, we think that it's not quite getting there. It's constraining housing options in the suburbs. There are reasons for that and, in order to achieve the first objective, it may be necessary to constrain housing options and somehow keep what we've got today. But an unavoidable consequence of that is that housing variety will be reduced. Housing quantity will be reduced, because there will be fewer houses, fewer units, fewer dwellings. That has an inevitable impact on affordability.

There's a very strong relationship between supply and demand in housing prices and, if we reduce the supply, the price will go up. So, to the extent that draft variation 200 seeks to work towards more affordable housing, it fails. There are other ways of doing that and there's a sustainable housing task force report that needs to be carried through. DVP 200

doesn't deliver sustainability. The industry is very keen that housing affordability in Canberra should go back to a more affordable level than we have at the moment; it's very high. DVP 200 is not working in that direction.

The second point relates to a more sustainable city. DVP 200 aspires to and indicates that it is working towards a more sustainable city. I think there are two big-ticket items in sustainability in Canberra: transportation issues and water usage. I'm not making value statements about the garden city, but maintaining a garden city means maintaining a reasonably high water usage city. Not allowing redevelopment means that opportunities for better ways of managing water can't be picked up within the existing city. So the plan does not necessarily work towards a more sustainable city in terms of water usage.

In terms of transportation, it does seek to focus redevelopment around centres. It focuses around local centres, group centres and town centres, but the actual density of development that it allows is what we've got today—or less. It's not actually achieving more dense development around the centres. And it goes for all three levels of centres—local, group and town centres.

Focusing dense development around local centres is probably not going to have much impact on transportation outcomes. So, to the extent that it's relying on the fact that it's producing a more sustainable city to justify itself, we think DVP 200 is falling down a little bit. It's unlikely to have a great impact on overall density throughout the city, close to the centres or not close to the centres. It's not much change from today. It doesn't address transportation issues in a particularly intense fashion. An alternative scenario could be much higher densities close to group and town centres, and much lower, the same or lower densities elsewhere. It falls between two stools in that respect. It doesn't go high enough where we need high density. It's probably low enough where we want low density, but it's not achieving either.

MR HARGREAVES: We heard that issue earlier on today. One of the issues pointed out was that a lot of these local centres in fact have got primary schools stuck on the side of them. It seems to be a major feature of the local shops that you've got four or five shops with a primary school. Am I right in assuming that the opportunity, quite apart from whether it's a good idea or not, to have a higher density around those smaller centres might be a bit limited as well?

Mr Adams: The physical opportunity is definitely limited, yes. Amalgamating sites in standard residential areas is very difficult. Buying three or four ordinary residential houses in, say, Latham or somewhere across the road from the shops is very hard to do. The turnover of properties is very low, so to accumulate a site that's big enough to do a substantial multiunit redevelopment is quite difficult. That limits you to redevelopment of single sites. DVP 200 limits that to a reasonably low level of redevelopment. So the quantum of intensification that's possible in physical terms and in the market is quite hard. Then, of course, quite often there is substantial local opposition to that sort of intensification in those areas. So it's quite hard to achieve.

The final point we'd like to make is that the whole community, including the property industry, is looking for one big-ticket item out of the planning system and that's certainty. Everybody wants certainty. That's the best thing that a planning system can

deliver to its community. We don't believe that DVP 200 takes any steps towards greater certainty. It doesn't provide any mechanisms to ensure that a particular development proposal that meets the rules, whatever the rules are, is more likely to be approved now than was the case a year ago. It doesn't address the issue of appeals and appeal rights and so forth and the timing involved.

There is the issue of core areas versus suburban areas. The boundaries are drawn within a distance of local centres—300 metres or 200 metres—and they've been adjusted to rational boundaries. But they're still very artificial boundaries. They don't have an awful lot of logic, with this side of the street versus that side of the street. You can go to any of those core areas, stand on the edge of them and say, "Well, in this street that side is core area and that side isn't." But there's not a lot of difference. You can say, "That house is really only 10 metres further from the shops than this house here."

Planning regulations and rules that don't have a logic that is obvious to the casual observer often don't last very long. In three or four years time these boundaries will change; they'll shift. In some areas they'll be different and in some they'll move again. There is potential scope for more movement in the detail of DVP 200 and that uncertainty is unfortunate.

There are three key elements to the uncertainty argument. First, it really is the biggest thing that the community and the industry are looking for. I think that's a fairly true statement and that most people would agree that what they want is certainty. They want to know what can happen next door to them, and the development industry wants to know what it can do on that piece of land. The uncertainty derives not particularly from DVP 200 but from other variations in our planning system. As we amend it, change it and potentially improve it, we're not working towards more certainty. DVP 200 is not a step towards greater certainty of process or outcome.

Second, because of, among other things, the earlier points that I made, and possibly other technical points that others might have made in other submissions, there is some arbitrariness on where the lines are drawn, and that means it will probably change. There will be pressure from residents groups—political pressure, social pressure, economic pressure—so it will change. It's not something that will guide the development of the suburb for the next 20 years. Within two or three years it will start to move around again. It would be better to have something that we could all look at and think is pretty good and likely to last at least for some time. We don't believe that this one's likely to, and that's a flaw.

MS DUNDAS: Can I quickly just follow up on that? In your written submission you note that the residential format seems to make sense although issues may arise in the future. Is that the major issue there—that they will change? Do you have any other problems with the residential core area?

Mr Adams: They make sense at the level of if you've got to draw a line there's a line drawn. There is a sense, particularly around the group centres and town centres, of having intensification close to the centres. That sense is, I think, less at local centres, and it's physically difficult as well. So to that extent it works, but the boundaries will change over time and perhaps should.

THE CHAIR: It has been put to us in a number of submissions that the drawing of a line on the map as a radius around a local centre or group centre is fairly arbitrary and that we would be better off going out and site selecting for topography, orientation and things like that, if we're looking at denser nodes of population. Does the Property Council have a view on this?

Mr Adams: It is a bit hard to judge, but one of the potential ways that neighbourhood planning could have moved forward was to pick up this concept of which bits of a suburb could be more dense than others and how dense, and neighbourhood planning could have provided a suburb by suburb analysis and outcome. The neighbourhood plans that have been completed don't go to that level of detail. More importantly, there are a hundred suburbs out there. Resources are a realistic issue and it will be a long time before we have a hundred neighbourhood plans.

THE CHAIR: But there aren't a hundred suburbs under pressure either.

Mr Adams: No, that's true. The government was working towards the suburbs that were under pressure. The neighbourhood plans that did happen were paralleling DVP 200. I guess the simple answer is yes, a more site specific analysis at the suburb and local precinct level would obviously produce a better result.

THE CHAIR: What do you mean by precinct?

Mr Adams: Local shops and surrounding area—something within a suburb. Having said that, there's a relationship to the spatial plan that's extremely important. DVP 200 is going this way and there's a spatial plan happening as well.

THE CHAIR: Can you elaborate on that?

Mr Adams: The spatial plan needs to determine big picture questions. The simplest, assuming that Canberra is going to grow, is: does it grow further outwards from the edges, intensify in the middle or do something in between? When the answer to that question is agreed, the result will be that suburbs will either stay as they are or be required to become more dense. One extreme is that, if we say there'll be no further growth at the edges, some of the suburbs will have to become more dense. So that level of detailed planning needs to be done in the context of a spatial plan/big picture outcome which says that, for the good of the whole city, this suburb, these inner suburbs or those suburbs need to increase their density by 10 per cent or 200 per cent.

If you asked me to do a detailed plan for Latham tomorrow, I'd consult with all of the residents. I imagine they would all agree that their lifestyle is adequate or comfortable, and we might end up fixing Latham forever as it is today. But a spatial plan process that looked at the sustainability of the whole city might say that, if Latham stays like that, we will have to keep building new suburbs up to Goulburn or Yass or somewhere, and that's a very, very expensive and ecologically damaging option. I don't know the answer.

MRS CROSS: But that contradicts, Mr Adams, what you said earlier about having a hundred unique approaches to those hundred suburbs. You either have a spatial plan or you have a single plan for each area. Which would it be?

Mr Adams : Well, both, because I think the spatial plan needs to set the big picture rules. We used to have a rule some time ago—and I'm not advocating this—that 50 per cent of new growth was at the fringe and 50 per cent was intensification of suburbs.

MRS CROSS: So, as long as the neighbourhood plan agreed with the spatial plan, that would be fine?

Mr Adams : Yes.

MRS CROSS: If it didn't, what would you do?

Mr Adams : The territory's planning system would have failed. With a local plan prepared in consultation with local residents, normally there would be a tension between what the local residents were after and what the big picture demanded. That's the ordinary process of planning that has to be worked through. And at the end of the day governments have to make decisions.

MRS CROSS: Do you believe the current neighbourhood plans have been effective?

Mr Adams : It's a little early to tell; they've only been in place for a short period of time. The implementation of some of the things that are in them could have been a bit faster, but the people at PALM charged with doing it have been busy with bushfires and things. I think it's too early to tell.

MS DUNDAS: Do you think the process for developing the neighbourhood plans in the six suburbs that have been lucky enough to get them was sound?

Mr Adams : I make the overriding comment that the strategic information from a spatial plan type level was not there and so the ones that have proceeded have proceeded in somewhat of a vacuum without having—

Ms Madew: We should have finished the spatial plan and then done the neighbourhood plans.

Mr Adams : Yes.

MS DUNDAS: And then done draft variation 200?

Ms Madew: Yes. There's such a conflict. The other point that we find interesting about DVP 200 is that it's prescriptive; it's telling the market what they have to have, not letting the market forces decide what they want. To an extent the spatial plan may go down that path. The market is the market. You can't dictate what sort of house people should have, because people differ. We're all from different backgrounds, we want different things and we have different families. DVP 200 can be quite prescriptive and it takes away what the market wants. You've got to have a bit more flexibility. It's the same with the spatial plan. If the spatial plan scenarios are for the city to go out, what will happen in 10 years time if everyone wants to go up? The plan needs to be a bit more flexible and to consider what the market wants.

MS DUNDAS: Tony, I think you said in your presentation that the draft variation doesn't actually provide the impetus for affordable housing. What in your opinion would draft variation 200 have to do to provide that impetus?

Mr Adams: It is a continuum, I guess. The tighter the planning controls are, the less flexible is the housing you get, the less amount of housing you get, and the capacity to change your housing is less. At the other end of the scale, if you have no planning controls at all anybody can build anything. If the only measure of affordability is cheapness, you'll get some cheap housing. There are a lot of other factors involved in providing quality affordable housing—the affordable housing task force looked at those—and achieving it in the right location is very important. DVP 200 is only talking about the controls on residential housing in the suburbs. It could be considerably more flexible and provide considerable scope for greater variety.

MS DUNDAS: Can you elaborate on that point? How could it be more flexible? We're talking about 800-metre size for dual occupancy across the territory.

Mr Adams: Well, a particular issue with it is that in the suburban areas it is going to preclude, I think, most dual occupancy development. I was looking recently at a 1,300-square-metre block. It happens to be in Curtin, it's a very large block and it's quite well located for a dual occupancy in ordinary good design planning terms: it's surrounded on three sides by open space. The house, built in 1967, was built right up the back of the block and it can stay in place. There's plenty of room down the front of the block. The house was built up the back because there was a great big tree in the front. The tree has gone, due to natural causes. It happened to be the fire, but that's not the issue. The occupant has lived there since 1966, is now an elderly lady and would like to build a dwelling in the front of the property to meet her needs and sell the one at the back or whatever—do a dual occupancy.

Under the DVP 200 rules, the plot ratio is changed, and after May this year it will be on a sliding scale. The plot ratio on a 1,300-square-metre block is 17 per cent. The existing house is a 1960s Canberra house: it has three bedrooms and a bathroom and is not particularly large; it's an ordinary house. The house that she is allowed to build—the second dwelling—is 58 square metres of house. Because you have to put two car spaces into the GFA and you have to allow 36 square metres for cars, what she has left for her house is 58 square metres. In those circumstances, it would be uneconomic and silly to build. She could put the cars under the building and have about 100 square metres of house.

THE CHAIR: But that's uneconomical as well.

Mr Adams: Well, it's also a silly design on this particular block, because it would block the view from the house up the back. But, more importantly, she's elderly and she doesn't want stairs. So the constraints are too tight. Even if you're going to be very rigid about what you call a good dual occupancy and a bad one, this could be a very good one. But she's not allowed to do it—or she wouldn't be allowed to after May.

MS DUNDAS: So would you be supportive of the principle that's been put to us a number of times of almost individual assessment of each block, each street, each precinct, to see where dual occupancies would be suitable—not doing it in a residential core or a suburban area, just street by street?

Mr Adams: The principle is okay, but I just don't think it could be resourced. I don't think it could be done.

THE CHAIR: It would cost a motser, wouldn't it?

Mr Adams: I think they can be assessed individually when they come through the door and some rules—700 square metres or whatever—can be, and used to be, guideline starting points. I think corner blocks generally lend themselves more to dual occupancies than others. The issue with the controls now is that they're controls, they're rigid and, even if PALM thinks it's a great design, they can't prove it.

MS DUNDAS: But then how does that fit in with the desire for certainty?

Mr Adams: There is a relationship, obviously, but not being allowed to do anything at all is worse than having something that's a little bit uncertain. There will always be some uncertainty. You always have to do a good design. If the uncertainty is limited to the difference between a bad design on a given site and a good design, that's okay. I'm happy to go for good design and get good design outcomes, and PALM's HQSD processes and so on are now achieving much higher quality than was achievable in the past. They brought all that in to achieve better quality and at the same time a big stick has come in with DVP 200 and knocked it all on the head anyway, so you can't even try.

MS DUNDAS: So do you think that we could progress further in terms of redevelopments and sustainable design and all those things if we ditched draft variation 200 and went back to PPN 6 and waited for the outcome of the spatial plan and kept HQSD standards?

Mr Adams: Yes, with the proviso that there's always a baby and a bathwater situation. There are some bits of it that might have some value. If you take the other extreme of what we can do to DVP 200 to make it immediately work a bit better, that would be to take the car parking requirement out of the GFA, because you actually have to count in a space for cars, even if they're a lightweight cardboard structure, which doesn't actually add to the bulk and scale of the thing. It's a question of design.

THE CHAIR: It was an interesting point in the example that you gave, Mr Adams—that, even though the owner probably doesn't want two car spaces, you had to calculate two car spaces.

Mr Adams: Yes, you have to calculate two, in my reading of it. It's a very complicated document, but that's my interpretation of it.

THE CHAIR: This has been one of the criticisms—that it is quite a complicated document—and it occurs to me that planning isn't actually rocket science and for a group of 300,000 people who are all—

MRS CROSS: Not that the people that put it together are not intelligent, Vicki.

MR HARGREAVES: In fact, they are rocket scientists.

THE CHAIR: The thing is that there are 300,000 people in Canberra who to varying degrees, depending on the day, are passionate about planning and they don't want to be reading a rocket manual.

Mr Adams: In the example I gave, the lady in question is a very astute person and designed her own house in the 60s and is very much on the ball. It took her, the architect and me to actually work this thing out and I'm still not confident that I've got it all stitched up. It should be easier than that.

THE CHAIR: I've got a couple of theoretical questions. What the council is saying is that there are two big pictures floating around at the moment—one is the spatial plan and one is the draft variation 200—and that, if you put them together, you get pretty blurry outlines. They're not matching. And, going to the question of what the spatial plan might come up with, do we keep going out or do we densify? I remember the times when we used to talk about 50 per cent out and 50 per cent in.

I actually meant to ask this question of the Institute of Planners, and we might need to go back and ask them this, and I'll also ask it of PALM: has there been any figuring done on the comparative costs of, say, doing sensitive infilling, densification? If, say, you took reasonably sized corner blocks and made them dual occupancy and that gave you 100 more housing sites in a suburb, what would it cost in greenfields terms to build those 100 housing sites?

Mr Adams: I don't think the Property Council has ever gone into that in much detail. There was quite a bit of work done around the north Watson and north Duffy developments, and there was work commissioned by the territory, I think. I would imagine that sort of stuff would be injected into the spatial planning process because those are the questions we'll be asked.

THE CHAIR: Does that sort of figuring exist, Garrick?

Mr Calnan: There has been work done in the past, yes, which indicates that the cost of infill housing is significantly lower than greenfields development. That's fairly well known and well documented. A lot of people dispute the actual figures, but the differences are quite marked and that's one of the arguments in support of having a program of consolidation.

THE CHAIR: So what are the factors that make consolidation cheaper? Is it that all the services are there and you're just providing more users to the services, and so long as you don't overload the existing services—

Mr Adams: Well it's important to remember that some of the services actually need overloading, like the bus system. There are not enough people on the buses, and it's one

of the biggest costs. People usually talk about sewerage and stormwater and so on, but in fact it's schools, buses and so on that are very high ongoing costs forever. And getting those reused is very important.

MRS CROSS: We have a situation where we've got two planets of things happening: DV 200 and the problems that you're experiencing. Why do you think that we haven't had a correlation of this working together? What do you think has caused it and how do you think it can be fixed?

Mr Adams: I think it's a question of history and it's a question, I guess, for successive governments since self-government.

MRS CROSS: Okay, forgive my ignorance, because I've only been in this job for a short time. So you're saying that successive governments are responsible for the planning system failing, and the poor people in PALM have just inherited trying to satisfy each government?

Mr Adams: I should indicate a self-interest here. I was in PALM for seven years, so if PALM's failed I'm part of it. But we have got to a situation, because of the nature of the governance and so on in the territory, where we do seem to have two things happening out of sync.

MRS CROSS: Is it rectifiable since you were there?

Mr Adams: Everything is rectifiable. It's a question of time and resources.

MRS CROSS: A willing?

Mr Adams: I think everybody is willing.

Ms Madew: I think time and resources and focus. There's a lot of pressure on PALM at the moment and they've got a lot of things that they're working on. This was the case even before the fires. It is not just the spatial plan and DVP 200; there are a lot of other things they're working on. There are lots of planets and they're all crashing. We have been advocating for over a year that there should be more integration and a planned process of, "Let's do the spatial plan, then let's do this and let's do that." And that's not really PALM's decision and so they're just—

MRS CROSS: They're just doing what they're asked to do.

Ms Madew: Yes, and they've got lots on, so—

MR HARGREAVES: So in that case they're doing a great job.

Mr Adams: What PALM do on an individual level is terrific, but they've got too much to do, and that's visited on them from outside.

THE CHAIR: And it may not be actually clicking together. I'm conscious of the time, but we will be able to make it up in the course of the afternoon. I just want to go back to one issue and that is predictability, although that wasn't the word you used.

Mr Adams : Certainty.

THE CHAIR : One of the main things that you talked about was certainty in the process, and that seems to me to be something outside of draft variation 200.

Mr Adams : Yes, it is.

THE CHAIR : How much to you see draft variation 200 contributing or not contributing to predictability and how much of it is other things in PALM that need to be addressed to deliver what the Property Council would consider as certainty.

Mr Adams : On one level DVP 200 delivers more predictability because it makes much more rigid rules that can't be argued about. But they're not working towards good planning outcomes. I don't believe they'll get good planning outcomes. It's unpredictable in that, because of its flaws, it will change, and that's the unpredictability.

THE CHAIR : So you're saying that it's too rigid?

Ms Madew : I can give you an example. Members are already going to do some developments in Sydney and Melbourne. This is especially the case now with the change of use charge. They are in it to make money, so why would they do it here? It is prescriptive; it tells them what they should do and puts a lot of other constraints on them. So they feel they may as well go across the border and—

THE CHAIR : So you're saying that we run the risk of a capital flow?

Ms Madew : Yes. And we've had members say that to us. They are doing what they're doing now and it will be interesting to see what happens in the coming years.

MRS CROSS : Could you be more specific, Romilly? Could you tell us what it is that they are being asked to do that makes them say, "No, bugger it"? What is it?

Ms Madew : The whole thing is the ease of the whole process. You've asked about DVP 200. It's not necessarily just DVP 200 that's causing the problem, but that's adding to the problem. They're finding it easier to go into other states, where the process of building takes a shorter period of time and the rules are less prescriptive. There are some areas in New South Wales where they would be worse off than here, but in the end they're looking to make money and to sell units at market value. The way it is—

MRS CROSS : Could you give me an example? It would be really good if you could be specific. For example, how long does it take in, say, New South Wales versus Canberra to get an approval? Is that a problem?

Ms Madew : Yes, it is, because it depends on the development.

MRS CROSS : Okay.

Ms Madew : It depends where the development is—how big, how small. There are a whole lot of different issues around it.

MRS CROSS: So there's no one set of issues; it's a variable?

Ms Madew: Basically, in the ACT we see it as a two-year process to get big developments up. That costs a lot of money and you're losing a lot of money through—

MRS CROSS: How long does it take in New South Wales?

Mr Adams : It varies, but less.

MRS CROSS: What's less—a year?

Mr Adams : I don't know—yes, a year.

MRS CROSS: In order for us to be able to assess, we need to have some idea.

Ms Madew: Yes.

THE CHAIR: All of those things go to housing affordability. People might say: "If they don't want to do business in town, they can go somewhere else. We don't care." But, if people aren't renewing the housing stock and all that sort of thing, it seems to me that you have less chance of having affordable housing. If there's increased demand, the people who stay are going to say, "Okay, I'll do it bigger and flashier," which means that the people who really need it, at the bottom end, are going to miss out. If there's more demand, everyone will go up-market and that will preclude people at the bottom end of the market, which is probably where we should be putting most of our effort.

At the same time, if the whole process takes six or 12 months longer here, that's an awful lot of capital and investment tied up, which somebody has to pay for somewhere, and so it's going to be passed on in housing costs. So there are all those issues. But how much of that relates to DV 200 and how much to general building regulation?

Mr Adams : Mostly it's general. That position exists regardless of DV 200.

THE CHAIR: The Property Council has made submissions to this committee on similar issues before.

Ms Madew: Yes, we've said that before.

MR HARGREAVES: We've got to be careful about attaching the affordable housing tag to this. In fact, where redevelopment or urban consolidation—or whatever the buzz word is this week for going into town and building on a couple of blocks—has occurred, those units that have been built are not in the realm of affordable housing; they're for another income strata altogether. So in fact there is no connection there. How do you respond to that?

Mr Adams : What those units do is add to the overall housing supply. If you take three houses in Braddon and replace them with 40 units, you get 37 more dwelling units in Canberra. So Canberra-wide the housing supply is substantially increased. They're

smaller units so they're probably equivalent to about 22, not 37; but increasing the housing supply is very much a key to increasing affordability overall. It means that a house in Weetangera or somewhere might sell for a bit less.

MR HARGREAVES: It just keeps a cap on the cost increase but it doesn't actually provide any more affordable housing per se.

Mr Adams: No, it provides more overall housing supply. If we didn't ever build another house or flat or anything in Canberra, the existing housing would just become more and more expensive, because a growing number of people would want the same number of houses. So anything that constrains the production of new housing will increase the price overall.

THE CHAIR: I think that you, Tony, made the point before that there's more to housing affordability than the entry cost. There's the whole of life cost of a house.

Mr Adams: If all you do is increase supply, what you'll end up with is cheap housing right out on the fringe and expensive housing in the centre. That will not achieve the social outcome that we should aim for in terms of housing, so you need other interventions, other social mechanisms, to achieve that, but they're not to do with planning; they're to do with social welfare. But they all cost as well. What we need is some form of subsidised housing in inner areas for people who need access to that subsidy. That subsidy is much less if the housing costs are less.

MR HARGREAVES: If the concentration of higher density housing in group centres—in, say, Jamison, Erindale, Calwell, Hawker and those places—takes off, will that contribute to not having the cheap houses on the fringe and the expensive ones in the centre? Will that even the thing out?

Mr Adams: It should do. Overall, the more housing there is the less expensive all the housing will be.

MR HARGREAVES: You've made the point that, if, say, we concentrated all the multiunit development in Civic, the value of all the houses out at Banks and Spence would tread water for a while and then be comparatively cheaper. But, if we start having multiunit development around, say, the Conder shops, there won't be that difference in value, will there?

Mr Adams: No. You have to account for different housing markets. Not everybody wants to live in an apartment and not everybody wants to live in an outer suburb in a standard house. Some people who need access to affordable housing are actually quite comfortably accommodated in Banks because they have a car and they work in, say, Hume. A single parent with three kids who needs access to affordable housing needs to live centrally in order to be able to catch a bus to the doctor and so that the kids can walk to school. So there are many dimensions to it and it's much more than can be addressed by something like DVP 200.

The point that I make is that somewhere in the mix of delivering affordable housing the question of housing supply has to be addressed. In crude terms, the more houses there are the cheaper they're going to be at all levels of the market. The million-dollar house will come down to \$890,000 and the \$100,000 house will come down to \$90,000 if we provide more. If you provide less, the million-dollar house will go up to \$1.1 million and the \$100,000 will go up to \$110,000. DVP 200 is reducing the capacity to produce more housing in the suburbs.

MRS CROSS: I can see the developers shaking in their boots at the thought of their prices going down.

Mr Adams : Well, that's an issue as well.

MS DUNDAS: Just to put a different view on that, we've had an influx of a certain type of housing in the ACT. We've had a huge increase in multistorey developments—Kingston Foreshore and Northbourne Avenue—and we haven't seen a decrease in housing prices at all. In fact—

Ms Madew: Because we've had a shrinkage of supply in greenfields; that's why. We've gone up but we haven't gone out. A lot of greenfields developments have been pulled back. The prices are still going up because we have a real problem with supply at the moment.

MS DUNDAS: You're really looking at a diverse market for affordability.

Mr Adams : You need both, yes.

Ms Madew: Yes, which is what I talked about before about market forces. You need to allow for diversity.

MS DUNDAS: And you think draft variation 200 will limit diversity?

Ms Madew: Yes.

Mr Adams : There are different sectors of the market, but one sector comprises people who are happy to buy a dual occupancy in Latham or Braddon or somewhere. This means that they're less able to do so. So there are two issues. First, they are forced into housing that's not their first choice, and, second, they're forced into someone else's housing market, so they're going to buy a unit or buy something in Amaroo, Gungahlin, Dunlop or somewhere, so—

MRS CROSS: They couldn't afford it; it's too expensive now.

Mr Adams : That's right, so they're being pushed out. The demand for apartments still seems to be very, very strong. They're still selling off the plan, which is a major indicator. So that segment of the market is not yet accommodated. The fact that in Gungahlin—

MS DUNDAS: And it's not really affordable either.

Mr Adams: No, they're not affordable. Once you get oversupply, they become more affordable. In Gungahlin you pay \$150,000 for a block of land—

MR HARGREAVES: That explains the eagerness to buy at Yerrabi, doesn't it? The idea is that there is still that market out there and the land release is not satisfying the demand.

Mr Adams: No, it isn't. They're being sold by ballot.

THE CHAIR: It's only a narrow spectrum of the market that can afford to have a starting price of \$150,000—and it's not the person who is out there looking for affordable housing. I think that has probably exhausted the Property Council. Ms Madew and Mr Adams, thank you very much for your contribution.

DAVID DALL was called.

THE CHAIR: I welcome Dr Dall from the Downer Community Association. You should understand that these hearings are legal proceedings of the Legislative Assembly protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation, for what you 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 by the Assembly as a serious matter.

Thank you for attending, Dr Dall. For the purposes of Hansard, would you please give your name and address when you begin. Would you like to make an opening statement?

Dr Dall: Thank you. Yes, I would. I am David Dall of 6 Cadell Street, Downer. I'm representing the Downer Community Association. I am the current convener of the Downer Community Association. First, I thank the committee for providing the time and opportunity for me to talk to you. I understand how limited that time is.

Downer is a community with a strong sense of identity. Downer Community Association aims to promote, protect and enhance the social, cultural and physical environment of the community of Downer.

THE CHAIR: How long has the Downer Community Association been operating?

Dr Dall: It certainly predates me. I believe it goes back at least 15 years and probably longer than that. Downer Community Association—I'll call it DCA from here on; that's what we call it—has a longstanding and consistent position on redevelopment in the suburb. We are not opposed to redevelopment in any arbitrary or blanket fashion. What we do believe is that redevelopment should benefit and enrich everybody who is involved in the process, not just the people who stand to make a financial gain from it—be they the sellers or the builders—but also the people who are left behind to actually live in the things that are built, who have to look at them, go by them day by day or interact with increased density, increased traffic on roads and so on.

I will just briefly structure this in three parts that more or less follow the submission that's in front of you. I expect that you have the submission that we sent in. Firstly, I would like to talk a little bit about the consultative process and DV 200. We agree with the government that DV 200 is an extremely important planning instrument here. I do believe, and we believe collectively, that the consultative process has, in the final analysis, been deceptive and is therefore badly flawed and that, as we'll come to hear, we need to have a rethink about how DV 200 goes ahead.

MS DUNDAS: Can you just elaborate in what way it is deceptive?

Dr Dall: Exactly. That is a very strong claim and I do expect to elaborate on that right now. To do that I would like to distinguish between the intent of DV200 and the content of the current version of DV 200. In talking about the intent, I believe that the collaborative process starts with the first kind of publications about this—things that the

minister says, things that PALM says, information that's disseminated about DV 200. From there on—I should say that I don't believe it's this part that's flawed; it's the part that's gone before that—it is an ongoing consultative process. I've got a couple of documents here. One is called, for the record, "Preserving the Garden City: A Message from the Minister for Planning, Simon Corbell." Another one is "Protecting the Garden City"; this is PALM's document of winter 2002.

The intent, according to these documents, was to create two areas in suburban Canberra with the view to providing certainty in planning and preventing an ad hoc and market-driven approach to development and to do that by having two areas, one of which would be eligible for some high-density sort of redevelopment and the other essentially protected. A series of pronouncements were made about how that intention would be carried out, including that separate unit title for additional dwellings in suburban areas would not be permitted and single-storey buildings only would be permitted. That was for any additional new dwellings.

I would like to come back to some of those in more detail, but what we're saying here in this point is that there was a very clear intent at the start of the process about what DV 200 would deliver. I believe that anybody who read or heard those things would be entitled to believe that the content of the final version of DV 200 would in some way mirror the stated intention of the instrument.

I don't believe that's any longer true, because there have been very substantive revisions put into the revised version of DV 200, particularly as it relates to suburban area redevelopment. Its content no longer conforms with the stated intent of DV 200. Anyone who looked at this and said: "That sounds great to me. I don't really want to know about the details. I'll leave that to the government; that's their proper job—

MRS CROSS: Just for the benefit of the chair: Dr Dall had two documents; one was the minister's statement and one was one from PALM.

THE CHAIR: Yes.

Dr Dall: You've probably seen both of them. They're public documents. Anyone who looked at those or heard the minister talk said, "Great, it's PALM's job and the government's job to get the detail right. I absolutely agree with that kind of intention. I don't want to know any more, thank you very much. That's my part of the consultative process and I'm very happy." But, had they known or seen what is present in the revised version, the outcome for that person in the consultative process could well have been very different. It has changed halfway along; it no longer matches. I believe that the purpose of community consultation and subsequent revisions is to refine the contents of the document in line with the original intent, yet what we've seen here is a massive reversal of the contents such that it doesn't mirror the original intent.

MRS CROSS: Can you table those differences, so we can see—

THE CHAIR: We don't need them tabled; we've got them.

Dr Dall: I'm sure you have those ones. I will come to some more of these details. I believe that up to this point the consultative process has become misleading and deceptive, for those reasons. I won't stress that any more as I'm sure you see the line of reasoning there. We believe that, because of this, the consultative process hasn't been adequate. Yes, it has crossed the t's and dotted the i's and done what's required, but it's done it in a manner that isn't appropriate. We will urge at the end of this presentation that the committee recommend that DV 200 be withdrawn. We've got some requests about that later on and also some suggestions as to what should be done if that happens. That's the first part of our presentation.

I turn next to residential core area provisions in revised DV 200. DCA welcomes the introduction of the A10 area-specific policy overlay. We think that's a great advance. We think it's an advance because it allows much more flexible identification of blocks and sites to be included in the residential core areas. It doesn't have to be bounded by sections or by streets or walkways. Indeed, it can be bounded by individual property lines, and that's where we hope to be working in the coming neighbourhood planning process. So we do believe that's a positive for DV 200.

THE CHAIR: Regarding the content or the constraints or rules of the A10 overlay, are they generally satisfactory to the Downer Community Association?

Dr Dall: Yes, they are. In general and in terms of what would be allowed to be built there, yes. Frankly, we're not thrilled by it, but we understand the need for high-density infill and we accept that some of that has to happen all around the town and, yes, we're not overly concerned with the provisions inside the A10 areas.

THE CHAIR: You would have heard the arguments from the Property Council that what's in A10 doesn't actually provide any more density than is currently allowed; they didn't put it in precisely those terms. What would you say to that?

Dr Dall: I would probably want to take it on notice but I'd be very surprised if that was true, to be honest. I haven't approached it from that point of view, so I can't say anything really substantive about it.

MS DUNDAS: Can I also just quickly follow up? We also had the idea put to us that, instead of having the residential core and the suburban core, we should look at each site individually—almost street by street, precinct by precinct—to identify areas where good planning and HQSD principles could result in dual occupancies that fit in, irrelevant of whether or not they're close to the shops.

Dr Dall: Yes. That was the next point that I wanted to come to, so that's a very useful question; thank you very much.

THE CHAIR: You can see that we've been doing this for a while and are starting to anticipate—

Dr Dall: And that's great. I don't believe that getting a pair of compasses and drawing a ring around 300 metres is a particularly fantastic piece of planning, to be honest. Because a site is within 300 metres or 200 metres of some shops doesn't necessarily make it acceptable. And, as I heard people saying before, because it's on the other side of the road doesn't make it unacceptable.

THE CHAIR: Downer is at the top, over on the left.

Dr Dall: Yes. This is Antill Street. It's a major road. It's a death-defying road to cross; we'll come to that in a minute. But that really is a suitable place for putting in a higher-density development. But within that radius there are very narrow, winding streets. If there were a fire and a car was parked on each side, I don't believe a fire engine could get down those streets. Just because they happen to be there, the character in the back of that zone is completely different; it changes enormously just within a couple of properties. So to just say that you can walk from there and that will be good enough doesn't help with things like garbage collection, ambulances, fire engines et cetera. They are very narrow streets, there are a lot of kids living there and there's going to be a lot of extra traffic.

So, yes, I think they are quite right, and that's why we like the A10 area-specific overlay, because we can say what will be a good one and what will be a terrible one. The DCA has a working group on DV 200 and we're actively looking at principles that would guide the selection effectively on a site by site basis. What I've written in here and what we are saying is that we don't believe that those are adequate as they stand. We would want to take some out and we would probably want to put some in. There are some that are not identified that are much better candidates than some of the ones that are.

We also welcome and support neighbourhood planning. As for certainty, our certainty is that the minister has promised that the neighbourhood planning groups can have some say in where those boundaries go. But there really is a massive issue of certainty, particularly in the suburban area. So we do support the neighbourhood planning process and we are very pleased to hear that Downer, Watson and Hackett are going to be the next group.

Of course, that's fabulous for us, but it means that somebody else has missed out; that's a real problem as well. We do believe, though, that, if DV 200 is retained in this form, or indeed in any subsequent form, it needs to have something written into it that A10 zones are indicative only and that in fact for the neighbourhood planning process to have any real value or authority, it's no use coming back and saying, "We didn't want it. Oh, it has all been built on. Bad luck, guys; you've missed it." You might as well save your time. There has to be something in there that says that they're indicative. Just because you've bought a piece of ground there or own it, it's not necessarily going to give you an automatic right to put the higher-density buildings on it. There's no automatic inclusion until it's signed off by the process of which neighbourhood planning is part.

THE CHAIR: I know that you're actually saying to us, or you are going to say to us, that we should do away with draft variation 200.

Dr Dall: Sorry to be so predictable.

THE CHAIR: I think you've already stated this; I'm not using ESP. But, if we said that we really couldn't do away with draft variation 200 and that we have to have some certainty, some protections, are there areas that now are covered by A10 that the Downer Community Association would like removed from A10 as an interim?

Dr Dall: Yes, most definitely there are, and they will be supported by the kind of principles we have set about access, traffic, current use patterns and so on. So, yes, there are and they are, in particular, deep in the middle of this south-western corner. These ones around the outside you can access from Antill Street or from one street in, but there are going to be major traffic problems. This is already really a choked-up area for traffic.

THE CHAIR: I know; I went right through it.

Dr Dall: Maybe we'll come back to that in a minute. With these ones in here, you're going to have to wind down really narrow streets to get in there. So we're saying that those ones deep internally are not suitable. I'm just waving very generally here because people live in all of these places and I don't want to point to a particular block. But some others that are accessible off main roads or very close to main roads seem to be much better candidates for inclusion.

MS DUNDAS: Just a quick off-the-topic question: what's the Downer Community Association's relationship with Downer Residents for a Liveable Community?

Dr Dall: We talk to them. The Downer Community Association represents the entire suburb and tries to take, as far as possible, positions that don't exclude anyone. It tries as much as any body like this does to keep everyone happy—and I'm sure you know what a job that is—whereas the other group you mention has a much more vested interest. I am not undermining what they've got to say. We have talked with them, but—how do I put this diplomatically—they like to say it in a much more direct manner than DCA would probably want to countenance. So we're not at odds with them at all, but they have other issues to raise as well.

MS DUNDAS: Thank you. I just wanted to clarify that.

Dr Dall: I would like to now briefly talk about the suburban area provisions and these are the ones that, frankly, we were enormously disappointed to see. We believed that the intent and content of the first version of DV 200 had set out a whole series of things. I'm not sure that our previous submission on that would be available to you. Our first submission back in August focused on the general area as it was, because at that point it was intended basically to wipe out about 42 per cent of the suburb. It was just going to blanket the whole thing. So there have certainly been improvements in the sense of bringing it back more realistically, but we still think that A10 needs refinement. We said very little about the suburban area stuff in our first submission, because it looked very good to us. But now it looks terrible. Basically, what has been improved on the one hand has been more than unimproved on the other.

I don't know where these changes came from. We've talked to people in PALM. We've tried to find out for goodness sake why. There have been some vague statements about the Lansdown guidelines. There has been some statement about infringement of personal rights. I'd just like to look at three of these things. One of them is the reduction in block size to 700 square metres. We are absolutely, diametrically, opposed to that. That will now make 55 per cent of Downer available for dual occupancy development. Twenty-five per cent as currently shown is scheduled for residential core development and 55 per cent for dual occupancy. We're talking approximately 80 per cent or thereabouts, all told.

THE CHAIR: But there would be some overlap between those two?

Dr Dall: No. I'm saying to take the 25 per cent out. Irrespective of block size, that proximity is going to determine where that goes.

THE CHAIR: Are you saying of the remainder?

Dr Dall: Seventy-two per cent of the remainder will be available, but overall that equates to 54 per cent of the suburb. The reason that so much of it becomes available is the downgrading from 800 metres, which is what is recommended, with some caveats, in the Lansdown guidelines. I'm sure you've seen that. Forty-one per cent of the blocks in the suburban area of Downer fall between 700 and 800 square metres. There's a bell curve of block size distribution in every suburb—the same in Downer. From your perspective it goes this way: 800 is on the right-hand side of the bell and 700 is on the left-hand side. You get a huge bulge of blocks. So it's going to open up the suburb of Downer comprehensively to dual occupancy development.

MR HARGREAVES: Dr Dall, can I just ask you a question on this point, please?

Dr Dall: Yes, sure.

MR HARGREAVES: This is something that has come up a number of times. It's something that has been niggling away at me and I think your association is probably ideally placed to answer it. As I understand it, you've got the other group that my colleague Ms Dundas talked about a minute ago. You've also got the North Canberra Community Council and others. As I understand it, DCA is all about amenity for the people of Downer; no matter what subject, you want to talk about the amenity of the people of Downer. That's fine. I think that's terrific; I like it. I agree with you that changing 700 to 800 opens up the opportunity for people to say that a great part of Downer could end up as dual occupancies, but do you really think it's going to be that way? Do you not think that you're getting a bit hysterical about the possibility?

Dr Dall: Sorry if I sound hysterical; I do get excited about it.

MR HARGREAVES: Dr Dall, you're not. I actually stress that you're not, and other people possibly aren't either.

THE CHAIR: Don't you get excited, Mr Hargreaves.

MR HARGREAVES: The possibility of the whole suburb being doubled in its size seems to be one of the things coming out. But I'm not so sure about that.

Dr Dall: Thank you for that question. I'd like to start with the first bit about DCA. Yes, I just quoted our little mission statement, or whatever you want to call it. In fact, DCA works a lot more broadly than just on Downer; I'd like to make that point. Yes, our activities are centred in Downer but, for example, we have the lease for and we administer and run the Downer Community Centre. That is used by various social, educational, theatre and artist groups, rock and roll bands and women's groups and so on. They come basically from all over the inner north and some from further afield. So we don't have a visa stamp as people come in.

MR HARGREAVES: That happens in Tuggeranong, I have to tell you.

Dr Dall: DCA built a BMX track a couple of years ago; maybe you've heard about that. We put a huge amount of effort and money into building a BMX track. We know there were people riding in from over towards Belconnen and from Ainslie. They were all coming in because that was available in Downer but not anywhere else. That, unfortunately, was a casualty of the public liability insurance thing, but in that respect DCA was serving people far further afield than just Downer. That wasn't your question but I thought I'd just tell you that anyway.

MR HARGREAVES: I don't mind being belted up; I'm used to it.

Dr Dall: Will it happen? One of the things being said is, "Look, we're making everything available, so, fellas, don't worry, we're going to spread this really very thinly." I don't believe you can sustain that line of reasoning. What you're really saying is that everything is available to the developer market and now it's up to the developer market to choose which bits they want. They choose the bits that can be sold most profitably, or the areas that for some reason are the flavour of the month—however the market is likely to go best. They're not going to say, "Gee, we did two in Downer last week, so now we're going to go off to Kaleen" or wherever it might be.

If it's going to sell—the inner north is particularly under pressure from this; we've seen that from the inner, inner north—yes we do expect that those ones will be under enormous pressure for dual occupancy purchase and development. In fact, in the A10 areas, even though none of this is finalised, we're getting reports of people going door to door, saying, "Do you want to sell your house? Will you sell me your house?" And the next day it's another person. There's enormous pressure to get places in Downer. So we are trying to look further afield than just Downer, but there's no doubt there is a lot of pressure on in Downer.

I made the point about how much this is going to open up. We still don't know why the 700 metres rule is being brought in, apart from some of the obvious and cynical sorts of explanations that I'm certainly not going to state here. But we are extremely worried about it. We're also worried about the dual occupancy stuff. It's not dual occupancy per se; it's what goes with it—the increased traffic, the increased pressure on the

infrastructure of drainage, sewerage and just general services. We're also worried about maintaining the existing social diversity in Downer. Downer is making a fair bit of noise here, but it's not just a place filled up with palaces. There are apartments, dual occupancies, estates of old people's assisted living units, very small duplexes and a lot of family houses. That is a very good and workable mix: old people, young people, people with dogs and all sorts of other things.

We fear that, if this is opened up for dual occupancy, a young family will in no way be able to outbid a developer wanting the site for a dual occupancy, so the blocks will just be picked off bit by bit. Once that happens, there's certainly no way I could ever buy two dual occupancy houses to knock one of them down to make a backyard. We're really worried about things like the trees, the bigger shrubs and so on. We honestly believe it will change the way of life in Downer. While we accept that time doesn't stand still, we think there's an issue about the pace of change and about where we really want it to be in the future. We're really, deeply, concerned about that.

That is essentially about the 700-metre block, but it also touches on dual occupancy titling as well. The original intent was that there would be no dual occupancy titling in suburban areas. Now the content says there will be; it's just a straight-out reversal. We have heard that this is because people have bought blocks with the thought of doing a dual occupancy as their major investment for the rest of their life. We certainly accept that this could be a personal investment strategy. But what we would say in response to that is that these people can only have bought 800-square-metre or greater blocks. No one in their right mind would buy a little block in the hope that the rules would change down the line. So that certainly doesn't touch on the size issue.

There are ways to deal with that. We could say that, if the block was bought a certain time ago, that was legitimate, but if it was bought last week that would be a different matter entirely. Just about any kind of flexibility is possible in an instrument like this and certainly a time of purchase could easily be included. In fact, on the second page of our submission in February, relating to A10, we said that April 2002 would be a reasonable date to set. That was before DV 200 came out and people who have held a block for a long time would have no problem satisfying that.

I have a couple of quick things to say. There wasn't going to be any two-storey development on dual occupancy either, but now there is. It's a very interesting issue to me because, although we talk about rear access, when you read this document more carefully, which is this variation to the plan, I'm sure you—

THE CHAIR: Which page are you talking about?

Dr Dall: I'm looking now at page 10, in the top paragraph. It's got a box around it and it relates to dual occupancy. It refers to a rear dwelling as a dwelling that does not directly address a public street that provides access. I've looked through these definitions and it's not clear to me what directly addressing a public street means; maybe I've missed it. Does that relate to whether you can see it—a line of sight? What is the threshold test for directly addressing a public street? If you can see it, does that mean that it's not a rear

dwelling and so you can start drawing up plans because you'll be allowed to do a two-storey building on it? And you might have a little carport. There also seems to be the assumption that blocks will be divided into front and rear. I don't see anything in here that says you can't divide them lengthways, in which case both buildings would address the street so both could have two storeys.

In the first instance, I've heard it said that corner blocks are relatively easy. I think we're going to see a battlement effect start up, because all the corner blocks in these areas are going to have two-storey houses on them, as will all the blocks on a substantial bend in the road, because they directly address the street. There's every possibility of us going back to 1890s row houses, because all of them will address the street; their frontage might only be one and one, but they address the street.

MRS CROSS: You think that all the dual occupancies will have two storeys because they can?

Dr Dall: Yes, exactly.

THE CHAIR: If you're inventive enough.

Dr Dall: Yes. This looks like a loophole in gestation to me.

MR HARGREAVES: You're painting a really ordinary picture now. We're going to see 60 per cent of Downer actually doubled and we're going to see rows of terrace houses, just like Coronation Street, popping up—

MRS CROSS: Which really is bad for the Australian climate.

MR HARGREAVES: If 60 per cent of Downer is going to end up like that, we might be unique in the world. I don't know why you're opposed to it.

Dr Dall: Well, that's right. It could be a tourist attraction and we could make a lot of money out of—

MR HARGREAVES: Absolutely. You can have your own Cockington Green sitting up in north Canberra.

Dr Dall: Exactly.

MRS CROSS: Well, procreation needs to go up.

Dr Dall: You might be challenging The Rocks. But this is why we worry. We see this as being possible given the way this has been drafted. We obviously didn't get a chance to comment on all these revisions because they were inserted at the last minute.

MRS CROSS: But do you think perhaps it's there to allow some flexibility rather than to encourage everyone to do it? One of the things that the Property Council said to us

earlier was that they would like to see more flexibility and diversity. Is it perhaps a guide to allow for some flexibility? It's like a shopping centre. All people do not go to the same shop and buy the same product; people don't want all the same things. I wouldn't assume that 60 per cent of so many houses would be two storeys on a corner block. I wouldn't want two storeys; a lot of people I know don't like two storeys. Isn't it just to allow for some flexibility?

Dr Dall: I think it certainly needs to allow for flexibility and it certainly does allow for flexibility. People talk about plot ratios. It's much easier to get some floor space in if you go up as well. So, ineffective though we believe they are, there are plot ratio controls. And there appears to be no resistance to buying small high-rise apartments. We've just heard these people say that they can't satisfy the market. I wouldn't want to live in such a place—very small, on a fifth floor or whatever—but it seems—

MRS CROSS: But there are people who do.

Dr Dall: And that's fabulous. That's exactly the point, because there will be more than enough people to buy all of these places in the inner north. These people are saying they can't satiate the market for these small high-rise dwellings. Well, fill up Downer, Watson and Hackett and maybe that will help—but not for those of us living there. I'm not trying to make a facetious joke; we are absolutely concerned about this.

MRS CROSS: I understand you've got concerns.

Dr Dall: We see the lengthwise split as potentially changing the character of whole suburbs in Canberra. Plot ratios are a fabulous idea but, in my view, have a totally negligible effect. At least 92 per cent of the blocks in Downer are less than 1,000 square metres. The plot ratio list goes out to 3,000 square metres.

THE CHAIR: What page is that?

Dr Dall: Sorry, this is page 6.

THE CHAIR: Yes, "Proposed dual occupancy plot ratios for suburban areas". It's on page 4 in mine.

Dr Dall: It goes down to 19.67 per cent for a 3,000-square-metre block. Ninety-two per cent of the blocks in Downer are less than 1,000 square metres, so they are actually in the 700, 800, 900 bracket. It doesn't really matter how far out you continue that list, if you portrayed this in a font that was proportional to the number of blocks that this encompassed, for the top ones you would need a big wide page and you'd barely be able to see these little ones at the bottom. So, in principle, this is an interesting and useful idea; in practice in Downer 92 per cent of blocks are going to be between 30 and 35. When you take the vagaries of topography, shape of block and so on into account, it really doesn't do anything.

MRS CROSS: What would you like it to be?

Dr Dall: We are being told that the plot ratio and the change of use charge will take the pressure off dual occupancies because (a) you'll have to pay more and (b) it's going to be a lot tighter here. We don't believe that that really is an appropriate restraining mechanism.

MRS CROSS: So what do you think it should be?

Dr Dall: Well, 30, 35, was already put forward and that's reasonable. The fact that it runs out to 2,000 and 3,000—it actually looks pretty good when it's written there—has no real practical effect. So, yes, a plot ratio has been put in but, whether it is 30.56 or 35.0, we don't believe it has any practical effect in making it harder to build dual occupancies or has any real effect on permeable surfaces. So it's not the numbers per se; it's the way it's being portrayed there as a regulatory mechanism. It's a dud.

MR HARGREAVES: But did you say, Dr Dall, that most of the blocks in Downer are between 700 and 800?

Dr Dall: That's true. Overall, just under a third of them are in the 700 to 800—

MR HARGREAVES: And there's no change in these proposed standards from the existing standards?

Dr Dall: There is a slight decrease as you go down there.

MR HARGREAVES: Yes, I know. But didn't you say that not many blocks in Downer are up around the 3,000? They are predominantly all around the 700.

MRS CROSS: Dr Dall said that more than 90 per cent are under 1,000.

MR HARGREAVES: Yes, and I thought I heard him say earlier that he was concerned about the drop down to 700. But most of them are about the 700 to 750 mark. There doesn't seem to be much change there.

Dr Dall: The point I hope I can make here is that this is not a regulatory mechanism. The problem we have with the actual size of the block is the number of blocks that then become available, rather than the actual size of the building—

MS DUNDAS: So you prefer the five per cent limit or such that currently applies, so that, if the blocks are in the right size, that's fine, as long as you don't have every block available.

Dr Dall: With that size being 800, yes, or greater.

MS DUNDAS: So you prefer that extra limit—

Dr Dall: If it's at 800, you do have a limit put on there. In this respect I do only speak for Downer, because I've only got those numbers more or less with me, although I have

some others. There is a limit then on how much of the suburban area can be done, and that would in fact be 24 per cent of suburban area if it was 800 and above. But, once you bring it down to 700, you open up all the rest of them. Five per cent as an interim was in DV 192, and that was a fairly strict impost, but that was to try—and I can quote PALM or Simon Corbell—to give some level of certainty for the residents in those areas because of the runaway dual occupancy development. Just like these folks sitting here before me, yes, we would like some certainty too. When all of the blocks around you are potentially available for two-storey, dual occupancy development, depending on how it might go, that's no certainty at all.

MR HARGREAVES: But you would like that five per cent figure kept?

Dr Dall: Yes, I would. Five per cent may be too low, but—

MRS CROSS: So you're not fixed on the number; you just want some number that you know where you stand?

MS DUNDAS: Two levels of control.

Dr Dall: Well, I wouldn't want it to be 40 per cent. But, should DV 200 be withdrawn, the five per cent dual occupancy limit would be useful to keep, but also with no separate titling going on, at the very least for people who bought since 30 April 2002. If the committee and the Assembly say, "It's 700 and, bad luck, you're going to get it," our next most preferred outcome would be to have a level of five per cent or eight per cent or something, so that you'd have some idea of what's likely to happen next door and around you. The nightmare scenario for people living in these suburban areas is that their entire place will be surrounded by two-storey developments overlooking them.

MRS CROSS: But that can still happen with an individual residence rather than a dual occupancy. It doesn't have to be a dual occupancy for you to be surrounded by two-storey houses, does it?

Dr Dall: No, it doesn't, but it's much less likely.

MRS CROSS: How did you determine that?

Dr Dall: Well, it means that the people all around you have to be upgrading their houses to put in two-storey extensions. Yes, there's always that level of risk. That really concludes what I wanted to say.

THE CHAIR: I'm going to have to wind up because we're pressed for time. At 4.30 these people turn into pumpkins, because they have another commitment, so we have to finish up strictly at 4.30. Thank you very much, Dr Dall. That was very good and very useful.

Dr Dall: Thank you for the opportunity.

KATHERINE SAXBY was called.

THE CHAIR: Are you representing the Turner interim community reference panel?

Ms Saxby: No, I am here as an individual because I don't think the ICRP has any standing, does it?

THE CHAIR: Don't ask them. So you're here as an individual?

Ms Saxby: As an individual, yes.

THE CHAIR: Okay. Would you like to introduce yourself for the purposes of Hansard and make an opening statement.

Ms Saxby: I am Katherine Anne Chafford Saxby, 61b Boldrewood Street, Turner. I'm not sure if you're familiar with Turner but I'm speaking as a resident of west Turner which is to the west of the 9B, 11B and 12 redevelopment areas in Turner. It's low-density detached housing with spaces between the buildings. It's got established vegetation and mature street trees. There are approximately 200 houses, including dual occupancies, in that area. They are predominantly single storey. There are only about 15 two-storey houses in the area, five weatherboard, at this stage, and three monocrete.

It's an evolving suburb, lots of the originally small houses are being upgraded and modified without affecting the streetscape. People are adding insulation, letting more sun in and enjoying living in Turner.

You have my submission before you and I won't go over it, however, on page 2 I talk about a quote from "Revealing Turner". As a bit of background, this is the sum of the documentation I have, as someone who's been through the Turner neighbourhood plan. I didn't bring it all today. A lot of community consultation has gone on and I'm here today because expectations haven't been met within the community. That's what it's about. There's a lot of material in this document that talks about what Turner residents have to say about what they valued about the community. The further consultation I've had with residents showed that they don't feel that their concerns are being taken into account. They feel that they've fallen between the floorboards, between the Turner neighbourhood plan and what's contained in DV 200. That's why I'm here today, in a nutshell.

In "Revealing Turner" there was a quote that said, "the scale of new dual occupancies will be more constrained and there will be an end to separate unit titling". As you've heard from speakers before me, there was an expectation raised about what DV 200 would contain. We went through the neighbourhood process with that version of DV 200. Our neighbourhood plan was finalised before the current version was out, and we haven't had the opportunity for a discussion with Turner on how it affects west Turner.

The people did talk about not wanting two storeys. They did talk about setbacks. They talked about all these issues and to find that they're not contained in the Turner

neighbourhood plan and they're not contained in DV 200 is a big problem. Now we find you can have two-storey elements added in the backyard and multiunit assisted housing built in the suburb and there hasn't been discussion of that. A lot of the discussion focused on B11 and B12 because people felt that was where the threat was. People also thought that they'd strongly indicated that they didn't like the dual occupancies that were going up, they didn't like the size of the single houses that were going up, and some of those issues are outstanding. The implementation of the neighbourhood plan is on hold because of the bushfires. We've received nothing to do with Turner since October last year, so people aren't sure about what's going on.

We have three actions in the neighbourhood plan under goal 1, which is "Turner's distinctive setting and garden city inspired qualities will provide a strong link to the past."

1. Planning and Land Management (PALM), in conjunction with the National Capital Authority and interested stakeholders, to seek funding to develop an ACT Government Position Paper on Canberra's garden city heritage—this process should include an element of independent assessment.

That hasn't even been carried out. It's not even a twinkle in anyone's eyes.

THE CHAIR: Sorry, where was this recommendation?

Ms Saxby: This was in Turner's neighbourhood plan.

THE CHAIR: The neighbourhood plan was finalised in November.

Ms Saxby: There have been no funding proposals for any of these three things. We don't even have a government position paper on Canberra's garden city heritage. We do have this DV 200, which addresses some issues but not all issues.

For example, no 2 is,

- Urban Projects (PALM), in conjunction with Environment ACT, to prepare an Inventory of Turner's garden city inspired attributes.

We don't have that. We've got DV 200 instead.

No 3 is,

- Urban Projects (PALM), in conjunction with key ACT Government agencies and community organisations, to produce a Guide to Inner North Urban Housing Development, specifically addressing issues such as building envelopes, on-site parking, setbacks, plot ratios, environmental considerations, construction controls and HQSD procedures.

Once again, we have DV 200, which doesn't address the concerns that were raised during the neighbourhood planning process. People were looking at the May 2000 version, we've now got the December version and people are a bit concerned.

So we now have people who've been concerned about the big houses that are filling the blocks. I could name them if you want to go and have a look. If you drive down Ridley Street and Froggatt Street, you'll see the sort of development that people don't like, that's happening in West Turner. In fact, one of those developments—Froggatt Street's—was used by PALM in its garden city variation introductions to show the sort of thing that we don't want to see more of. But, if a 50 per cent plot ratio is allowed, that sort of thing can continue—big inappropriate houses that intrude on the streetscape.

Objective 1 for precinct 1, west Turner, is to maintain the distinctive character of west Turner, yet that distinctive character hasn't been defined in detail. After going through the neighbourhood planning process, we have residents who think one thing but feel that we've got what the planners think in here, which is different. So there's an emphasis on the street trees, but in fact people value the landscape setting as well. It's those medium shrubs, the medium trees and the spaces between the buildings. It is those spaces between the buildings that are actually part of the Territory Plan definition of streetscape: streetscape is not just the verge trees.

THE CHAIR: Can I just interpose here to get a picture in my mind? Neighbourhood planning started in roughly March last year, and you've gone through a process that was partly informed by draft variation 200 that came out at the end of April.

Ms Saxby: Yes.

THE CHAIR: Then you came up with a draft neighbourhood plan, which came up when?

Ms Saxby: I think about August or September, or something like that. It may have been October.

THE CHAIR: There were comments on it because I recall seeing email exchanges about the comments on it, and then it was finalised. Did the people who participated in the neighbourhood planning see anything between the draft and the final?

Ms Saxby: No.

THE CHAIR: So you saw the draft, you commented, the final was made and, some time fairly soon after the final was made, draft variation 200 in its present form came out?

Ms Saxby: Yes.

THE CHAIR: So you started this process, got to the end of your neighbourhood planning process and then realised that one of the essential documents that you were working on had changed substantially?

Ms Saxby: Yes.

THE CHAIR: Is that a reasonable summation?

Ms Saxby: Yes.

MS DUNDAS: To follow up on that—and I’m sure you’ll get to this in more detail as you go on—considering that, do you think that the neighbourhood planning process was a worthwhile process?

Ms Saxby: Yes. I support the concept of the neighbourhood planning process, I just don’t think that this is going to give the Turner community what it thought it was going to get at the beginning of the process. That’s about expectations.

MS DUNDAS: What did it think it was going to get?

Ms Saxby: Something that was going to protect what it values and this document doesn’t do that.

THE CHAIR: But you’re actually saying that it doesn’t quantify what Turner values?

Ms Saxby: No. One of the first three things is to quantify what people value, but there’s no funding for it. There’s a list here of 42 actions to be carried out—that’s the neighbourhood plan action list—but no funding. Perhaps there’s goodwill—there’s goodwill in PALM and other agencies, but they don’t have the funding. It’s got to be carried out within the existing budgets. There are another four suburbs that’ll wonder equally where they are going to fit in with things.

If you asked people whether they would rather have smooth footpaths or know what’s going on next door to them, they would say, “Tell us what’s going on next door to us.” That’s what they thought it was all about, and they don’t have that. They’ve talked about what they want, but now we’ve got the different version of DV 200. We don’t have certainty in this document either: there’s a nexus with when this will be implemented. This all takes time and money and it’s not there at the moment.

MRS CROSS: There are two issues: there’s the uncertainty and there’s the possibility of implementation because of money.

Ms Saxby: Yes.

THE CHAIR: And the fact that, in the process, the goal posts were shifted substantially.

Ms Saxby: That’s right.

THE CHAIR: Do you want to continue?

Ms Saxby: Did you have a question?

MR HARGREAVES: No, I’m trying to look at that map behind you to get a feel for what you’re doing. I was going back to what you were saying about looking in your submission. It was the exclusion of a couple of blocks in that core area that I was actually focusing on.

THE CHAIR: Katie, which bits did you classify as west Turner? So it’s that triangle there. Yes. Is that Condamine?

MR HARGREAVES: Yes, Condamine's in it.

Ms Saxby: That's David Street. Barry Drive is here. Sullivan's Creek is here.

THE CHAIR: Yes, okay.

Ms Saxby: While we're looking at the map, one of the things we were given was a snapshot of Turner at the beginning of the process that set out what's happening in Turner. It said that there were 885 dwellings in Turner, 10 per cent of which were dual occupancies and 46 per cent of which were multiunits, and there were a further 500 under construction in this area.

THE CHAIR: In the B11 area?

Ms Saxby: B11, B12 and B13.

THE CHAIR: Did the snapshot tell you how many were in that triangle?

Ms Saxby: No, I counted while I was sitting here today, and it's about 280.

THE CHAIR: Okay.

Ms Saxby: There are lots of dual occupancies in there, too.

Ms Saxby: I was just pointing out that there were 885 units with another 500 under construction. One of the things you'll notice is that there's no core area in Turner. That was the issue that was raised and people said, "We don't want it." One of the reasons for that, we were told by PALM, was the level of activity in this part of Turner. I'm not blaming PALM but, in lay person's terms, Turner had suffered enough and had its fair quota of redevelopment activity, and there wouldn't be redevelopment in that part of Turner, in the core area.

THE CHAIR: Because there isn't a core area.

Ms Saxby: No, it was proposed that there be a core area, because O'Connor shops are here and that's the 200-metre radius. So these two were going to be affected by the variation as it stood. One thing that has changed is that those areas have been taken out. People were concentrating on this, thinking that housing in this area was going to be low density and single storey, and that dual occupancies, if they happened, wouldn't be unit titled and the pressure from developers to develop unit-titled dual occupancies would be off.

THE CHAIR: And suddenly you woke up on 24 December and discovered that that wasn't the case anymore.

Ms Saxby: That's right. Also, as part of preparing for today, I emailed the people I'm still in contact with as a result of the neighbourhood planning process and asked them some questions. They came back with responses and, seeing as you're taking additional material from the Tuggeranong Community Council, I wondered if you were interested in having this material forwarded to the committee. I could ask the people who emailed me whether they'd be interested in doing that.

THE CHAIR: We would be quite happy to receive that. That would be good.

MR HARGREAVES: The only thing about that, Katie, though, is the timeframe.

Ms Saxby: Yes, I would email them today and say that they have to have it in by next week.

MR HARGREAVES: That would be great.

Ms Saxby: Yes. I don't presume to pass on any names or anything. They gave it to me as someone they know will pass on their views.

By and large, people don't want dual occupancy. They don't like dual occupancy. Someone said it's bastardising our suburb. It's a poor way of increasing density. There are better ways of doing it. They don't like two-storey dual occupancies, they don't like the concept, which wasn't raised in the neighbourhood plan. This would have come up in the neighbourhood plan. If this had even been talked about, it would come out.

So PALM can't stand up and say, "It's not in here, because it wasn't an issue that was raised. It wasn't something that people were concerned about, because they didn't think it would happen, or they would have raised it and it would have been here." Having raised it in this current variation, various people have got back to me and expressed their opinions on these things. They don't think that two storeys in the backyard is a good idea. Those who don't like their privacy impinged on certainly don't want a two-storey element additionally impinging on their backyard. I note that that's not something that came out in the PALM commissioned survey, but it's something that an informal survey of people in west Turner came up with—that they didn't like that aspect.

The reason they don't like two storeys, whether it's on a dual occupancy or even a single residence, is it impacts on the street appearance. They're saying that, if it's at the rear, then they don't want to see it from the street either. They just don't like two storeys.

THE CHAIR: I suppose you can't answer this: if it were two storeys, it wasn't impacting on the back fence neighbour and you couldn't see it from the street, would people care?

Ms Saxby: Some wouldn't mind, some would just say no. It's like anything: if you ask a question, you get—

THE CHAIR: —a variety of answers, okay.

Ms Saxby: But I can say that no-one said, “Yes, we like dual occupancies.” I also asked people for examples of good things, because I know that it’s of benefit to you to know what the community considers is good and, by and large, the dual occupancy—not that they want it—that people consider is a reasonable one is in McCaughey Street, next to the pathway that leads down to Hackett Gardens. By and large, people don’t mind that one. There was a suggestion that there should be more townhouse-style houses and that the idea of dual occupancy should not be to take a block and then put two large houses on it. That’s what people are reacting to.

I hear what PALM is saying in that it won’t happen again, but something that I raised as part of the process when the DV first came out was that there needed to be better illustrations, not as part of DV 200 but as a background material available to people. You’re hearing that people are struggling with the documentation, and having to put it together with the existing Territory Plan is all too much. To try to get the neighbour down the street to have an idea of what’s going on, you really do need better plans.

People don’t like the destruction of vegetation that goes on. I mentioned that people like the street trees, but they also like the level of vegetation that exists.

THE CHAIR: So it’s a greater level of vegetation than what’s on the verge and in the front yard.

Ms Saxby: Most definitely. You have a look at the softening effects down the back, the sides and around the back fence. The first thing that happens with either the bigger houses that have been built, or the dual occupancies, is that the block is clear felled, except for maybe one tree that meets the 12-metre tall, 12-metre wide rule. It’s saved and the rest is just clear felled, and what’s coming back is box hedges and topiary and it’s not providing that screening that people are used to seeing.

Also, having walked around west Turner, I have noticed that, for a mature suburb, there are surprisingly few trees over 12 metres high so, of course, when you just keep those and take all the rest, it’s a very different landscape. So I think something needs to be done about that. This is where I got off the track of the objective for precinct 1, recommendation 1, which is to maintain the high quality of the landscape setting and street trees, and that hasn’t been picked up in DV 200.

No 2 was to recognise and protect qualities that establish local identity and distinctiveness. As I said, that’s one of the things that did happen as a result of the neighbourhood plan, but it’s a long way down the track. Meanwhile, we can have dual occupancies occurring and two-storey elements added, and we haven’t yet established what our baseline is and what it is that we actually want to keep and value. No 9 was picked up: don’t zone sections 53 and 54 as general.

THE CHAIR: They’re the ones you talked about before, opposite the O’Connor shops?

Ms Saxby: Yes. Supportive housing was talked about, but only in relation to those sections opposite the O’Connor shops. People said, “We recognise that, if the old people who live in Turner have to move out of their homes, we want to provide them with somewhere to go. Perhaps that would be a good place.” So it was discussed.

THE CHAIR: Because of its proximity to the shops and the doctor.

Ms Saxby: But because it's been taken out of the core zoning, people didn't even think there'd be some next to them in the suburban area, so that wasn't discussed as a part of the neighbourhood planning process, and it's a big gap.

MS DUNDAS: Katie, in your submission you say that consultation with residents should occur as part of the neighbourhood planning process. Does that mean that you want the neighbourhood planning process to continue or to start again? A lot of these problems have occurred because you're looking at a different document to the one that you were looking at a year ago. Should the consultation process start again?

Ms Saxby: I wouldn't say start from scratch, because there's so much good work that's gone on.

THE CHAIR: But you actually feel that the outcome is invalidated by what—

Ms Saxby: Some of it is, that's all. I'm not saying—

MS DUNDAS: So we need an ongoing process.

Ms Saxby: Yes, but it's not designed for that. The neighbourhood plan is designed to be reviewed in five or seven years time, I think, while we need a lot of this now to protect what's happening in Turner. When I said, "With supportive housing going up in the suburbs, what's your reaction?" someone said, "We don't want anything like Greenleaves", which is a solid two-storey block of flats in Moorhouse Street that's marketed as for over 55s. People don't think that is an appropriate thing.

THE CHAIR: Moorhouse Street.

Ms Saxby: Moorhouse Street. It's Greenleaves. If that's the sort of thing that's being proposed—

THE CHAIR: You can tell which way I'm driving home this afternoon.

Ms Saxby: But they would think about well-designed single-storey places. They think, "Why two-storeys if we're building for supportive housing, which will be mainly for aged persons?"

THE CHAIR: If you build two-storeys you've got to put lifts in it, otherwise it's not supportive housing.

Ms Saxby: Yes, but you don't have to have a lift unless it's four storeys, I think.

THE CHAIR: Yes. Is that the answer?

Mr Calnan: The requirements relating to supportive housing say it has to be built to adaptable housing standards, so it needs to be accessible for people in wheelchairs.

Ms Saxby: But that's only on the—

THE CHAIR: No, it's all right.

Ms Saxby: That's ground floor. If there are eight units and four on the ground floor and four are adaptable—

Mr Calnan: No, all supportive housing—

Ms Saxby: Okay.

Mr Calnan: —will have to meet the adaptable housing standards.

THE CHAIR: So that, if they build two-storeys, they're going to have to put a lift in, or a damned big ramp?

Mr Calnan: Unless they can find other ways of getting up to them.

Ms Saxby: But this is something that wasn't discussed in the community. We would be interested in the impacts on them.

This leads us on to consultation and it's—

THE CHAIR: We're here consulting.

Ms Saxby: Yes, but there's a lot of feeling about this. I even threw my email out to people in Braddon, because I don't think anyone from Braddon—is Braddon coming in?

THE CHAIR: No, I don't think we've got anybody from Braddon.

MR HARGREAVES: The opportunity is there. If they don't come in, they don't come in.

Ms Saxby: The opportunity is there but people are feeling tired.

THE CHAIR: Okay, yes.

MR HARGREAVES: We understand that, let me tell you.

THE CHAIR: We're do tire too.

Ms Saxby: So I have input from Braddon as well, and they wanted me to draw your attention to two recent reports in the *Canberra Times* about appeals to the AAT. Those were about decisions that were made just in advance of the establishment of the five per cent dual occupancy rule. They said that the AAT ruled that developers are not legally required to carry out consultation and certainly not required to provide full information

or report accurately and honestly on whatever process they undertook. Even under high-quality sustainable design there is only a requirement to consult, with no definition of what consultation means. That is, there's no checklist of steps and there's absolutely no requirement for agreement among the local community to any developers' proposals, or even for them to report honestly about what people told them. I'll give an example in a minute.

So consultation is a matter of non-enforceable guidelines only. That's related to what I call the blue book, "Designing for high quality and sustainability", which forms the basis of the HQSD process in the ACT at the moment. I know of two examples, one in Braddon and one in Turner, where the consultation report that was provided to PALM for the HQSD process was misleading about the consultation that was carried out. I would suggest that what needs to happen is that, when consultation is conducted with residents, they be given a copy of the report that's lodged with PALM, then it's up to them, if they disagree with what's in it, to contact PALM themselves and say what they feel went on. There's a case where—

THE CHAIR: It seems a simple enough request.

Ms Saxby: —letters that were written have not been provided to PALM. People have taken out of context the good things that were said, but haven't talked about the negative things those people said that affected them. That's just not fair. People feel jaded by the process. Then they had to go to the AAT and be told, "This isn't mandatory." So we need something on consultation, in law, so that everyone knows. The industry wants certainty; residents want certainty too.

THE CHAIR: Yes.

Ms Saxby: That process of negotiation should include proper scaled plans, allow enough time for the consideration of such and actively seek compromise on issues of disagreement. In this case they were given A4 copies of plans, which are difficult to read, instead of an A3 version, and not allowed to keep them—here, look at them for five minutes, that's your consultation and off we go. That's not fair.

Also, people have come to me when the DA's been lodged, and by then the design issues are pretty much set. You've been through the HQSD process. If you've got problems, the earlier you discuss it with Planning the more likely you are to get something that you want. But people start off from the basis that they want to be good neighbours; they don't want to upset their neighbours. Then, by the time the DA comes and they feel they haven't been listened to—there's still something that's niggling them and they want to do something about it—in my opinion it's too late then. Then you go to the AAT and it's too late. You have to try to start this way back then.

We're trying not to be "us and them", trying not to go to the AAT. Let's improve that beginning process, then. It needs to be improved. The comment has been made that not everyone measures the value of their homes in cash resale terms only. That came from Braddon. Someone who's in the core zone that's been removed from Turner also made that comment. They said that they know that having their house removed from that core area reduces the value, but they're happy with that.

Another problem that people have found concerns conditions of approval, which are associated with a development application: once a certificate of occupancy is issued those conditions of approval are considered to have been met, but they have not always been carried out. It's a little glitch: if approval's given, it's too late to do anything with a list of things that should have been checked off before the approval was given. PALM's hands are tied, and yet the residents are saying, "Hang on, we did this consultation."

I can give an example. There's a dual occupancy in David Street where, as part of the original approval, the carports were not to be enclosed and there was to be a single driveway entrance. The houses are now built. Further down the track, after a change of owners, the carports have been enclosed and I understand that's why DV 200 talks about carports.

MRS CROSS: Setting aside space for carports.

Ms Saxby: Yes. These carports have been enclosed and a second driveway has been constructed.

THE CHAIR: But surely that's a compliance issue.

Ms Saxby: No, compliance is saying, "No, it's a different matter." It was a development condition. Those development conditions were considered to have been met so the—

THE CHAIR: So there's not an ongoing lease requirement.

Ms Saxby: No.

THE CHAIR: Okay, well that's something that we really need to address. If you have a development condition like that, it should in some way—

Ms Saxby: That's what people thought. It's been a surprise to find out that that's not the case. The question is: with the permeable paving—which is a great thing to have—once the certificate of occupancy is issued, does that mean someone can pull it all up and put what they like down, because they've met the letter of DV 200? I think that needs to be clarified.

THE CHAIR: They're agreed.

Ms Saxby: Often landscape plans are not implemented and the neighbours negotiate on specified species, but those species aren't put in. That's what a lot of people care about, the trees and things, and then they find that the trees aren't even planted. There's an example of that at 4 Stawell Street in Turner.

THE CHAIR: Okay.

Ms Saxby: Okay, I know we're running out of time. Public housing, low-cost housing, was raised in the neighbourhood plan. It's not really taken up in the neighbourhood plan to be implemented and it's not taken up in DV 200. It's probably outside the scope of this inquiry. I know there's the affordability housing taskforce. There's government housing that the people would like to see stay in Turner and yet it's in danger of going.

PPN 6 does not stop two-storey developments being built. The people have this expectation that it should, because Turner is an area of territorial significance. People don't want the two storeys in Turner and, if PPN 6 is what's staying, it's not going to stop that. I am just pointing that out to you.

There was discussion of setbacks but mainly to do with multiunits in Turner. We find four metres being introduced, and that's something else that wasn't discussed. There are a number of other things that were discussed during the neighbourhood plan that weren't processed and aren't in the neighbourhood plan. People's expectations were that they'd be taken up in DV 200 and it's a different kettle of fish.

THE CHAIR: I think we'll have to leave it there. I thank you very much for your contribution. Regarding the people who have been in touch with you, would you get their permission to hand those emails on to us, or get them to email us directly?

Ms Saxby: Yes. Thank you for the opportunity.

DIRK VAN DER VLIET was called.

THE CHAIR: I am told that LAPAC is the Local Area Planning Advisory Committee. Mr Brooks and Mr van der Vliet, welcome. For the purposes of Hansard, would whoever is making the opening presentation identify yourself? Please give your name and address, and begin.

Mr van der Vliet: My name is Dirk van der Vliet. I live at 39 Fellows Street, Latham. I am the Latham residential representative. I would like to table the material that I have written up. I'm not a very good public speaker, so I thought you would allow me to read it out to you and I will give you a copy of this.

THE CHAIR: Okay, right. You go ahead, Dirk, and Linda will pick up the copies.

Mr van der Vliet: Here are two extra copies for the gentleman there.

Under this newly elected government, overall planning for and in the ACT was to be made more predictable, sustainable and open. Planners employed through the respective departments and sections have, over the years since self-government, served successive governments of varied political direction.

This was with a legacy identified as the Territory Plan, with a written statement to cater for changes and compliance with the Land (Planning and Environment) Act 1991. What we find now is just another attempt, and a partial rewrite of the Territory Plan, through amendments and redrafting of its sections.

Regarding the timing of garden city draft variation 200, its final recommended package was announced to coincide with the Christmas break. We found that over 500 public submissions were lodged and a strategic analysis made. However, there is no breakdown on how the submissions have been interpreted or the content used.

Based on the previous draft, from December 2001 we had DV 192. In May 2002, we had DV 200. The input collected through respondents now appears to have been used or disregarded very much on an ad hoc basis—a Clayton's approach, using the flavour of the month—to whoever had the ear of the Minister, Treasurer, adviser, minder, PALM management of the moment, and so on.

This government, under its planning minister, is allowing the department's bureaucrats to put the horses behind the cart. The minister therefore did not make the necessary changes, first by the creation of a truly independent planning authority—an ACT planning and land task force and a land council—resulting in PALM management being slotted in, moved sideways, and renamed.

Local area planning advisory committees were to be replaced by neighbourhood planning groups. Planning the ACT Together—a neighbourhood planning program

announced by the minister on 13 December 2001—was to involve diverse neighbourhoods with its makeup. Its people were to be represented through a broad range of organisations covering social, community, business, investment and development subjects, and individuals prepared to voluntarily assist, undergo required further training and offer their time with appropriate skills.

Questions were asked, during information sessions conducted by PALM, the planning and land development task force, with director Dorte Ekelund, about selection, publicity, invitations to participate, the expectation of sufficient numbers of people electing to participate and represent their respective neighbourhoods, time and cost incurred, participants, reimbursement, insurance, legal position and accountability.

Follow-up newsletters, initially sent, have now ceased. Further to the interim role LAPACs in the various neighbourhoods are to perform, the minister has said that the Belconnen LAPAC replacement is not urgent because there is no significant immediate or urgent development planning requirement.

As matters appear now, PALM wants the government to gallop ahead with scant regard for “future Canberra” outcomes for its residents and input by and through the neighbourhood planning groups. PALM has now redrafted variation 200. Its outcome will certainly enhance government revenues through the change of use charge. What it will be for certain is a resulting profit for the astute developer and investors. This could well be at the cost of the residents’ amenity and their ability to afford to remain undisturbed in their choice of suburb. Rising general rates through unrealised gain in property values are one example.

The West Belconnen LAPAC members who read through the initial version couldn’t help but wonder about the reported attitude regarding general satisfaction with dual occupancy where this has occurred—the source. How many of those neighbours, remaining in their single occupancy dwellings in the adjoining properties, have been interviewed? DV 200 wants to address all situations. On one hand, it wants to retain low density but, on the other hand, it wants to support and promote higher density development, thus minimising infrastructure and lowering service costs.

Are we to achieve a balance? Which goal is to predominate? Do we not define all land uses first? Will future governments continue with this approach, or will they undo its intended goals? Will residents see it as a further infringement on their rights?

West Belconnen LAPAC recommends that the garden city draft variation 200 package of final recommended residential development policies, dated 17 December 2002, be withdrawn and the public consultation process restarted, because of the many changes made from the original 30 May DV 200, and proposed in the final recommendation.

Clear and concise information on how input by respondents to the DV 200 of May 2002 has translated into and justifies the major changes made in the final document is lacking. The time—seven months—allowed for a crucial and all-encompassing planning redirection for the ACT, as presented and recommended by Planning and Land Management, is insufficient.

I have a reference here—the first draft of the Territory Plan, 1989. Planning for Canberra has been subject to countless drafts and consultations, research forums and reviews. The current ongoing one—DV 192—between December 2001 and 30 May 2002, was allowed to lapse. The final DV 200 was introduced on 17 December 2002, when it was referred to the Standing Committee on Planning and Environment of the Legislative Assembly. It's a general statement.

THE CHAIR: The summation of that—correct me if I'm wrong—is that there's little relationship between what you saw in May and what you saw in December; that you think it should be withdrawn and the process begun again. In addition to that, there is a concern that areas like Belconnen have not been involved in the promised neighbourhood planning process in a way that is satisfactory.

Mr van der Vliet: The Assembly might be using some maps with neighbourhoods in them, but they don't tell people anything. This was the media release from Simon Corbell at the time.

THE CHAIR: Sorry, which time was that?

Mr van der Vliet: This was when the draft document was released.

THE CHAIR: This is 17 December, okay. Apart from throwing this one out and starting again, do you have any middle-ground solutions of how you might improve it? The problem exists that, if we throw out draft variation 200, we will create a hiatus. Does the West Belconnen LAPAC have any views about some interim or stopgap measures that would mean that we don't throw the baby out with the bathwater?

Mr van der Vliet: We had an interim one before, so an interim one can be created again. We had DV 192.

THE CHAIR: But 192 principally addresses only dual occupancies. Are there other issues?

Mr van der Vliet: The main issues in this document are all about dual occupancy—nothing else. It appears to be that. Therefore, we think we should have a rethink. We have to touch on a far broader spectrum, because what is sufficient and would apply to one neighbourhood will not necessarily fit for the neighbourhood in Belconnen. That is really the grudge we have.

THE CHAIR: It has been said by other people before us that there's a one-size-fits-all approach. It was somebody this morning.

MS DUNDAS: A number of people have said it today.

Mr van der Vliet: I fully agree with that.

THE CHAIR: Yes, but that we were attempting to look after the classic garden city suburbs—that we're actually imposing rules on other suburbs which are not particularly applicable to those suburbs.

Mr van der Vliet: Exactly. That is the main drift of what I've said.

THE CHAIR: You say in your submission that there's a tension between retaining low densities on one hand and, on the other hand, addressing and promoting higher densities. Does the West Belconnen LAPAC or its representatives have a view on whether we should be going down one path or another, or do they actually see that there should be a compromise somewhere, encompassing both those principles but in different areas?

Mr van der Vliet: Well, you actually said it yourself, just before—that we cannot put a cap on everything and make it fit. We need to differentiate between areas—neighbourhoods. Belconnen has different concerns from those of North Canberra and South Canberra.

We feel, for instance, that our group centres have been left behind. They're 20 years out of date, and they need to be upgraded. We have been trying to talk about these issues, but to no avail. We've talked to the minister and we've talked to the Chief Minister, who is our local member. So far, we've commented on proposals and we put in submission on 19 December. You have a copy of this yourself. I've sent it to Roslyn and all our local members. We have had no response. The only answer we got from PALM was, "When we come back from holidays, we will deal with it." And it is now March.

THE CHAIR: Were you going to say something, Mr Brooks?

PETER BROOKS was called.

Mr Brooks: Yes. I am Peter Brooks, of 10 Davidson Street, Higgins. I'm an appointed member of the West Belconnen LAPAC for Higgins.

In relation to your point about middle ground, there is some middle ground. There are some good points—we acknowledge that—in the draft variation. The point that I guess Dirk was making, which is what we're talking about, is that there have been some very significant changes from the original draft variation to that which was put out for comment just prior to Christmas.

Considering that it's a variation that has a city-wide effect, and will do so, I guess, for the foreseeable future, I think some middle ground would be that the consultation period should be extended. At the same time, even though they're not really part of the variation, there are a number of other things—consultations—going on out in the community. The committee feels that they have a bearing on the draft variation. That is, in the first instance, things like the planning authority that's soon to be raised. We're still not sure what that's all about.

Regarding the community facility needs assessment, the report for that should be coming in some time in the near future, from what we understand. I'm pretty sure things that come out of that report will contradict some of the reports, as far as demographics in West Belconnen are concerned. There's a feeling out there—and the reports and projections indicate—that a lot of the suburbs are going to decrease in population. But there's some anecdotal evidence, particularly in my area, that that may not be the case, particularly in the near future.

The statistics are suggesting that the population is reducing. For example, we're a family of four who replaced two. Four times in the past 12 to 18 months, in my area, couples have been replaced by families. I can see that going on.

THE CHAIR: You're saying that Higgins is going through the second wave of families?

Mr Brooks: Yes. There are some ramifications for that, which will come out in the community facility needs assessment. When speaking of community needs that are out there, that people normally expect to get in a suburb, or in a group of suburbs—not necessarily in West Belconnen, but certainly in other areas—it's a hot issue, and it's been going on for years.

THE CHAIR: Don't mention the L word!

Mr Brooks: We talk about the L word. There are other things—multipurpose community facilities and things like that—which Gungahlin and many other group centres around Canberra have, but West Belconnen doesn't seem to have that sort of thing at all. When those things are taken as a whole, that's where we start to feel that this draft variation 200, as part of that holistic approach, will have some flaws in it. But there are some good points.

THE CHAIR: From the perspective of West Belconnen, do you think there is much relevance to West Belconnen in draft variation 200?

Mr Brooks: I will go back, if I may, to what Dirk was saying. At the moment, to use your term, I think the approach has been—it was mentioned in the *Canberra Times* yesterday in the opinion section—one size fits all. There are some difficulties with that. It's generally accepted that each suburb, not just in West Belconnen but in Canberra, has its own characteristics—be it just the architecture, the general style and the demographics.

You can see that, in West Belconnen, there are some areas doing better than others. For example, thankfully, in Higgins, in the local centre, things seem to be moving on quite nicely. They're all very appreciative of the refurbishment that's going to occur out there in the near future. But other suburbs are, for whatever reason, being left—I won't say going to waste—that's probably too strong a term—places like the local centre in Latham, and certainly the latest one is the Macgregor local centre. I think we should find out what's causing those problems.

THE CHAIR: Are there pressures—and you would see it because you're on the LAPAC—for dual occupancy or multiunit development in Belconnen that would require the sorts of restrictions, or rules, that are set out in draft variation 200?

Mr Brooks: Not that we can see, at this point in time.

MS DUNDAS: There was some discussion about the difference between the residential core and the suburban core, and the focus on high development near the local shops, as opposed to across the rest of the suburb. Between the May and December versions of the draft variation, that was changed; some of them were reduced or substantially different. Was the LAPAC consulted about how those changes were made in the suburbs in the West Belconnen area?

Mr van der Vliet: The only planning proposal that we had was from Liangis Developments—for a 217-unit development, to replace our local swimming pool and sports centre.

MS DUNDAS: Was there specific discussion about draft variation 200 with the LAPAC, and about how the specific high development areas related to the West Belconnen suburbs?

Mr Brooks: No. We weren't aware of that change until we actually saw the variation come out in December.

THE CHAIR: Is there anything else for West Belconnen LAPAC? I'm mindful of the time?

MR HARGREAVES: That's fine, thank you.

THE CHAIR: Thank you very much for taking the time to come and talk to us today and for your contribution.

I welcome the Weston Creek Community Council to day two, part 2, of our hearings into draft variation 200.

You should understand that these hearings are legal proceedings of the Legislative Assembly protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation for what you say at this hearing. It also means that 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.

I welcome Mr Carl and Ms McGinn. When you first speak, please identify yourselves for the purposes of Hansard, and give your name and address. Would someone like to make an opening statement?

PATRICIA McGINN and

JEFFREY CARL

were called.

Ms McGinn: I am Pat McGinn. I'm the deputy chair of Weston Creek Community Council and I live at 14 Cornish Place, Holder. I'm just going to read what we've prepared, if that's okay, and then you may want to ask some questions.

Overall, the proposed amendments appear to meet the objectives of the residential land use policies. Changes to some definitions and to the residential code also contribute to the government's commitment to put in place policies to protect the unique character of Canberra's suburbs. They allow for some changes in the process of residential development without overly radical measures that could upset the balance between developers and the community.

There are some comments on particular proposals. The alteration of the heading in land use policies from residential development to residential development and redevelopment, and the inclusion of objectives, are seen as positives. It is considered that these stated objectives should result in greater compatibility with the features of a suburb that are valued by the community.

The suburban areas and residential core areas: it is considered that the specific policy overlay proposed for core areas allows for the use of more practical boundaries for the areas. We saw that as a positive. The different rules applied should tend to focus high-density development around shopping centres and, we hope, contribute to their viability and enhance community focus. Block consolidation will allow for larger developments which we hope will offer the opportunity for innovative design in both aesthetic and environmental senses.

Dual occupancy: comment has been received from quite a number of long-term residents of Weston Creek that they would like to remain in the area, but would like a smaller house and yard. That, perhaps, reflects the demographics of the area. At the same time, many residents have stated that they do not mind dual occupancies if they are “well done”. This seems to be a layman’s way of saying “well designed and not over large”.

The proposed changes would seem to address some of these concerns, in particular, the introduction of a sliding scale for plot ratios should result in fewer huge houses on small blocks. The requirement for single-storey developments for rear dwellings will greatly reduce the chance for overlooking and overshadowing. The inclusion of car parking areas in the gross floor area, when calculated in the plot ratio, is also seen as an improvement. The reduction of the minimum block size to 700 square metres will, it is hoped, increase the opportunity for dual occupancies in the Weston Creek suburbs.

The landscape character and private open space: most of the proposed changes of standards are seen as positive, in particular, the separation of standards for single and multistorey development is seen as a positive, as it should be more easily understood and applied. The simplification of requirements for space useable for outdoor living to 10 per cent of block area will again simplify application of the standard. The modification of the standard in relation to minimum area for private open space, along with the plot ratio alteration, should assist in the retention of the leafy character of the suburbs.

The alteration to the dimensions required is applauded, as it will result in a larger percentage of open space on all sized blocks. However, the inclusion of manoeuvring areas for private driveways will counter some of the gains made by other measures and increase the amount of hard-covered open space. This may well affect the percentage of hard to soft areas, and thus have an impact on run-off into the stormwater system.

It is not agreed that the increased private open space requirements would necessarily result in garages being put at the front, as the document comments. However, it would require more thoughtful and possibly more innovative design in order to avoid this. We can see why they’ve done it but we think it could possibly be avoided by better design. It is hoped that improved design standards will be generally encouraged.

Setbacks and building heights: the modifications to the residential design and siting codes are generally considered to be positive, in particular, those that take into account the solar orientation of a block. It is applauded that the level of maintenance of solar access required is greater than elsewhere in Australia. Building setbacks and height restrictions appear to be reasonable.

In general, the proposals put forward in the final revisions to DV 200 seem to be a step forward in balancing development/regeneration with the community’s desire to retain the character of their suburbs. It is hoped that this will not become a static document, but be open to amendment if it is found that any section is impractical or undesirable, from either a community or a developer’s perspective.

The dangers that the residents can see have been expressed to the Weston Creek Community Council as concerns that development will be ad hoc, without sufficient

community consultation. We've had quite a few comments about that. We are concerned that, if this amendment is left to stand in isolation, it may reduce future options to develop effective, integrated planning in individual and groups of suburbs. For these reasons, Weston Creek Community Council would like to see this urban consolidation related to overall neighbourhood plans which have been formulated with community consultation.

These plans could take account of the individual characteristics of suburbs and in particular those highly valued by the community. However, any neighbourhood plan will only be effective if it is integrated into the overall planning legislation. We have made this point at the spatial plan consultations. At present, this proposed amendment does not appear to allow for any links between the overall and the specific.

Our chairperson is now going to make a special comment related to the recent fires which we feel is relevant to these amendments.

Mr Carl: My name is Jeff Carl. I am the chairperson of the Weston Creek Community Council. Notwithstanding the above comments, the 18 January fire events raised some specific issues that are not competently addressed by DV 200. The present 5 per cent rule for suburban areas will cease to apply on or about 30 May 2003, or when draft variation 200 commences under section 30 of the Land Act, whichever's the earlier.

Weston Creek Community Council foresees that perhaps up to 150 residential blocks in Weston Creek, where houses were destroyed, that is, just over a third of the total, will change ownership prior to the commencement of any rebuilding on those individual blocks. Judging by the advertised prices for these blocks, it is expected that a significant number of them will be purchased by developers wishing to convert the lease to suit dual occupancy housing. With large parts of various sections in both Duffy and Chapman completely destroyed, there are few residents presently residing in these sections that will be directly affected by the dual occupancy developments.

Also there are difficulties in locating residents who will be entitled to object to a redevelopment, because the immediately adjacent blocks are vacant and, indeed, the immediate neighbours of such developments might be themselves planning a dual occupancy development on their block.

In this way, a significant proportion of the residential section can be redeveloped for dual occupancy without local community involvement, and the very nature and character of the neighbourhood will be significantly altered. The Weston Creek Community Council or WCCC believes that our community has an expectation that the character of our fire-damaged neighbourhoods after rebuilding will be substantially similar to the character of the neighbourhood prior to the 18 January event.

To maintain our suburban character until the community rebuilds, the WCCC requests consideration be given to extending the application of the 5 per cent rule to fire-damaged sections until at least 18 January 2005, or perhaps even 18 January 2006. We realise that such a move might limit some individuals' options, but the residents living or planning to rebuild in these sections have experienced enough trauma in recent months without having to fight development applications lodged over the coming months that could seriously impact on their lifestyle.

THE CHAIR: That's an interesting point, isn't it?

MR HARGREAVES: Pretty concisely put too.

THE CHAIR: Thank you for that.

MS DUNDAS: You've been quite positive in your response to draft variation 200, which is quite different.

THE CHAIR: Unlike just about everyone else here.

MS DUNDAS: That's not a bad thing on your part.

MR HARGREAVES: I think it's wonderful.

Ms McGinn: We have thought it through fairly carefully, as you can see from the detailed comments, and we have asked lots of people for their opinions.

MS DUNDAS: One of the major concerns relates to the difference between the residential core and the suburban area. The residential core, being next to the shops, is designated for higher development. Originally, in the May variation, the designated area was basically a 200-metre radius from the shops, but that has been refined in the December variation. Do you believe that the December variation and the designation of what would be available for higher residential development is better or worse?

Ms McGinn: I think it's more practical. As we said, it's a more practical boundary. It takes into account things like footpaths and small parks, and it takes into account the actual physical makeup of the area without being an arbitrary drawing of a line.

Also, in Weston Creek, in particular, in several of the suburbs, those areas are already medium density and in some cases two storey. There is a not a huge area extra taken in in most of the suburbs. There's one suburb in particular that takes in quite a bit more—I think that's Waramanga—but the others are fairly reasonable and we haven't had any comment from the community—

MR HARGREAVES: Holder's not bad either.

Ms McGinn: No, it's not. I live in Holder and most of the area is already medium density.

THE CHAIR: So what you're saying is it doesn't actually present much of a change?

Mr Carl: Not too much of a change. There are areas in Stirling that are affected by being close to Cooleman Court. A couple of small areas in Rivett and Chapman are impacted as well, but most of those are already two-storey townhouse developments.

MS DUNDAS: A suggestion that was put to us is that we should abandon the idea of the residential core and almost evaluate each block as it comes, because some areas will be better suited, because of their topography or their relationship to the rest of the suburb, to more intense development. Whether they're close to the shops is irrelevant—arbitrarily saying “next to the shops” doesn't necessarily work everywhere. Do you think it will work in Weston Creek?

Mr Carl: Next to the shops works better in Weston Creek, because the bus routes go past the shops.

Ms McGinn: That would apply to a lot of the suburbs too, particularly the ones in Belconnen which are about the same age. The other thing is the viability of the shopping centre and trying to have some social focus. For instance, we haven't got a primary school operating as such in Holder any more. We don't have any central focus. If we can revive that and gain a central focus by having a little bit of higher density development around the shops and, as Jeff says, on the bus route, I think that's a distinct positive.

MS DUNDAS: But if most of the areas around the shops are already medium density, nothing would change.

Ms McGinn: No, not all. I'd have to have a look at that again.

Mr Carl: Probably 60 to 70 per cent of the area would be developed.

Ms McGinn: Yes, I was going to say two-thirds.

Mr Carl: There are still opportunities there, particularly in Stirling I suppose, and parts of Holder, behind the existing multistorey developments on Streeton Drive. There are some areas behind Holder.

THE CHAIR: What's the main drag through Holder that goes up past the shops?

Mr Carl: Blackwood Terrace. But there are areas off Streeton Drive that are affected by being within 300 metres from Cooleman Court which have some possibilities.

Ms McGinn: Quite a lot of those developments are quite aged now and I would see some moves in the next 10 years to redevelop some of them—Waramanga springs to mind. They're not particularly well designed and that's why we made the comment that we think DV 200, if applied correctly, might encourage some better design—more innovative and a little bit more environmentally friendly.

That has happened in Holder with a development proposal for the old service station site. Everybody thought, “Wow, he's trying to cram 10 townhouses on that.” But when one of the nearby residents saw the plans, he was very pleasantly surprised because the solar orientation was correct and it was a much better design.

MS DUNDAS: Another point that you made was that you hope that this variation isn't static and you mentioned the need for it to work with the neighbourhood planning

process. I want you to elaborate on that and explain what you would see feeding into the process, because other people have expressed concerns that the draft variation is working on one area of planning in Canberra, the spatial plan is working elsewhere and the neighbourhood planning process is working quite slowly—it's now gone through to nine suburbs—and they're all quite fragmented and not working together. Do you have a comment on how you see the neighbourhood planning process fitting into draft variation 200?

Ms McGinn: Yes. I think PALM wouldn't quite see it like that. They've certainly undergone a lot of consultation. We greatly appreciated the opportunity to put forward our views and they have been listened to. I would agree—and I think we made this comment here—that the neighbourhood plans are not going to have any statutory power, as such. I don't know if I'm using the right terminology, but they're not going to be in legislation, as far as we understand it at this point in time.

If they're not tied together with this sort of legislation at a more detailed level, then in actual fact you've got no overall planning, which is what planning should be about. It's not just about individual blocks, it's about what the community—and I mean that in its full sense, not just people living in houses, but also developers and business people—feels it should look like. Now PALM's been trying to get that together through all the consultation it's having, but I haven't seen any links proposed at this point in time and that concerns not only me but—

THE CHAIR: Haven't I been saying this?

Ms McGinn: Okay.

THE CHAIR: I am just trying to reinforce it with my colleagues.

MS DUNDAS: How the neighbourhood planning process will fit in with draft variation 200 is, I guess, one of those great big questions to which we still haven't necessarily figured out the answer. Would you prefer that draft variation 200 paused while the neighbourhood planning process happened, so you could guarantee that it would fit in, or would you like to see draft variation 200 go forward without the guarantee that neighbourhood planning will ever reach Weston Creek, and that what you're getting here might be how it stays for a long time?

THE CHAIR: Before you answer that question, can I just throw into the—

MS DUNDAS: That was perhaps a bit leading.

THE CHAIR: —complicated mix how this fits with the spatial plan and your perception of the spatial plan.

Mr Carl: Right. Okay, we understand Weston Creek is in the next tranche of neighbourhood planning groups that will be up before the end of June, as a result of the 18 January fire event. We're overwhelmed with the Canberra spatial plan consultation at the present time, particularly the future of the pine forests and those other areas.

MRS CROSS: His choice of words is very good—overwhelmed.

THE CHAIR: Yes.

Ms McGinn: Well, it is a bit like that.

Mr Carl: So draft variation 200, and its previous incarnations as ACTCode 2 and DV 125 and other bits and pieces, have been ongoing since October 2000 from memory, and we've been actively involved off and on since that time. We see them generally as a vast improvement over the collocation and collection of policies, codes and God knows what else that was in place for people who were trying to build houses and construct residential-type accommodation in Canberra.

While it may not be perfect and meet everyone's needs, we think it is an improvement on the system that was in before, and we'd like to take the improvements we've got and work on the deficiencies. So we wouldn't like draft variation 200 to stall and die whilst waiting for neighbourhood planning groups to get up in most of the areas of Canberra that may or may not be impacted. Draft variation 200, as we see it, seems to suit reasonably well suburbs that were laid out and constructed in the 1960s through to the early 1980s, where you had reasonable sized streets, reasonable sized setbacks for nature strips and reasonable sized blocks of somewhere between 800 and 1,200 square metres, by and large.

These suburbs are rather different in character to the suburbs of inner South Canberra and inner North Canberra, which by and large have much bigger setbacks, bigger streets and more boulevard-type areas. The housing experiments that have occurred in Gungahlin and Lanyon Valley and so forth, in the late 1980s and early 1990s, continue to this day.

Ms McGinn: Can I just make the point that, when we come here, we choose some of our words very carefully because we've been doing a round of consultation at all the shopping centres on Saturday mornings, interviewing somewhere in the region of 70 or 80 people every morning and getting their views—no leading questions, just open questions. So we've been getting a lot of views. People like their community, they like the way it is, they don't want major change, and I quote: "I don't want three storeys next door" and "I don't want a lot of houses totally building out blocks."

That's why our comments have been very positive: the variations seem to meet what the community are saying to us they want. They want the character to remain the same but they still want a little bit of high density, so they can move to a smaller house or so that they can choose not to have a huge garden to look after. They're quite comfortable with the sorts of variations that are here. Those are the comments we've been getting.

Mr Carl: Providing, of course, in the fire-damaged areas we don't have four, five or 10 dual occupancies next to each other on places like Eucumbene Drive, Chauvel Circuit or Lincoln Close, which is quite possible because there's no community there at the present time.

THE CHAIR: Yes, I see.

MR HARGREAVES: Well, the point is taken.

THE CHAIR: Thank you very much, Mr Carl and Ms McGinn.

MR HARGREAVES: It's nice to end on a positive note.

Ms McGinn: Would you like a copy of the document we've prepared?

THE CHAIR: Thank you, yes.

The committee adjourned at 4.23 pm.