

**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, 11 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 7.02 pm.

THE CHAIR: These are hearings of the Planning and Environment Committee in relation to draft variation 200. There are lots of things that I usually say at the opening of the hearings, but I don't think I'll bother, as you probably know it all.

SIMON CORBELL was called.

Mr Corbell: I can guarantee that I'm familiar with it.

THE CHAIR: We'll begin the hearings of day three into draft variation 200 and welcome the Minister for Planning— and I'm not going to read you the riot act either. I think you understand that it's important to tell the truth or we'll take a very dim view of it.

We thank you, Minister, for making the time available to us tonight at short notice. We discussed when we might get you in and we had thought it would have to be quite close to when we hoped to report, so it's very kind of you to make this time available.

There are a number of issues in relation to draft variation 200 and the somewhat changed environment that has come about since the committee received this on 23 December. Some of the issues that come into it are the bushfires, the acceleration of the spatial plan, the first round of neighbourhood planning being completed at about that time—or just before that—and now the second round of neighbourhood planning, which has raised, within the committee and the community, a number of issues.

It has again raised the issue, Minister, of how all these things fit together. How do the spatial plan and draft variation 200 fit together? And there's a sense of unease amongst some of the communities that have already been through the neighbourhood planning process that some of the things in the neighbourhood plan don't necessarily reflect what's in draft variation 200. The communities have raised issues about whether we are creating work for ourselves or PALM that will have to be revisited and replicated over time.

The committee has written to you on this once already but, having had two days of hearings, many of those issues are coming up again. We wanted the opportunity to discuss with you some of the apparent conflicts and tensions in the variety of documents that are coming out of PALM. I was just wondering whether you might like to enlighten the committee about how you see draft variation 200 neighbourhood planning process and the spatial planning process locking together, whether you see that there is the potential for duplication and how we might limit that, if it's a reality.

Mr Corbell: I'm very happy to do that, Madam Chair, and I appreciate the opportunity to appear before the committee. In your letter to me of yesterday you also indicated that the committee might wish to get, through this public hearing, my explanation of the thrust and intent of the variation. Would you like me still to do that?

THE CHAIR: Yes.

Mr Corbell: I'm very happy to address the issues that you've raised. Perhaps I can address them at the end and just set the scene quickly by addressing the specific issues you raise about bushfires and spatial planning, if that's okay.

THE CHAIR: Yes.

Mr Corbell: Thank you. I won't reiterate the rhetoric too much but I think it's important to put some comments on the record publicly here for the purposes of your inquiry.

Draft variation 200 is the government's very deliberate response to widespread concern about residential land use planning policy in Canberra. As members would appreciate, this was a significant issue during and in the lead-up to the last ACT election. The government committed itself to a range of immediate short-term measures to address community concern around the nature of residential redevelopment. In saying that, I'm referring particularly to the five per cent limit on dual and triple occupancy development that the government said would always be an interim measure pending the creation of a more long-term policy framework.

Draft variation 200 is indeed that long-term policy framework and it's designed to address the concerns the community were expressing around the ad hoc nature of redevelopment activity. It's designed to give greater focus on where redevelopment activities should and should not occur and the scope and extent of it. It's also designed to protect the amenity and characteristics of the Canberra suburbs—essentially the garden city qualities, if you like to call them that.

I've listened with some interest to a number of your hearings and there is one particular example from those public hearings that I'd like to highlight to you in addressing the issues the government is having to address in this draft variation. I think it was last week that a gentleman—I think it was Mr Boak from Downer—took the very strong view that draft variation 200 was the recipe for widespread developer activity. He took the view that it was developer driven; I think he reiterated that view in an article in the *Canberra Times*.

The witness immediately following Mr Boak—I regret I didn't catch his name because I ducked out of my office briefly, but I think it was Mr Moseley, a planner—made the point that the private open space requirements, as outlined in DV 200, were the most stringent in the country, and he believed that they were too onerous and did not permit the level of change that he felt was appropriate in terms of managing the development activity. That really highlighted to me the two ends of the argument. On the one hand, people were saying that this is developer driven, and on the other hand people were saying that it was too stringent. That highlights the complexity of the debate and the difficulty that any planning minister of any government of any political persuasion will find themselves in in managing community expectations around planning and redevelopment.

I use that to highlight that circumstance but also to make this point: I believe and the government believe that draft variation 200 achieves the outcomes it set out to achieve in a couple of very important ways. First of all, it sets the framework for a higher level of density closer to services and facilities in suburban areas. This is consistent with the general objectives of the Territory Plan overall, which are to concentrate higher densities

around group and town centres, local centres and along key public transport corridors. So draft variation 200 actually puts those into place. These have been principles of the Territory Plan but they haven't been enunciated as broadly as they are now in draft variation 200.

There are good sustainability reasons for doing that, in terms of encouraging greater use of public transport and walking and cycling to access services and facilities, rather than using the private motor vehicle. Locating higher densities close to shops and services achieves those outcomes.

Draft variation 200 puts in place a number of improved controls to protect garden city amenity. In particular, it puts tougher controls on setbacks, particularly in relation to solar access in all areas, but most particularly the suburban areas. Those additional setback controls are designed to stop the sorts of circumstances where a development crowds out solar access to the adjacent dwelling. They are also meant to address the issue of property being overlooked. That's a very important control and again it's consistent with the government's policy commitment to legislate to give protection for solar access. So that's a very important change.

Perhaps one of the more contentious elements relates to dual occupancy. The first version of draft variation 200 proposed to not permit unit titling in the suburban area. So effectively that would have meant that dual occupancy development as we've seen it to date in Canberra would not have been able to occur in the suburban area. The revised DV 200, which was put out after the first stage of public consultation, proposed to still allow for unit titling in the suburban areas. That is a change and I accept that some people would be unhappy with that change.

An independent survey of people who lived in dual occupancies and people who lived adjacent to or opposite a dual occupancy was undertaken by a market research firm on behalf of PALM. Overwhelmingly, people were not opposed to that form of house per se, but they wanted to see better design outcomes, the retention of trees on blocks, and fewer bulky and large dwellings crowding out their neighbourhood, looking over their back fence et cetera.

Based on both the submissions we received and that survey, the government's response has been to say that we accept that there is a role for dual occupancy development but we need much tighter controls on the process of the development of dual occupancies. So, in that regard, in DV 200 the government has, for example, banned basement car parking in dual occupancy development in suburban areas. Mr Cohen will correct me if I'm wrong on any of these, because he knows the detail much better than I do.

THE CHAIR: But he's not here to critique anyone's evidence.

Mr Corbell: I've got to recall it from the back of my mind. So we banned that. I think the best example of that can be seen in Novar Street in Yarralumla, where blocks have been purchased and then the middle of them dug out for a big driveway that goes down below ground level; the garage is underneath and the dwelling is on top.

MRS CROSS: What's wrong with that?

Mr Corbell: In my view, it creates a very poor urban form and it takes the dwelling higher out of the ground than would otherwise be the case. So it changes the context of the immediate neighbourhood, and that's the sort of issue that people were raising with us.

Also, the government has put limits on dual occupancies; they can only be single storey in suburban areas. We have banned the use of lofts, attics and basement car parking in suburban areas. That's very important, too, because increasingly we saw three-storey dwellings being built but technically classified as two-storey dwellings, because people were putting in a loft or an attic. So we banned those in suburban areas.

Those are some of the responses from the government in terms of getting better design outcomes. DV 200 also makes the high-quality sustainable design process mandatory for any new development. So we're addressing design through that mandatory process.

Finally, the government has also proposed in this draft variation that a change-of-use charge be paid on dual occupancy development. It would be a surprise to some people to learn that dual occupancy development does not attract a change-of-use charge at the moment. That has led to—

THE CHAIR: In fairness, Minister, some of it doesn't.

Mr Corbell: Well, the practice has been that none of it does. I apologise; that is not correct. You are right: some of it doesn't, but it's mostly the older leases in the inner north and the inner south. It is less likely to be the newer leases in places like Belconnen, Tuggeranong and so on.

MRS CROSS: So a change-of-use charge is applied in some cases?

Mr Corbell: Yes.

THE CHAIR: People with pre-1971 leases don't have a change-of-use charge.

Mr Corbell: Essentially it is leases that don't specify how many dwellings are allowed to be built on the block. The argument is that these leases don't need to be varied because they don't specify how many dwellings are permitted; therefore we can't charge for change of use. Dual occupancy can only be permitted where the lease specifies the number of dwellings. That triggers a lease variation. That triggers a change-of-use charge.

This is important in two respects. First, it addresses the loophole that some dual occupancies attract a change-of-use charge but not others. Second, and more important in terms of a planning and design outcome, it prevents the most speculative level of redevelopment that occurred through dual occupancy development because it imposes a charge on the improved value. Before, there was no charge on the improved value. You could walk away with the full improved value of a dual occupancy development without the government capturing any of it.

The whole point of a change-of-use charge is for the community to capture that improved value. We have arguments about the level—whether it is 75 per cent or 50 per

cent or zero or 100 per cent. At the moment 75 per cent of that improved value would be captured. So that is designed to stop some of the more speculative elements.

Finally on dual occupancy development, there is the debate about the block size. Draft variation 200 proposes to lower the minimum block size to 700 square metres, and I think it's important to outline why the government has done this. In some respects it is counterintuitive.

First, it addresses the issue of the conglomeration of dual occupancy development. Because of the way older Canberra suburbs in particular were designed, all the 800-square-metre blocks were large and tended to be together in a suburb. So dual occupancy developments tend to conglomerate in certain parts of suburbs. Rather than being dispersed, where they have a lesser impact, dual occupancies tend to be conglomerated or amalgamated together. So there might be three, four or five in a street, whereas with a smaller block size there would be fewer in a street. We know there tends to be a certain level of dual occupancy development activity in the city. I think it's around 250 to 300 dwellings a year.

THE CHAIR: Can I just clarify? Is that 250 to 300 blocks, turning a single block into two dwellings, or 250 final dwellings?

Mr Corbell: No, 250 applications to create a dual or triple occupancy.

THE CHAIR: So about 500 dwellings?

Mr Corbell: Something like that—an additional 250 dwellings.

THE CHAIR: Okay.

Mr Corbell: So there's a relatively stable level of applications for dual occupancy development. Why should we permit them to occur only in concentrated clusters, where they have a greater impact on the neighbourhood amenity? The view the government took was that it would be better to disperse them more widely, and that's why the 700-metre rule was proposed. I have to say that I was aware that there would be community concern about that and that's why the DV does not propose that that particular provision take effect until these public hearings are completed and the DV tabled in the Assembly. I recognised it was contentious, and the government wanted to make sure that this would be the forum to debate that issue.

The other point I would make on DV 200 in relation to this 700- versus 800-square-metre block size is about the size of the dwellings that are permitted under the new plot ratio or gross floor area controls. For a 700-square-metre block, the gross floor area will be 245 square metres. For an 800-square-metre block, it will be 260. Compare that with the previous controls before DV 200 was introduced of 280 square metres. So it's a smaller dwelling.

Equally, previously on a 900-square-metre block you could have built a 315-square-metre dwelling. Under DV 200 you can only build a 275-square-metre dwelling. This sliding scale goes up, so that when you get to quite a large block—say 1,100 square metres—previously you could have built a 385-square-metre dwelling, whereas under

DV 200 it is only 305, 80 square metres less. So these are the very specific controls the government has put in place to address the issues of size, overshadowing and loss of trees. That's the rationale for that change from 700 square metres to 800 square metres and the other issues the government has addressed with dual occupancies.

MS DUNDAS: Minister, you said that this is the forum for the debate on the 800 versus 700 issue. Honestly, this committee has been ignored before in terms of reports that have been put down in the Assembly. How willing are you to change your mind?

Mr Corbell: I really do consider it an open question. To be quite frank, it's the one element of DV 200 in its revised form about which there are still a number of questions in my mind. On balance, I think the argument is solid, but I accept that others may have a different view. I guess the question in my mind is how the market will react to a provision that allows dual occupancy development only on 700-square-metre blocks and above.

Will we see an increase in the overall number of dual occupancy developments? If we did not see that, I think the policy would be robust. But, if the market were to change and all of a sudden all these blocks were up for dual occupancy development as well and we saw an overall increase in the number of dual occupancy developments, the policy would not be as robust. I'm particularly interested to hear the committee's view, but at this stage it's my view that it should be retained. It's important to stress that the government can revise the DV on receipt of this committee's report before it's tabled in the Assembly.

MS DUNDAS: To follow that up, Minister, there were major changes made between the draft variation that was put out in May and the draft variation received in December.

Mr Corbell: Yes.

MS DUNDAS: That has raised a number of concerns in the community through this process. We have a very short time frame, because of the interim effect, to get a report to you and for that to then be turned around by PALM to be the final variation that is tabled in the Assembly. How much are you expecting that you will be able to change and how much will it differ again from the original round of consultations that happened in May?

Mr Corbell: Well, it depends what you recommend, Ms Dundas. I mean—

MS DUNDAS: How much work has already been done that you are prepared to move and how will that impact on the communities concerned that this has actually changed so much that the process should start again?

Mr Corbell: I must say that this is an argument where you're caught between a rock and a hard place. If you put the document out for public consultation and then not change a skerrick of it, you'll be accused of not listening to the community. Equally, if you put the document out and then substantially revise it in response to the community concerns, people will say, "But this isn't the same document you put out originally." The whole point of the draft variation process is that there are set formal stages for revision based on feedback. That's why it's a requirement under the Land Act that PALM issue the DV, take comments, consider those, revise it if necessary and submit it to the Assembly. You

take comments and report. The government can revise it again and then it goes to the Assembly for veto.

MS DUNDAS: Maybe a simpler question is: what in your mind is not negotiable?

Mr Corbell: Nothing is not negotiable. But, at the same time, I am not saying that the government will automatically agree to every recommendation you make. At the end of the day, it will be a matter for the Assembly to decide. The Assembly can omit parts of the draft variation, if it's unhappy with it when it's tabled on the floor of the Assembly, or it can choose to reject all of it. So the Assembly has the final say.

MRS CROSS: I have a question following on from Ms Dundas's question. I understand the consultation process is a very lengthy and comprehensive one. Ninety-eight per cent of the people that have come before us on this draft variation have expressed a negative view on the 700 versus 800. I'm not saying what our recommendation is going to be, because the committee has to discuss that, but if it is against it—and we're assuming that it's a high proportion of people that have come before us—could you explain to the committee how you would explain that away in the chamber, simply because—

MR HARGREAVES: That's anticipating debate.

THE CHAIR: Really, I think that's anticipating debate.

MRS CROSS: Is it?

THE CHAIR: I really do.

Mr Corbell: How would I justify the change?

MRS CROSS: Yes.

Mr Corbell: It's a hypothetical question, of course, but—

MRS CROSS: I'd thank you for answering it, though.

Mr Corbell: —in the context of a hypothetical answer I guess what I would say is that the government would respond to the concerns raised in the Assembly inquiry process.

MRS CROSS: Okay.

Mr Corbell: That's the whole point of the process. I will just address briefly your questions at the beginning. There's no doubt that the bushfires have caused an enormous amount of additional work within government. That has had its impact on PALM and on planning policy as much as it has had on a range of other portfolios and agencies. However, I don't see any contradiction, or indeed any conflict, between the spatial planning work, the neighbourhood planning program and draft variation 200.

In an ideal world all we'd do would be to sit back and wait until we'd completed the spatial plan. But we don't live in an ideal world. The community has expectations now, and they certainly had expectations on the election of a new government, that there

would be revisions to the residential land use policies put in place by the previous government. We set out in our platform quite clearly what we believed the issues that needed to be addressed were, and draft variation 200 is the vehicle to address those issues.

The processes I've established are to ensure that the spatial planning work and draft variation 200, in particular, can occur concurrently and that the community and industry have an opportunity to be both informed about what's happening in both of those areas and to comment on it. I've established my own Planning and Development Forum, which has for the first time community and industry representatives sitting down at the same table and commenting to me, giving advice to me and to PALM, on where they believe there are conflicts between neighbourhood planning, the spatial plan, DV 200 and any other planning initiative the government is undertaking, and where they believe things need to be aligned better.

MRS CROSS: Can I just ask you a question about the consultation? You've said that the representatives that have come to the table were a broad group.

Mr Corbell: Yes, very broad.

MRS CROSS: Do they cover all stakeholders? Who decided who those stakeholders were that came to the table?

Mr Corbell: I decided, because it's an advisory body to me and to PALM. I'll give you an idea of the representation. It has representatives of the MBA, the HIA, the Property Council of Australia, the Royal Australian Institute of Architects, the Institute of Landscape Architects and the Planning Institute of Australia—they're no longer royal; good on them. It has representatives of Planning the ACT Together: Dr Mac Dickins, Joan Kellett of the North Canberra Community Council, Jeff Carl or Pat McGinn from the Weston Creek Community Council, and Dr Ken Taylor. So they are a fairly broad range of people whom you'd probably see as representative of the variety of views in the planning debate generally. I'm happy to provide a full list to the committee. So that is what I have done to address any potential differences in direction through the spatial planning and DV 200 process.

The neighbourhood planning process has been, I believe, largely successful. As with any planning exercise, you don't get 100 per cent agreement, and it's foolish to believe you can. People have strongly held views and they're not always in agreement with each other. But, overwhelmingly, the response from the community on neighbourhood planning has been that this was an inclusive process in which they have been engaged effectively and people have had a chance to really get down to the basics on planning issues in their suburb consistent with the policies of the government. So I don't believe there's any contradiction, but I'm happy to answer any further questions on that.

I will just close by saying that I appreciate that not everyone will agree with everything in draft variation 200, but the question that the committee and other people who have concerns about it should ask themselves is: is it better than what we had before? Does it head in the right direction, even if it's not perfect and even if we don't agree with all of it? Or are we prepared to go back to what we had in October 2001 when this government was first elected? That's the choice essentially that the community, the Assembly and the

government are faced with with this draft variation. If it's rejected, it's back to square one. It's back to the planning policies of the previous Liberal government and all that that meant. I'll just leave that comment with you.

THE CHAIR: I just go back to the discussion about the interaction of neighbourhood planning with draft variation 200. I think it's worth pursuing a bit further. Residents from Turner were here last week, I think, and their contention was that throughout the neighbourhood planning process that they were working on, they were working on the green paper version, the May version of draft variation 200, and that that was, broadly, a salve to many of their concerns about the future of the suburb. Much of what is in the Turner neighbourhood plan is predicated to some extent on what was in the green draft variation 200.

Now, that has transformed substantially. I don't think it's a misrepresentation of the views presented to us here by Turner residents that especially things like the change from 800 to 700 square metres and the re-allowing of unit titling in suburban areas were a substantial change. In fact, many people didn't comment on what was happening in suburban areas. This was reinforced by the Downer residents, who said that they didn't really comment on what was happening in the suburban areas because that was not the thing that was occupying their minds. They were thinking, "That looks okay to us," so they concentrated on things that they were concerned about.

Now they find that what looked okay to them has been turned on its head by the allowing of unit titling and smaller block sizes for dual occupancies. The people in the Turner Residents Association—and I don't know how representative this view is but it was a view represented to us—felt that in some ways the Turner neighbourhood planning process has been undermined by the substantial changes in draft variation 200. How would you address that?

Mr Corbell: First of all I would like to make the point that it's certainly in no way a deliberate strategy, a deliberate ploy, to undermine, as is perceived by some people, the neighbourhood plan for those suburbs. Downer doesn't have a neighbourhood plan—

THE CHAIR: No, I know.

Mr Corbell: —although it will be in this round of neighbourhood planning. Turner does. I can appreciate the concern. I think, though, that this is inevitable when you're conducting a series of processes concurrently and there's no perfect solution to it except to go back and start again on a neighbourhood plan for Turner. I'm not sure whether that would be appropriate and I must admit I haven't received any particular representations from the community, to my knowledge, on that issue. Essentially the change is only around dual occupancy development and—

THE CHAIR: But isn't it the big issue?

Mr Corbell: In some respects it may be. However, I know there was a concern in Turner that they didn't want to see any of the residential core or the general areas in their suburb, because they felt they already had enough intensity of development because of the B11, B12 areas. So the neighbourhood plan reflects that by not providing for any residential core in Turner. I'm not quite sure how people in O'Connor feel about that,

because this is the area around the O'Connor shops, but that's the outcome of a neighbourhood plan—that there's no residential core in Turner. And that is not affected by any change in DV 200. So, yes, I can appreciate the concern, but I'm not sure whether it's as significant as some people assert.

I'm also just advised that there are not many blocks in Turner less than 800 square metres; most blocks in Turner are quite large. The advice that Garrick has just given me is that it's unlikely to make any substantive difference, although it would make some difference for some blocks.

THE CHAIR: I thank the minister for making his time available this evening.

THE CHAIR: I'll make the opening comments I was going to make before. When we started at 7 o'clock we only had the minister, and I thought they'd probably be wasted on the minister. The committee welcomes all in attendance at the third day of hearings for draft variation 200. Public hearings have already been undertaken on 28 February and 7 March. This will be the final public hearing on draft variation 200.

Since draft variation 200 was released on 30 May last year, there have been four or five revisions, which occurred on 31 October, 31 August, 26 November and 17 December, and it was finally presented to this committee on 23 December.

There have been 500 submissions to PALM, of which 478 were against and 23 were in support. Of those, 203 were from residents of Downer and 49 from residents of Red Hill in Quiros Street, Pelsart Street and Supply Place.

I'd like to make a comment that the staff from PALM are in attendance at this hearing as special advisers. Because this is a very complex thing, this committee is attempting an experiment by having these people here as special advisers to the hearing, to clarify issues that witnesses might feel should be clarified in an open and public forum. It won't be a forum for debate between witnesses and PALM officers. PALM officers are not here to critique particular evidence. We hope this arrangement will give PALM the opportunity to clarify the complexities of draft variation 200 as the hearings proceed and perhaps help clear up any misunderstandings that may have been generated through the documentation.

The committee would like to make the public hearings for the draft variation as comprehensive and open as possible, and to effectively complement the submissions that we've already received. To assist Hansard, we ask witnesses to identify themselves when they first speak. Also, if you use acronyms, could you please explain what the acronym is the first time you use it? We were here the other day with the Weston Creek Community Council and they started talking about the WCC. It's very difficult for the Hansard transcribers if they have no idea what you're talking about.

You should understand that these hearings are legal proceedings of the Legislative Assembly protected by parliamentary privilege. This gives you certain protections but also certain responsibilities. It means you are protected from certain legal action such as being sued for defamation for what you say at the public hearings. It also means that you have a responsibility to tell the community the truth. Giving false and misleading evidence will be treated by the Assembly as a serious matter. I welcome the representatives of the Master Builders Association. Mr Dawes, do you want to make an opening statement?

DAVID DAWES was called.

Mr Dawes: I just want to thank the committee for the opportunity to appear before the committee. I'm disappointed: I thought PALM were actually excited about our submission and were going to join us.

THE CHAIR: In your dreams.

Mr Dawes: The association's view is that we need to take a more rational approach and undertake a strategic review before embarking on the detail contained in DVP 200. At present, we feel that it's certainly putting the cart before the horse. However, in view of the government's commitment to proceed with DVP 200, and the associated problems and confusion of deferring this legislation, we strongly recommend adoption of the amendments set out in our submission. We'll elaborate on a couple of those points as we go.

Before I get into the objectives, one of the myths is that various developments are developer driven. What we've got to remember is that we are responding to what the market's looking for and requires. This needs to be taken in the context of an ageing population et cetera. People want to spend more time doing other things—being involved in gardens and other things. We need to address environmental sustainability, to continue the wider choice of housing stock, to cater for the changes in demographics, to provide more affordable housing and to provide a more appropriate range of building form solutions.

One of the first recommendations that we've made is to make provision for increased density of residential development in the core areas surrounding commercial centres, and Hans Sommer would like to speak to that.

HANS SOMMER was called.

Mr Sommer: My name is Hans Sommer. I am the Chairman of the Professional Council of the Master Builders Association. Our council consists of planners, architects, landscape architects, lawyers, civil engineers et cetera, and that group has been very heavily involved in reviewing this document and other government documents that have come before us. We also have a residential council. They're the builder members of the Master Builders and they also have a large input into the work that we do and when we respond to government initiatives et cetera.

We're very keen to see the core areas increased over the variation that came through at the end of last year. There's a real potential for change in housing types that are being built in the ACT to reinforce the economic viability of these centres and therefore to provide housing close to jobs and public transport. We have made those statements in our document.

We thought we might just use the example of O'Connor. Over the last few years in O'Connor there has been a redevelopment called City Edge. This is represented in the photos you've got in front of you. It is up to three-storey, award winning public and private sector housing. There is a lot of innovation, a lot of potential for open space utilisation and designs that serve a whole range of people. Across the road in Macpherson Street there's been quite a large redevelopment, all single storey but a lot higher density than normal. If you work your way down David Street, there's quite a nice two-storey development on the corner of Towns and Hartley streets, which is a little bit away from the centre. The point that we're going to make will perhaps become clear in a moment.

O'Connor is an example of where you can get very good high-density development to suit a whole range of lifestyles. We're talking here about lifestyle choices for single people, both young and old, lifestyle choices for small households, lifestyle choices for students and about affordability within the middle of the city, not in the outer suburbs.

THE CHAIR: Do you want to explain the pictures, Hans?

MS DUNDAS: And, to answer the question with regard to these pictures, how many of these are affordable?

Mr Sommer: If you're looking for figures, we didn't bring those along but we can take that on notice.

MS DUNDAS: The magic words are "student affordability".

THE CHAIR: We probably have to classify what affordable might be.

MS DUNDAS: Being able to access the government rebate.

THE CHAIR: Yes, price ranges and things like that.

MS DUNDAS: And stamp duty.

MR HARGREAVES: Also, in terms of affordability, are you talking about these units being affordable or that these will release other accommodation in the area that then becomes affordable?

Mr Sommer: If around all the centres you can increase your stock in this style of development, increase your densities, you're starting to make use of existing infrastructure. There are efficiencies in all sorts of ESD type principles in terms of less water being used because of the high densities. The energy consumption is lower in these sort of developments than in suburban type housing. There are reductions in greenhouse emissions, particularly if you start getting into the public transport issue, which I'm going to come to. O'Connor is really just one example of a number and one that shows that you can have high densities of good quality. The affordability question we'll take on notice and give you some figures on that.

THE CHAIR: The point was made the other day that affordability is not just the entry price but the whole of life cost of running.

MR HARGREAVES: The other thing too, as I understand it—and I'm not an expert on it—is that people wanting to come into the city are coming in from outside, so, if they move into the city, what becomes affordable out in the external parts? Is that part of the story?

Mr Sommer: That's what we believe. There's no question at all that people are looking for lifestyle choices, for other ways to live than in the outer suburbs. From the total community point of view, that is very much more efficient, cheaper et cetera. So far we've only talked about increased densities. What we're really saying is that we think that the change that has occurred, or the area of the core areas, is just too small. So our

recommendation is to expand the core areas further. There are a number of reasons for that. Getting back to affordability, if you restrict the amount of redevelopment in these inner areas, there will be a shortage of supply. If there's a shortage of supply, the development industry will pay more money for the land, and the circle starts to repeat. In other words, we believe we need to give the opportunity for these high densities to occur and allow the development industry to purchase, if that's what the marketplace is looking for—and it quite clearly is what the marketplace is looking for. So we should expand the core area further to allow for these developments to occur, at a reasonable price. That would save huge infrastructure out in the suburbs.

MR HARGREAVES: As I understand it, there are three core areas: the major town centres, the group centres and the suburban centres. Do your comments refer to all three of them or just—

Mr Sommer: If you look at the core areas on those maps, it's chickenfeed.

MR HARGREAVES: So let's take the suburb of Gowrie where there are four shops and a primary school.

Mr Sommer: Gowrie?

MR HARGREAVES: Yes, just off the top of my head—or Richardson—

MRS CROSS: You note, of course, that they're all in his electorate.

MR HARGREAVES: I'm just curious. I can understand the rationale for, say, the group centres like Jamison or Erindale, but I'm just curious about the rationale for—

Mr Sommer: Gowrie's an interesting example. We can point to Gowrie. If you did the sums, we're talking about over 100,000 dwellings in the ACT. Let's stick to the ACT and not include Queanbeyan.

MR HARGREAVES: That's a good idea because we don't know where it is.

Mr Sommer: If you look at the changes that have occurred in the demography and what people are doing, over 50 per cent of houses have now got fewer than two occupants. I can't remember what the figure is but 25 to 30 per cent or so have only one occupant. People are looking for the style of housing that I've put in front of you. If you go to Gowrie, as an example, there's a very minor part of the suburb that has been allowed to be developed around that core area, around the public transport node.

MR HARGREAVES: Around what?

Mr Sommer: The transport node for the—

MR HARGREAVES: Yes, a bus stop. There's a big difference between a transport node and a bus stop.

Mr Sommer: Okay, a bus stop.

MRS CROSS: I have a question and anyone can answer this. What figures do you have to determine the supply and demand issue? Do you determine it by the market and the cost of houses at the moment, and, if so, how do you determine that? Do you have a magic figure where you need, for example, to build 2,000 of these in the next couple of years to reduce the market price while offering enough for demand? How did you determine that? Did you use some formula?

Mr Sommer: We haven't gone into those specifics. Those figures aren't available. They're produced by the government's own organisation, the Residential Land Advisory Committee, and I think the present figure is somewhere in the low 2,000s as a demand for housing in the ACT and perhaps 50 per cent or more being in the higher density end of things. We haven't tried to get into that sort of detail. What we're saying is that in a city like this, with the demographic changes that are taking place, we should give opportunity for things to occur. We believe this present document is too restrictive.

MRS CROSS: So how do you think DV 200 could better cater to that changing demographic?

Mr Sommer: By making the core areas larger and by making permission for the higher densities easier in these core areas.

MS DUNDAS: On that point, we've had suggestions put to us that we should just abolish the difference between residential and suburban areas and have almost each block considered separately and that dual occupancies—I'm talking about the low end of high density here when talking about dual occupancies—should be considered by onsite implications—the size of the block, the elevation, the wind, those kinds of things—and shouldn't be confined to whether or not it's close to the shops. How does that suggestion fit in with what you're saying?

Mr Sommer: Two of us might answer that. One of the things we're suggesting is that dual occupancies probably should not be allowed in core areas at all because they reduce the density that you can develop. In other words, if you take your 700- or 800-square-metre block, that's only two dwellings. If you combine a number of blocks together you can create something like the City Edge development. So we suggest that dual occupancies probably shouldn't even be allowed in core areas. We haven't come to that point yet in terms of public transport corridors, but we're also suggesting that probably dual occupancies shouldn't be allowed in public transport corridors either, for the same reason that it restricts the density that you can build where you need density, which is public transport corridors.

MS DUNDAS: Just to clarify before you go on, when you're talking about high density, are you talking these three-level multiunits or are you talking the Landmark kind of development—the 15 storeys, the ones that have gone up along Northbourne?

Mr Sommer: The stuff that's in front of you—up to three storey.

MS DUNDAS: When you're talking about public transport corridors, are you talking the redevelopment that has happened along Northbourne, which is megastoreys, versus—

THE CHAIR: Well that's B13.

Mr Sommer: That's different. We're talking about the suburbs now.

MS DUNDAS: Okay, so you are talking three storeys, concentrated development?

Mr Sommer: Yes. And opposite the shops in Macpherson Street they are only single storey but quite high density, and that's really good for the older people. It is better than the two or three storeys, unless you've got lifts, which again becomes expensive. The higher density at single storey is excellent. There's no problem with that: higher density, small yards, north facing—all those important things. People want those small courtyards and a barbecue area. They don't want to mow lawns any more.

THE CHAIR: Can I just go back? I don't know whether you were here at the time when the minister said that draft variation 200 increases the densities in the core area. I didn't really have time to come back to it, but my understanding is that draft variation 200 does perpetuate the current densities in the core areas and creates something less in the suburban areas. PALM might like to take that on notice for later in the night.

Mr Sommer: I'm not sure about the exact figures but our concern really is that it is fairly difficult to amalgamate blocks and to create something like City Edge; it's pretty hard work.

THE CHAIR: City Edge was in a sense purpose built for you because you pulled down a large development that had reached the end of its life, and you can't easily do that.

Mr Sommer: That's right. And it seems to us that of all things you need to be able to amalgamate lots a lot easier than you can. We need to be allowed to build the densities—single storey, double storey, three storeys maximum—and expand the core areas to make sure there's plenty of land supply available to satisfy the affordability issue, rather than the ridiculous situation of the prices in the last few years.

THE CHAIR: I was driving around Turner at the weekend, as I said I would, and I did come across someone who was talking about land sales. There have been recent land sales of small, modest red-brick cottages on fairly large blocks for in excess of \$300,000. If someone's going to knock down a modest red-brick cottage and build a dual occupancy, that is still not going to be affordable, because your raw land component is \$150,000 or \$180,000 which makes it inaccessible. So what the MBA is saying is that we have to in a sense dampen down demand by providing more opportunities for medium density. How does this marry with the view in other jurisdictions, in New South Wales and wherever, that there is a glut in the market for medium density or flat or townhouse type accommodation?

Mr Sommer: I think that answers Ms Dundas's question, which I never got around to doing properly. We think the good thing about DV 200 is that there's an opportunity to consolidate in particular areas. I'm not sure whether the analogy with Kingston is the right one, but certainly from the 1970s to now Kingston has gradually developed into a particular style of development. We don't think it is appropriate to develop areas outside those core areas for higher densities. Let's keep it to specific areas so that people can walk to the shops and have coffee or breakfast on Saturday and Sunday morning. That's a lifestyle that has dramatically changed in Canberra since the 1980s. At that time you

couldn't get a cup of coffee at night after you went to the movies; now there are coffee shops everywhere. That's the lifestyle people are looking for and that's what we're trying to cater for as an industry. So we need to make the cores a bit bigger and ensure that it is reasonably easy to develop affordable, quality housing in those smaller areas.

MRS CROSS: Could I ask you to expand on the comments in your submission that DV 200 puts the cart before the horse?

Mr Sommer: I'm conscious of time—I'll be happy to come back to that—and we've got six points to rush through. We've mentioned increased densities and expanded core areas. The next point relates to public transport corridors. The diagram that we've handed out shows bus routes in the general O'Connor area. The general bus routes are obviously along Northbourne Avenue, Barry Drive, Macarthur Street and Antill Street, on the left-hand side of Northbourne Avenue. On the street directory type map there are a number of streets that have got yellow on them, which are predominantly the bus routes.

If we are going to make the public transport system work in the ACT, we need to have density around transport routes. To take the example of O'Connor, there is a really nice two-storey development on David Street, just down from the O'Connor shops, which is on a bus route, so all those energy saving aspects apply. Statistically, most people moving to those areas have one car instead of two or do not even have a car. There is plenty of evidence of that.

We should look at the yellow lines on this map and think about allowing two-storey, three-storey—certainly higher density—development along the public transport routes to make it easier for people to access the buses. I'm not referring to just Northbourne Avenue but all of those bus routes. People should be able to walk outside their front door and get on a bus, not have to walk 400 metres. We're all too lazy.

MR HARGREAVES: Are you seriously saying that, if we allowed two- or three-storey development along all of the bus routes in the ACT, we'd have a viable transport system?

Mr Sommer: No. What we're saying is that, if we don't do anything, which is about what's happening now, we're never going to get there. Think back to when Kingston started the first high-density development in the 1970s. It has taken 30 years for Kingston to develop to its present situation. There is a lot of density and activity there now. The shopping centre is really starting to kick on, Kingston Foreshores is about to take off et cetera. It all takes time. If we don't start—if we don't think about where things are heading—

MR HARGREAVES: I take your point about that, but I just wonder whether or not we'd like to see a Kingston visage right across the whole of the ACT. I'm not quite so sure that your view is shared. I had a look at this map that you've kindly given us. If we were to do what you suggest in, say, the suburb of Turner, half the suburb would be two or three storeys tall.

Mr Sommer: I don't think that's right. Turner has got Northbourne Avenue, David Street and Barry Drive.

MR HARGREAVES: Yes, and half of Macarthur Street and half of Miller Street.

THE CHAIR: Macarthur Street is in O'Connor.

MR HARGREAVES: Bolder Street.

Mr Sommer: No, no.

MR HARGREAVES: Okay, I do beg your pardon.

Mr Sommer: No, Turner is only David Street, Northbourne Avenue and Barry Drive.

MR HARGREAVES: All right. Let's talk about O'Connor instead. That's even worse.

Mr Sommer: No. It's David Street, Macarthur Avenue and possibly Miller Street.

MR HARGREAVES: That's right.

Mr Sommer: But it's not a great deal.

MR HARGREAVES: So you're saying that on, say, a block within a section, one strip that borders the main road will be allowed to have two or three storeys but the one behind it won't.

Mr Sommer: No. We're getting into a lot of detail. What we're trying to put on the table are some thoughts about how we can make some things happen.

MR HARGREAVES: And I guess what I'm trying to do is visualise it. I think it was the people of Downer who made the point that, if we allowed multi-storeys on half the block, the people on the other half would have these towering buildings behind them. I'm not suggesting for a second that you're wrong; I'm just trying to visualise it. On a lot of these main roads, the dwellings facing the bus route would be, say, two storeys and those behind would be single storey.

THE CHAIR: I think that's the degree of detail that is not really—

MR HARGREAVES: Yes, but we're talking about that on the main drags, the Northbourne Avenues.

Mr Sommer: Mr Dawes was going to sum up by making a suggestion about how this might be taken further. We're putting on the table some ideas from our industry, to promote some thought processes.

The final one we will have to touch on is dual occupancy. We believe there is a place for dual occupancy in lifestyles. We're not convinced they belong in the core areas and transport corridors; we've mentioned that. We think corner blocks are ideal for dual occupancies because you can put a garage on both streets and it would hardly be noticed. There would be a big house on a corner block with a garage on one street and a garage on the other. Wider blocks, obviously, are ideal for dual occupancies, particularly where

the streetscape is in place with mature trees and so forth. So we have no issue with dual occupancies, but perhaps we should think about keeping them out of the core areas and out of the transport corridors. This will allow in the longer term the high density to develop, as it has in all cities.

MRS CROSS: What's your view on the 700 versus 800 sites?

Mr Sommer: I'll let Dominic answer that.

DOMINIC MAIUTO was called.

THE CHAIR: Welcome, Dominic. Please introduce yourself for Hansard.

Mr Maiuto: I'm Dominic Maiuto. I'm a member of the MBA Professional Council and I'm also an architect, with my own practice specialising in the residential field.

On that question, I think you've got to look at the context. I think a 700-square-metre block out in the suburbs potentially is too small, even if it is a corner block. But, if there's a minimum requirement block size to achieve a granny flat, the block can be 700 or even smaller; I'm not sure of the actual mechanisms there. As long as we don't exclude the opportunity for people to put on a granny flat or a flat within their block, I don't think size is the issue, but, having worked in this field quite extensively, I believe in a commercial sense it's probably a bit on the small side.

However, in the context of the core area, for example, I agree with Hans that it's underutilisation to allow some of the large blocks to be developed into dual occupancies, and in the longer term they will probably look out of place. That has actually occurred in Turner, just over the course of one or two years. However, on a 700-square-metre block, I would gladly allow a triplex or quadruplex because on 700 square metres, depending on the frontage, I could see that being divided up into some nice three- or four-terrace housing, which is highly appropriate to these major core areas and transport routes.

We're talking about putting into place a framework to allow planning to develop over many years, as Hans has suggested, which will be incremental. In some ways it will be a little bit haphazard, which will be nice because in some cases blocks will be amalgamated and in other cases not amalgamated; in some cases someone will want to do something and in others they won't. That's fine as long as there's a framework to have some fairly ordered, fairly fine-grain development occur. The last thing I would like to see would be three-storey residential flats lining all these streets. But what wouldn't be bad would be some fine-grain development with the odd tri-occupancy. Perhaps a two- or three-storey residential building would be appropriate as a corner key site element. So it's about allowing a framework to let things happen, which we don't have at the moment and which needs to be vetted, and see that develop over the years, with the oversight of PALM, obviously.

MR HARGREAVES: One of the things that was put to us earlier on was that, with the heritage buildings around town, what we're actually seeing is the way in which design has grown and changed over the period of the last 18 years or so. Do you think that DV 200 is going to restrict the growth of design and innovation in the inner suburbs?

Mr Maiuto: That's one of the recommendations that I am going to touch on. If you want me to continue, I've got a paper here, which I will give copies of to the members, which is basically an elaboration on recommendations—

THE CHAIR: Don't you think we've already got enough to read?

Mr Maiuto: Don't read it. I'm going to read it. You don't need to read it because I'm going to present it. I apologise if I look down at it from time to time. As you've all gathered, I'm a last-minute fill-in for Rob, and I hope I do him proud. These are really

my thoughts, comments and observations. In providing these in relation to these two specific recommendations, I have cross-referenced to some other performance measures because there are interrelated performance measures that work together, and to some extent you can't separate the two because of that. So, for example, with recommendation 5, moderating the new requirements for private open space, what I want to do, and have done in the submission, is cross-reference it to some of the plot ratio provisions that are proposed.

Some general observations and comments: DVP 200 provides a comparison of existing and proposed private open space standards. That's provided in table 3, and I won't refer you to that. An observation, an analysis, that you can draw from that is interesting to highlight. The average increase in private open space is 30 per cent on top of the existing performance measures. If you go to the last example of a block of 2,000 square metres, it's 43 per cent. This represents a substantial increase in the private open space, with a significant decrease in dwelling size. In particular, the proposed private open space provision, together with the 0.5 plot ratio proposed provision, has a significant effect on smaller blocks—and blocks are getting smaller, as we know. In the submission I have looked at the effect on a range of smaller blocks, assuming that there is provision for a double garage of around 36 square metres.

The table that you see on the first page represents a significant loss of accommodation for today's needs and requirements of residents. I will draw your eyes to the examples I give—for example a block area of 250, which is where table 3 starts. Under the existing performance measures, you would be able to achieve a 126.5-square-metre house, which is 13.6 squares in the old terms that most of us probably relate to. Under the new provisions, looking at the lesser of the private open space or the plot ratio provisions, that would drop down to 89 square metres, which is basically a 9.5-square house.

THE CHAIR: That's a very small, two-bedroomed guvvie in old parlance.

MR HARGREAVES: No, I had a three-bedroomed guvvie that size. I used to put my shoes in one of the bedrooms.

Mr Maiuto: The expectation these days of a house is larger than that. The only time I can remember doing 10-square-metre houses was when economic times were so tight and there wasn't government assistance. The market responded and allowed people to be able to afford their own house. But we've progressed a long way since that time. If you look at the examples as they go up in block size, on a 300-square-metre block it seems that you can at the moment achieve a reasonable home—17 squares—but that would drop down to 12.2 squares. It's a significant drop. It should not be taken likely.

THE CHAIR: Dominic, do these measures in column 2 include the provision for garaging?

Mr Maiuto: No, that is taken out. That's your living area. So, when people say, "I've got a 12-square home", they are talking about their living area. They don't include the garage. Keep that in the back of your mind—a 250-square-metre block, a 9½-square house—because an example that I'm going to use shortly will demonstrate that we lose the ability to achieve terrace-row housing that has been commonly provided in the past.

THE CHAIR: I'm sorry but I have to be a bit difficult because we're way over time.

Mr Maiuto: I will speed it up.

THE CHAIR: Thank you.

Mr Maiuto: I'll use the example of a townhouse. If you look at attachment A, which I think is the third sheet, that shows a townhouse sited on a block that is around 300 square metres. It's about eight metres wide, and the darker line that represents a block is about 31 metres long. On that it's quite common and typical to fit anything from a 12-square up to an 18-square, two-storey townhouse. Under the provisions that we just outlined, on the 200- to 300-square-metre block you would be limited to anything between 9½ and 12 square metres. In order to achieve a house that the market is calling for, of around 12 up to 18 squares, the dotted line represents how much longer that block would have to be in this type of dwelling to achieve a dwelling of 150 square metres. To achieve one that really is demonstrated by the sited townhouse on this block of 90 square metres, you would have to add a further 7½ metres to the length of that block, making it in excess of 15 metres long. So my concern is that, when we go out to the field, some of the provisions within the plan, which as architects we work with, don't work very well in a lot of cases.

Recommendation 6 talks about not recognising innovative design solutions. Again I wanted to cross-reference the aspects that I think are most restrictive on the ability to have innovative design approaches: private open space, the plot ratio provisions and the building envelope provisions that are proposed. It is not only that blocks have got smaller over the years because of economically sustainable and environmentally sustainable reasons. The performance measures, on the other hand, especially the setbacks, private open space and building heights, have got progressively more onerous, to the extent that they're not workable. A lot of applications put in these days propose departures from some of these performance measures. It's quite often the case.

Another analogy I use is that in the early 1970s when we had larger blocks we had setback provisions for two storeys of 1.8 metres. Now we've got up to nine metres required and the blocks have actually got smaller. That brings me to my final point at attachment B; there are two pages to that. DVP 200 has diagrams and they seem to represent building envelopes on blocks and to suggest that you can fit single- and two-storey homes comfortably within these envelopes. In my view, in reality they become more restrictive. As an exercise, I looked at these envelopes and established that they would really represent a block of around 22 metres wide if you take it from the width. I'm not talking about when you're looking at it from the rear. They would be based on a block about 22 metres wide. I've put a heavier line on, which is an additional building line that represents what is by today's standard a more standard block; the average width of the block is 14 metres. The range is from 12½ up to 15. So the majority of blocks are around 14 metres. What it demonstrates is that, although it is portrayed as being all workable and that it fits, in reality, out in the field, it doesn't work.

So my concluding statement is that the proposed provisions do add another layer of restriction on residential development, place residents at a substantial disadvantage in their aspirations, and that we should look again, more seriously and more critically, at the

changes proposed, to achieve a more workable and equitable result. I'll hand over to David to wind up.

THE CHAIR: Is there anything else that anyone wants to ask the MBA? You've got one minute to close.

Mr Dawes: We appreciate the opportunity to talk to you. Obviously we've given you quite a bit of information there. If you need us to readdress anything or if there are any questions that you need answered, please forward those on to us. What we're saying here is that we've really got to look at this issue, especially in some of the greenfield sites. We're seeing some of the blocks getting smaller, because that's what people can afford, but people still want a larger home. We've got to accept that people will vote with their feet and move to Queanbeyan. I'll just add this analogy. If you drive near Jerrabomberra today—

THE CHAIR: People can't; that's the problem.

Mr Dawes: Well, I'll show you where to drive. We can go out there for a bit of a drive. The two-storey houses are 900 off the boundary. I'm not suggesting that we do that, but I think we've got to have a look at the framework on which the planning environment works just across the border. We've got to be able to provide the choice to consumers. We need to be able to make it cost effective. I believe that if, for example, we look at the opportunities that are in and around some of those core areas, we'll be able to provide that to the community, and that's what the community is certainly demanding today.

THE CHAIR: I thank the MBA for their substantial contribution. We can go driving and look for these.

THE CHAIR: I welcome Ms McCullough. Would you please identify yourself for Hansard, and would you like to make an opening presentation?

NANCY McCULLOUGH was called.

Ms McCullough: I'm Nancy Louise McCullough, I'm a resident of, and my address is PO Box 24, Red Hill, Canberra. I have lived in Canberra for five years. Thank you very much for the opportunity to speak today. I'd like to make a couple of points before I begin. I am actually delighted to cover this up. One of the things that amazes me is that the ACT is such a small area and we're actually carving it up piecemeal. I brought this integrated planning system because I think the issue that really needs to be addressed is that we're looking at strategic direction. We need sensible design based on sound statistics. I think a lot of these stats that have been presented during these sessions are a little bit suspect. I would prefer to refer to some from the Australian Bureau of Statistics. You need correct data to design, to do the planning, and I believe that you're in the process of strategic direction, design and planning and resourcing—I've heard comments about the impact of the bushfires in terms of resources, particularly for PALM—before we go in to build and deliver.

I've sat through a number of sessions, and what I keep hearing is about building and delivering—not looking at any of the intelligence that we have around or at any of the assurance. We need assurance that we're going in the right direction. This strategic planning system is a dynamic system, and, if PALM actually addressed it, I believe you'd end up with a much more sound direction and a much better design for Canberra and the ACT in the long term. Against that background, I'd like to refer to my written submissions on 30 August and 14 February. I'll also provide a written submission today. I refer you to the Australian Bureau of Statistics on the number of people in Canberra. For example, in 2001 the actual increase was 4.2 per cent. So it's a very slow increase within Canberra, and it's a very different kind of demographic. I don't think I've heard anyone mention that we are a national capital city, that we have a very high proportion of rental tenants in the city and that we need to take into account the different demographics for this particular area.

If draft variation 200 to the Territory Plan, which was revised on 23 December, is allowed to go ahead, we'll see substantial parts of our suburbs that happen to be within an arbitrary distance from neighbourhood shopping centres become developer-driven, medium-density to high-density housing. I'll refer to and explain that developer-driven comment a little more later. This approach has not been justified on any sound planning basis, and I'd refer you again to an integrated planning system. PALM has admitted to this standing committee that neighbourhood shopping centres were simply added in as core areas. This will have the effect of creating rental accommodation concentrations, to be the ghettos of the future, with the result that people, particularly families, will choose to live outside the region.

The alternative is to develop a clear picture of what the Australian national capital should look like—again I refer to that strategic direction—and to carefully plan land use decisions such as commercial, industrial and low- and medium- to high-density urban development. If the draft variation proceeds, it'll only lead to planning mistakes that

cannot be corrected by individual neighbourhood planning processes at a later date. I've heard it suggested that you fix up or tinker at a later date. I think the damage will be done.

By way of illustration, I'd like to point out four examples and draw your attention to a number of community issues that have emerged during recent months under the interim draft variation. First, there is a precedent-setting proposal by G.E. Shaw to obtain a lease purpose variation to develop the Australian-Hungarian community facility land for commercially sold residential units, high-cost units. This is an outstanding example of an instance where another club could have used this community facility land or the government could have resumed the area for low-cost housing. Instead, a developer entered into a payment arrangement with the Hungarian Club—

THE CHAIR: Ms McCullough, we are really a bit pressed for time. This committee has spent a lot of time on the Hungarian Club development, and I would prefer it if we could concentrate on the implications of draft variation 200 rather than revisit old ground, if that's possible.

Ms McCullough: Yes, I can. I'll mention these briefly. I've made copies of each. For example, could I table what the minister said?

THE CHAIR: We already have those. It's in the submissions, but table them anyway. If we've got multiple copies, it doesn't matter.

Ms McCullough: There's actually a letter behind that, which is significant because it does relate to draft variation 200. What I'm saying in relation to the Hungarian Club is that it sets a precedent. There's a land change of use already in place and will no doubt be followed by the community facility landholders. Already Purdon Associates Pty Ltd have outlined a similar development for the Macedonian Club. Referring to low-cost housing, you have the transfer of community facility land to developer use and sold off as high-cost units, to the benefit of unnamed club members.

There's another example of this developer-driven change. I have got four copies for each of the panel members. It is a Queensland based company, supported by Purdon again, that has proposed a lease change of use to develop a supported living complex of 150 units to be built amongst the yellow box gums opposite the animal pound and the dog/cat motel and maximum security prison in Symonston.

MR HARGREAVES: Excuse me.

Ms McCullough: There's a proposal to develop 150 supported—

THE CHAIR: I think he was actually objecting to the issue about the prison at Symonston.

MR HARGREAVES: We don't have a maximum security prison.

Ms McCullough: No. There's a maximum security prison remand centre, and I have a deed of agreement with the Chief Minister—

MR HARGREAVES: It's a remand centre; it's not a prison.

THE CHAIR: But it is maximum security. We all know which area we're talking about. Can we get on, please?

Ms McCullough: This property that is proposed to be developed is in the yellow box gum area and there's an example of the impact of fire in a yellow box area.

THE CHAIR: We need at this stage to get back to the issues as they relate to draft variation 200. How does this relate to draft variation 200?

Ms McCullough: It relates to the questions about affordable housing, the sort of housing that's proposed in inappropriate areas, and intense development in those areas.

MS DUNDAS: So perhaps the point you're trying to make is that the focus on development in the residential core, as proposed by draft variation 200, will not lead to affordable housing, based on past experience. That's the point you're trying to make?

Ms McCullough: Yes. The third example is of a New South Wales developer who has applied to build eight two-storey flats, with a floor area of 782 square metres, on an area of 847 square metres that adjoins a Red Hill public housing precinct that is currently on the interim ACT heritage place register. I have copies of the site analysis. The other thing that is of interest is that this proposal is for a redevelopment of the Red Hill public housing area, even though it's on the interim heritage list. It's basically overdevelopment in a residential area—no setback, no space for trees to grow. The fourth area is a proposed four-storey multiunit residential development amalgamating blocks 2 and 6 of section 26, which is 32 to 42 Canberra Avenue, the corner of Canberra Avenue and Empire Circuit, Forrest.

It's not clear which development guidelines are being applied to this development, because one section of the area is administered by the National Capital Authority, while the other side is administered by PALM. Residents in adjoining properties are faced with a bewildering range of conflicting planning provisions as proposed in DV 200. They appear to have no appeal rights, they are subject to severe power imbalance, and, if the project proceeds, they will suffer extreme impact from high-density development and overshadowing of their homes. This development is also characterised by the inclusion of basement parking and narrow street setbacks, so that no significant trees can grow or even be expected to survive.

A number of the developers I've listened to have talked about the damage to tree roots from putting in basement car parking and narrow setbacks. I'd like to table letters in relation to that development.

THE CHAIR: What you're doing here, Ms McCullough, seems to be going around the world for sixpence for developments that may be contentious in some way, but some haven't got off the ground in any way. I was really wondering whether you could make the connection between that and the provisions of draft variation 200 and how they might make things different. At this stage, we've just had a Cook's tour of the contentious developments, which I think most of the committee members would be moderately aware of. I just want to see some input into draft variation 200.

Ms McCullough: What I'm saying is that the interim draft variation has meant that those contentious developments are going ahead to the detriment of the community.

THE CHAIR: The ones that are actually going ahead have been in process long before draft variation 200 came about, and others, like the QIC one, as far as I can tell, haven't hit the ground yet, so they're not subject to draft variation 200. Are there issues in relation to draft variation 200 that you feel should be addressed? What we're trying to get at here are the views of the public about the elements of draft variation 200 as it currently appears in the 23 December version that should be addressed. Are you happy with it or what? This is what we are here tonight to do.

Ms McCullough: I'm unhappy with the draft variation because I think it was ill researched and certainly not sourced accurately in terms of the information provided from the community. There are several things I'd like to list that point out that the decisions that are set out in draft variation 200 aren't even soundly based on information made available.

THE CHAIR: Okay. Could you then expand on that for the committee?

Ms McCullough: I'd like to table a letter. The interim draft variation has been improperly administered because PALM's database is inaccurate and doesn't show many of the unapproved developments already existing. I note that recent ACT bushfires have highlighted this problem. There are a number of dual occupancy developments that are not recorded. This was the basis for PALM's development of DV 200 and a number of the dual occupancies are not marked on that map. There was a letter that was forwarded to David Haylock for Phil Harris's attention and Derek Cummins. I'd like to table that because it sets out clearly that the information that PALM used was inaccurate. There's no recognition that a quarter to one-third of residents actually rent accommodation. It's a planning process that relies on comments from neighbours, which frequently resulted in skewed responses. There's no recognition of the power imbalance in the planning processes, so developers have far greater resources than residents and are able to lobby and force development projects through to reduce community facility land as well as suburban land. I've attached copies of threatened court action by G.E. Shaw against a Manuka LAPAC representative for questioning the transactions in relation to using community property. I'd like to table those letters.

THE CHAIR: Has anyone got any questions for Ms McCullough about draft variation 200?

MS DUNDAS: One of the concerns you raised was that, irrespective of what the planning laws are, there appear to be non-compliance issues. Are you happy with the content of draft variation 200 if it could be properly enforced?

Ms McCullough: In November, Lincoln Hawkins acknowledged that there were at least 900 compliance issues outstanding and that PALM was unable to deal with those. So, even with regulations that are in place at present, they're not able to be enforced.

MS DUNDAS: But, if they could be enforced, the content of draft variation 200 that focuses on residential cores has dual occupancies allowed in different ways across the

entire city. If it could be enforced, including the high-quality sustainable development things, would you be supportive of it, or are there fundamental flaws in the actual plan that you have issues with?

Ms McCullough: I believe DV 200 is arbitrary and discretionary, and these examples that I'm giving are examples of the interim provisions that are discretionary and cannot be enforced in a way that's predictable for the community and predictable for developers or anyone else concerned in planning. The reason I was presenting these cases was that they highlight the difficulty of administering and enforcing or having people comply. Could I just continue quickly and table the rest of this material, which actually illustrates that, and then finish with concluding comments very quickly?

I have a letter from a resident in Fishburn Avenue and that chronicles the difficulties of administering and having people comply with planning provisions.

THE CHAIR: What period is this letter referring to?

Ms McCullough: This is over the latter part of last year, once interim DV 200 came into force. It illustrates the difficulty of administering the system we have, and with DV 200 giving further regulations that are discretionary this situation is multiplied. I'd like to table this document. It as yet hasn't gone to the AAT; it is part of AAT procedure but not finalised.

MR HARGREAVES: Is it actually before the AAT at the moment, because I'm concerned that it might be sub judice. If it is sub judice, we would prefer not to see it yet.

Ms McCullough: No, it's not, because the developer, Terry Ring, is out of town.

MR HARGREAVES: Nonetheless, if it's an issue before the AAT, we won't be able to receive it, so you might be advised just to hang on to it for a while.

THE CHAIR: Yes, I think you should hang on to that one.

Ms McCullough: I understand what you're saying. What I'm saying to you as a committee is that no fewer than 12 residents in the Fishburn area have been involved in planning provisions that are arbitrary, cannot be enforced and are constantly changed in the process. You have people who are not familiar with regulations having to deal with this sort of material.

MR HARGREAVES: Perhaps, Ms McCullough, you could hang on to that but we will record in *Hansard* that it looks to be about an inch and a half thick. We don't want to accept a document that may be sub judice and then have to send it back to you.

Ms McCullough: I think what I'd like you to record is that, under interim draft variation 200, this type of situation causes so much distress; it's so frustrating. It means that people who have families, work, study, other interests—whatever they do—have to spend time doing this, dealing with regulations that are incomprehensible. I'm saying that the introduction of draft variation 200 adds to that complexity. As I said right at the beginning, Canberra is such a small area that, if you get your strategy and design right, you won't have this sort of situation occurring.

I have some pictures for you, very quickly. Under draft variation 200, you've heard Dr Bob Webb talk about the planning issues in Golden Grove. There's a house at No 29 Golden Grove which is subject to court proceedings at present. It was built, I'm told, by an unlicensed builder, but the owner has been able to do nothing in relation to having that corrected and is going through court proceedings. I will table another fax from PALM when I asked for the plans on 29 Golden Grove. Over the latter part of last year, under DV 200 interim, another dual occupancy was built. Running parallel to Golden Grove there was an old tip along the waterway—

THE CHAIR: I'm really sorry, but we're running out of time and the intricacies of the old creek in Golden Grove don't really apply to draft variation 200. It is a separate issue.

Ms McCullough: Madam Chair, they do, because there's been a development approved under draft variation 200, the interim provision. It's built directly over the creek area and—

THE CHAIR: With respect, Ms McCullough, that is a separate issue. I have asked you on two or three occasions to confine your comments to the implications for draft variation 200. I think members here are aware of the creek issue in Golden Grove.

Ms McCullough: The implications for draft variation 200 as the interim provisions, which are discretionary, allowed a dual occupancy to be built over that creek area, and then a concrete pool put in directly in front of that creek area, which will cause major problems in the future. Going to the research that was conducted, I'd like to table this. There was no research conducted about the impact of DV 200. There was a survey that was not released to the community and has only recently been put on the web.

As a final comment, I urge you to reject draft variation 200 and propose an approach that builds on vision, concept and design and planning principles that were embodied in the prize-winning Burley Griffin plan. We have a very recognisable plan for the ACT and the national capital city. There seems to be no compelling reason to accept the flawed and unsatisfactory draft variation 200 to the plan and, in light of the demands of rebuilding following the firestorm damage, combined with the lack of validated research and over 900 outstanding compliance cases, there's every reason to reject the current proposal.

Instead, I suggest that the government can maintain the five per cent dual occupancy limit to all suburbs; that the core areas be removed because they're arbitrary; that the database information used be corrected and further damage delayed, and further change be delayed until the promised planning authority is introduced. I'd like to table this because there are comments I made in relation to it.

THE CHAIR: Okay. Put them in the pile there and we'll work out whether we can receive them or not. Thank you very much for your time and for the effort you've put into your presentation.

ANNE FORREST was called.

Mrs Forrest: I'm here as the convenor of the Manuka LAPAC, and Ms McCarron-Benson is a member of the Old Narrabundah Community Council, who attends the LAPAC meetings. I'm doing the speaking, and I'm keeping my comments very general because following me are two representatives of the Griffith/Narrabundah Community Association, who also sit on the Manuka LAPAC, and they will go to specifics.

THE CHAIR: Did you provide us with a written submission?

Mrs Forrest: Yes, the Manuka LAPAC did, and at the end I want to read out our final paragraph.

THE CHAIR: Okay.

Mrs Forrest: I am Anne Forrest, convenor, Manuka LAPAC. The Manuka LAPAC has been in existence for some years. It represents six suburbs in the inner south: Forrest, Barton, Kingston, Red Hill, Narrabundah and Griffith. It contains areas of territorial significance, which I'm sure you've heard about before today, and several heritage listed areas. In the period the LAPAC has been in existence we've seen a great deal of activity. Our agendas are probably the busiest of any LAPAC.

There's been a significant amount of multiunit development in all of the suburbs I've just mentioned. Of course, the Kingston foreshore development is part of the area of Kingston. In more recent times we've seen a sudden jump in dual occupancy development for unit titling. At the same time, we have seen a big jump in housing costs with an effect therefore on affordable housing in the area and pressure on the existing social fabric of the community.

In May 2002, DV 200 came out. The Manuka LAPAC put in a submission to the department based on the May version of the DV 200. We supported the thrust of the document. We supported the concept of core and suburban areas. We supported the proposal to have no unit titling in suburban areas. We supported the idea of core areas being around town and group centres. We questioned the identification of core areas around all shopping centres, and we made a point of stating that the areas of territorial significance seem not to be acknowledged in the document.

Draft Variation 200, dated December 2002, in our opinion is a major shift away from the thrust of the original document. Going to the heart of one of the core areas identified, that being Narrabundah, some people have had a look at the core area and there are at least 214 homes that fall within the core area for Narrabundah.

As you would probably all know, Narrabundah has overwhelmingly single-storey houses. In the area that is now referred to as a core area around the Narrabundah shops, those blocks are in fact quite small, the majority being under the 700 square metre limit. The Narrabundah community would describe that core area right now as an efficient residential core around a local shopping centre. It even has a little preschool tucked in amongst those streets and a primary school on the edge of the identified core area. Assuming the core area is to be redeveloped as presented in Draft Variation 200—the

December version—there will have to be block amalgamation of these small blocks to achieve reasonable redevelopment up against other very small blocks over a long period of time. Then you're certainly getting into the issue of overshadowing, overlooking and loss of amenity for the substantial number of people who live in that area. That's an example of one of the residential core areas, and I'm sure that the next speakers will pick up on the Griffith area.

In the residential areas as identified in this new version, unit titling is now back in. The dual occupancy now can be on blocks down to 700 square metres. On the other side of the coin, the plot ratio for single dwellings, which was set at 35 per cent in the May version, is now up to 50 per cent, which is a significant rise.

In our areas, which have that territorial significance overlay, the setbacks generally are very generous in the streets. It's part of that territorial significance, part of what we recognise as the garden city. Those setbacks are quite substantial—nine metres or more. In DV 200, the December version, we're talking about six metre setbacks. If you couple that with the idea of single dwellings being able to be 50 per cent plot ratio, you will have to assume that developers will be encouraged to demolish the existing houses and rebuild, using the six metre setback. That is obviously going to have a significant effect on the streetscapes of the older suburbs.

THE CHAIR: Where do we get the 50 per cent plot ratio from?

Mrs Forrest: I hadn't got it marked, but Mr—

THE CHAIR: I will just ask for clarification from PALM. What's the plot ratio for single dwellings?

GARRICK CALNAN was called.

Mr Calnan: There is provision in the December version for 50 per cent as a maximum plot ratio. There wasn't a maximum specified in the May version. The 35 per cent wasn't specified in the May version.

THE CHAIR: The 50 per cent is in the core area?

Mr Calnan: The 50 per cent is in the core and the suburban areas. There were provisions in the May version relating to the private open space standards, and there were additional provisions in the May version relating to the size of the second storey of two-storey buildings. Those proposed standards were aimed at achieving a maximum plot ratio of around 50 per cent, which is a figure that PALM has been applying informally for some time. We felt that some of the submissions that we had on the May version suggested that that was a rather complicated way of going about it. So in response to that, we proposed to introduce the 50 per cent plot ratio as a binding control.

THE CHAIR: Sorry to interrupt. You threw me there, but perhaps my brain's gone to sleep.

Mrs Forrest: When I was sitting here and briefly spoke about draft variation 173, I handed in some plans that showed a two-storey development in a heritage listed area.

That is purportedly a 35 per cent plot ratio. Those plans indicated how huge—in my words—that dwelling is on that particular block. That’s one of the setbacks that you find in the older areas, not just in the heritage area. I don’t have another copy of those plans. Of course, the 50 per cent plot ratio is a whole lot more.

I’d like to make a final statement, drawing on our submission. Are core areas, as identified for our six suburbs, appropriate, particularly given the work that is now going into the spatial planning process and the future development of Canberra? We think those core areas, coupled with the changes in the suburban areas that are contained in the December version, will lead to a loss of the characteristics of our highly valued suburbs and may curtail the opportunity for more sustainable development in appropriate neighbourhoods. It’s a clumsy document.

The final statements of our submission are:

DV 200 does not appear to recognise the highly valued characteristics of our suburban areas, and it does not appear to promote high quality, environmentally responsible multi unit development in key areas of our city.

In conclusion, and in light of this flawed process, the Manuka LAPAC is of the view that:

1. The “Recommended Final version of Variation 200” should be withdrawn.
2. The process of public notification ... should begin again.

Meanwhile, in order to protect the established character of the existing suburbs, while anticipating innovative and sustainable urban infill, it would be necessary to:

3. Maintain the 5% rule [on dual occupancy], and
4. Introduce a moratorium on unit titling during the public consultation process.

Thank you.

THE CHAIR: Any questions?

MS DUNDAS: This is a question I’m asking everybody so, if you were here before, you could just answer it. It has been put to us that we shouldn’t have the distinction between residential core and suburban areas and that we should go back to a block-by-block basis, almost having an individual assessment on every block before us, especially in relation to dual occupancies. How does that plan fit in with what you’re saying? Do you support it? Does it sound onerous?

Mrs Forrest: It sounds very fine grained, I have to say. The LAPAC, as I said at the beginning, does support the idea of core areas with a view to protecting suburban areas. The Labor government, prior to the election, in the policies, talked about core areas being around group centres and town centres.

MS DUNDAS: Not suburban centres.

Mrs Forrest: No. We agree that there may be other areas outside those two particular identified areas where core areas may be appropriate, but it's a blanket thing to say that it should be around small local shopping centres. We have stated clearly that we feel that might destroy the older areas of Canberra—while we're talking about developing a more sustainable city. We lose out both ways. I'm not sure that that answers your particular question.

MS DUNDAS: It did, actually.

MR HARGREAVES: I can understand the philosophy of having a greater density of development around the group centres. The town centres speak for themselves, I think everybody understands that. The group centres are only just making a quid. There is a need to get more people in and around them to provide vibrancy, if nothing else.

However, it doesn't tweak with me that that philosophy would actually work in the local centres. The ones I've been talking about are Holt shops, Gowrie shops and Richardson shops—and you mentioned Narrabundah. I think I'd be right in assuming that the LAPAC would be supportive of that philosophy with the larger centres and opposed to it with regard to the local centre set-up.

Mrs Forrest: In general terms I'd say that's correct. Each of our suburban shopping centres—Griffith, Narrabundah and Red Hill—have their own characteristics and have public housing, particularly Griffith and Red Hill, in the immediate vicinity. It's multiunit public housing in those two, and it's more the single dwelling public housing in the Narrabundah area. A characteristic of that particular suburb is quite dense, single-storey public housing. But it's all earmarked now as a core area under an instrument that's being applied across the whole of Canberra.

MR HARGREAVES: There are some small shopping precincts that have been exempted from this, largely because other parts of the suburb have encountered density development already. Not to exempt them would saturate the suburb, so it's not a desirable outcome. What do you think of the idea that the group and town centres are fine, but we can be quite selective about the others?

I would suggest to you that some local centres are larger than others. Some of them are only four shops long, some of them are up to six or eight and some of them are developed, like the Griffith shops. It's now quite a desirable place for people to come from all over town. It wasn't always that way; it was just a suburban shopping centre once. Do you think there is an argument for being selective about which local shopping centres ought to be targeted for that?

Mrs Forrest: As convenor of the Manuka LAPAC it's not appropriate for me to generalise. The two people that are going to represent the Griffith/Narrabundah Community Association are best able to represent the views of the community about Griffith. But in my experience beyond the LAPAC, on the planning and development forum and in other areas, it makes a lot of sense to be more selective. I've sat through some of the hearings—not tonight—and it appears that very few suburban shopping centres are now exempt—I think Ainslie and Oaks Estate are, and Oaks Estate should never have been in. I haven't even heard a number—three or four out of about 100.

THE CHAIR: Are we all done with Manuka LAPAC? Thank you very much for your attention and attendance.

Mrs Forrest: Thank you.

THE CHAIR: I welcome the Griffith/Narrabundah Community Association. You weren't here for the reading of the rules, so I'll read this to make sure that everyone's covered.

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 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.

If you'd like to make an opening statement, when you do, could you identify yourself for the purposes of Hansard?

PATRICIA BOOTES was called.

Ms Bootes: Thank you for allowing our group to participate in these hearings. My name's Trish Bootes. I'm the vice president of the Griffith/Narrabundah Community Association, and this is Jerry Fitzgibbons, secretary of the Griffith/Narrabundah Community Association. You'll be relieved to know that I do not intend going through the whole 10 pages of our submission, but I will briefly summarise the areas in which our group supports DV 200 and some of our key concerns with and objections to DV 200. That is by no means comprehensive.

In support of DV 200, our group supports the creation of suburban areas, the reduction of allowable plot ratios in suburban areas and the 50 per cent plot ratio limitation for single dwellings where previously there was no limitation. We support increased requirements for private open space and increased requirements for permeable parking areas. Our key objections to DV 200 are mainly focused on its effect on areas of territorial significance.

DV 200 withdraws the guidelines for multiunit redevelopment, including dual occupancy—planning practice note 6, commonly referred to as the Lansdowne guidelines. I'll refer to it as PPN 6.

THE CHAIR: I think even Hansard's familiar with PPN 6 by now.

Ms Bootes: These guidelines offered some level of protection to the older suburbs in the inner north and inner south of Canberra that typify the garden city suburbs. These areas are those most under pressure from redevelopment and yet have no heritage protection. They should have heritage protection. DV 200 threatens them by allowing increased residential development in the residential core areas around the local shopping centres where two storeys plus attics and basements will be allowed.

It reduces this protection by eliminating the following two extremely important objectives from the Territory Plan.

MR HARGREAVES: I'm sorry, Ms Bootes. I am not absolutely clear on the size of the dwellings in the suburban core areas—

THE CHAIR: Residential core areas.

MR HARGREAVES: Okay. If I have an attic and a basement—

Ms Bootes: You're allowed to have two storeys plus a basement plus an attic.

THE CHAIR: But the basement is not for carparking. You can have a storage basement, effectively, but not a carparking basement?

Mr Calnan: In core areas?

THE CHAIR: Yes.

Mr Calnan: In core areas, basement car parking is permissible.

THE CHAIR: In suburban areas?

Mr Calnan: In the suburban areas, basement car parking is not permissible in addition to two storeys.

MR HARGREAVES: So it can be one of the storeys?

Mr Calnan: Yes, one of the storeys. If you had a basement and then one storey above it, that would be counted as two.

THE CHAIR: Can we have attics in the core areas?

Mr Calnan: Attics are permissible in the core areas. Again, you can have an attic on top of a single storey but not in addition to two storeys in the suburban areas.

THE CHAIR: So does that mean that you can potentially have three, if one of them is a basement and one of them is an attic?

Mr Calnan: In the core areas you could have a basement, providing it comes no more than a metre out of the ground—about that high—two storeys and then an attic, subject to meeting the building envelope controls, which talk about a maximum height of 8.5 metres overall above the natural ground level.

Ms Bootes: DV 200 eliminates the following two extremely important objectives in the Territory Plan: to ensure protection of significant streetscapes and to ensure that the scale and character of development is compatible with the surrounding area and does not unacceptably affect the amenity of nearby residents.

PPN 6 gave the areas of territorial significance protection by requiring that the design of the proposed new development should reflect the character and style of the surrounding development and that the application should demonstrate that the new development is architecturally compatible with the existing built environment. That's in PPN 6, paragraph 8.1. Paragraph 8.3 required new development to be sympathetic with the existing streetscape.

DV 200 removes these protections. Our group recommends that the requirements of PPN 6 should be reintroduced and, ideally, that the areas of territorial significance be given the highest status of heritage protection. I'd like to add to that that Canberra is a young city, has very little in the way of heritage and while we, at this time, may not consider some of these areas to be important, I would think that in 20 or so years, they'll become increasingly important. They're unique examples of residential development.

PPN 6 also recognised that all areas of Canberra are not the same. DV 200 places blanket controls over all areas alike. Our group strongly believes that the inner south already has substantial areas of high density residential development—almost the entire suburb of Kingston, large parts of Griffith, the Kingston foreshore area and significant parts of Forrest and Barton. More recently, there have been proposals that Stromlo Forest and Corin Forest be possible sites for residential development.

We believe that the government has failed to demonstrate the need for more intensive developments spread throughout the areas of territorial significance, when concentrated areas of high density exist. All areas of territorial significance should be designated suburban areas and not contain core residential areas.

The other primary area of concern with DV 200 is unit titling. Our group strongly objects to the reintroduction of unit titling in suburban areas. Prior to the last ACT election, the current Minister for Planning, Simon Corbell, held a number of meetings with representatives from residents groups, and the key issue with dual occupancy development was identified as speculative development.

When the first version of DV 200 came out, there was widespread support amongst residents groups for the withdrawal of unit titling. This has now been reintroduced. We object to unit titling because it encourages demolition of housing stock and an ad hoc speculative approach to dual occupancy development. In fact, DV 200 encourages demolition of existing homes by allowing a plot ratio of 50 per cent in residential core areas where both dwellings have street frontage.

Where at least one dwelling does not directly front a public road, the plot ratio shall not exceed 35 per cent. This provision of DV 200 encourages developers to gain maximum development by demolishing existing homes, so that they can achieve the 50 per cent with the two frontages to the street. Those are the key concerns. We'd be happy to answer any questions, and we thank you again for giving us this opportunity.

MRS DUNDAS: The May version of Draft Variation 200 limits dual occupancies to blocks of 800 square metres or more. The December variation extends that back to include blocks of 700 square metres or more. Do you have a preference? You can say no. I'm doing a survey.

Ms Bootes: We've declined to comment on that. I assume that was to spread the load throughout Canberra. 700 seems a little small to me. You may have further comment.

MR HARGREAVES: While you're at it, it was put to us that a lot of the heritage blocks in Red Hill were 800 square metres or bigger and are therefore targets for multiunit development or dual occupancy. By putting it down to 700 square metres, you spread the

target and people are less likely to want to do those things. Looking at this map of Griffith, it seems to me that the majority of blocks in Griffith are similar.

JEROME FITZGIBBONS was called.

Mr Fitzgibbons: My name is Jerry Fitzgibbons. I'm secretary of the Griffith/Narrabundah Community Association.

There was no consensus within our group to criticise the new 700 metre rule, for exactly the reason you said. Our community has been targeted severely by dual occupancies, which is changing the character of the Griffith community significantly.

MS DUNDAS: That, I assume, is why you support the retention of the 5 per cent rule across the suburb. It would have the desired effect of limiting dual occupancies but without necessarily limiting where.

Mr Fitzgibbons: There has been a real problem that dual occupancies, now and under DV 200, can be anywhere. You can have a section of 20 blocks, and 10, 15 or even all 20 can be duals. Whichever home comes up for sale can become a dual. There's no planning involved. It's ad hoc; it's shotgun. By removing the 5 per cent rule, the current DV 200 has brought back just open slather on dual occupancies anywhere, and our areas have really been suffering.

MRS CROSS: How do you reconcile the maintenance of the 5 per cent limit on dual occupancies with the arbitrary nature that it has in determining who gets it? How do you work that out, if you limit it?

Ms Bootes: In suburban areas we don't support the reintroduction of unit titling, but that doesn't mean you can't have granny flats, flats or small dwellings attached to, or even detached from, existing homes. It's the unit title that creates the speculation and the larger scale developments, which, incidentally, are generally less affordable than the smaller version of dual occupancy without unit title.

Mr Fitzgibbons: If I may add to that, PALM's own study—which is still on the Internet right now—done approximately a year ago, clearly shows that the dual occupancies have reduced housing affordability and that actually very few older people are living in the dual occupancies that are being built. It is a fact, with PALM's own data, that —

THE CHAIR: Which data is that, Mr Fitzgibbons?

Mr Fitzgibbons: It is a study on dual occupancies that was done approximately a year ago and is still posted on the PALM web site. It's not the most current.

THE CHAIR: It's not the Artcraft study; it's something before that.

Mr Fitzgibbons: Not the current ones. It's still posted on the web site. Their own data shows that dual—

THE CHAIR: Could someone be in touch with Linda at some stage to tell us what that is. I'd like to see that.

Mr Fitzgibbons : It is currently shown on the web site if you have to get it.

MS DUNDAS: I'm a little confused about the areas of territorial significance listed in PPN 6. Would you like them to be taken out of residential core areas and counted solely as suburban areas, or would you like them to be taken a step further and listed on the heritage register?

Ms Bootes: Both of those things. The minimum protection that areas of territorial significance should have is the protection they had previously under PPN 6. We're suggesting that it would be preferable to have a higher level of heritage protection and that under DV 200 the areas of territorial significance should not have residential core area classification but should all be classified as suburban areas.

MS DUNDAS: And then, hopefully, classified as heritage in the future.

Ms Bootes: Yes.

MS DUNDAS: Okay, thank you.

THE CHAIR: I would like to thank the Griffith/Narrabundah Community Association for your time this evening and your presentation.

JAMES DICKINS was called.

THE CHAIR: I welcome Dr Dickins in his capacity of representing the North Canberra Community Council. Would you like to make an opening statement? I'm not going to read you the riot act because it has already been read to you.

Dr Dickins: I apologise. Joan Kellett was to give this, but she's sick. I've been sent to entertain you with this document.

MRS CROSS: We're waiting with baited breath.

Dr Dickins: The North Canberra Community Council is made up of individual members but it acts as an umbrella organisation for residents groups in North Canberra. Our submission will deal particularly with North Canberra problems, but of course some of those problems also occur in the other inner suburbs.

Firstly, although we considered that the original draft variation was a step in the right direction for the garden city, there were some shortcomings associated with it. For example, virtually nowhere was there adequate protection of the streetscapes. But now, what we thought were the good measures have been scaled back. Very much, in particular, the amount of what I will call landscaped open space has been severely cut back. I think, at this stage, we can say quite clearly that landscaped open space is now very much less than before the original DV 200.

THE CHAIR: What do you mean, Dr Dickins, by landscaped open space?

Dr Dickins: If you look at the Territory Plan, open space is a rather vague thing. Pavements, driveways, areas for clotheslines and so on are all open space. So it's very important to separate the different kinds of open space, and particularly here what we call soft open space. There is soft open space—I use the term landscaped.

THE CHAIR: As opposed to paving. Yes, I understand.

Dr Dickins: That's open ground.

THE CHAIR: Where you can plant things.

Dr Dickins: Yes, where you can plant things and where you can have chips and stuff. At this stage, it seems quite clear that, substantially, the amount of this kind of space has been changed in the revised edition. This is particularly because of the increased density in the core areas, which are very substantial, if we look at the whole lot of them. I did deal with this before, when I spoke on behalf of PACT. Of course, the North Canberra Community Association is a member of PACT.

In the circumstances, it seems that there is quite a widespread feeling that DV 200 should be rejected and that we should go back to the beginning again. We support that proposal.

MS DUNDAS: There has been a lot of concern that we should go back for another round of consultation because the December variation was so different from the May variation. Do you see that this Assembly process—the submissions we've received and these

public hearings—has significantly enough been a form of community consultation? Or what form of community consultation do you think needs to occur to reach the desired outcome of a draft variation?

Dr Dickins: I think there's very limited community understanding. The meetings of this standing committee aside, I think that, at this stage, there's very little widespread understanding in the community of the revised version. The first one was difficult enough for the public to comprehend. I won't go into this again because I spoke about it before. But because of the way it happened in a short period of time, people in the core areas, in the main, have virtually no idea of what's going to happen to them. That's especially where there are no active residents groups.

I would like to say something about the question of this review of dual occupancy, which has been mentioned a number of times. I think the one our colleagues from Griffith/Narrabundah were speaking of was an earlier one, but there's a more recent one. The ACTCode advisory committee was provided with information on it, and I would say it's a very selective review.

For example, people living in dual occupancies were asked whether they thought their dual occupancy had an adverse affect on the residential amenity of the area. It was quite interesting that a large proportion of the occupants said yes. I can't tell you the exact figures, but I was rather surprised. It's a bit like asking someone who's won a lottery whether they believe in lotteries. It was like a poll. There was a random survey of people who lived in the areas.

Again, that's a very selective way of going about it. It didn't, for example, pick out areas in the inner suburbs where there are a lot of dual occupancies—and it didn't pick out people who had dual occupancies on three sides. That's happening in the inner suburbs. I would say it was a very selective review, and I don't think proper conclusions can be made from that review.

I'll skip over the 5 per cent. I think that's been covered pretty well, so I won't cover it now. But I would like to talk about the effects of the density. I noticed our colleagues from MBA referred to the City Edge, at O'Connor. That development of course is in the shopping centre—it's not in the core area. But it's hard for us to know how on earth it ever got any awards. It just shows how shocking things are in Australia if it could win an award. In Macpherson Street, the setback is .9 metres. What kind of a garden setting setback is that? It's so close to the footpath that people can break the windows with sticks. What kind of privacy is that?

I notice it was said that this was energy saving, but there are problems. What's happening in the B11 and B12 and the B13, which is the Northbourne Avenue corridor, is now—we know that from Kingston—being translated into the core areas. One of the main things is that your sunshine has gone. If you look again in Macpherson Street, all those units are east-west—and there are a lot of units facing south. What kind of sunshine do those people have? When we're thinking of energy saving, what kind of solar energy could we have in this kind of density?

So there are questions of privacy, questions of sunlight and questions of the local ambience. Because there's very little vegetation, it means that in summer it's hotter, and

in winter it's colder. You virtually have to have air-conditioning. There's nowhere to hang clothes inside—you have to have a dryer. These are very energy expensive dwellings. Stormwater—I could talk on about stormwater.

THE CHAIR: Yes, you could.

Dr Dickins: Have you heard about stormwater?

MRS CROSS: Yes, we have.

THE CHAIR: Helen, you don't want to know?

Dr Dickins: You don't want to know about stormwater?

MRS CROSS: Dr Dickins, you've told me about this before—I remember it. It's okay—it's done.

Dr Dickins: No, I didn't talk to you about stormwater.

MRS CROSS: Yes, we talked about it two years ago.

Dr Dickins: Yes, forgive me. I'm sorry. I do want to come back to the question of transport. There is this story that, somehow these people are going to hop onto public transport. It's just not true. We see a few people walking to work, and we see a few people on bicycles, but the people who live in these apartments wouldn't be seen dead on a bus. Virtually none of them travel on public transport.

MRS CROSS: I'll probably regret asking this.

Dr Dickins: Ask me a question—I'm nearly finished. I'm doing pretty well.

MRS CROSS: How do you know that? Have you conducted a survey? This is a serious question because transportation is of interest to this committee.

Dr Dickins: We see the people who are at bus stops. You just don't see people from there.

MRS CROSS: From those apartments?

Dr Dickins: Yes.

THE CHAIR: Have you asked them?

Dr Dickins: We have quite a network. This is not new information. There are lots of studies. If you wanted to find out, Pat Troy would give you information on that—it's well known.

I don't think I'll talk now about diversity of housing because I pointed out before that this year there's one child at Turner school—I just emphasise that again. Last year, there

weren't any, and probably as we get into this year there'll be none. That's probably all. I've given you a bit of entertainment.

MRS CROSS: Thank you for indulging the committee.

Dr Dickins : Can I say something about Northbourne Avenue?

MRS CROSS: Yes.

Dr Dickins: The way Northbourne Avenue has gone, we're going to have a canyon of mediocre buildings stretching from Civic to Dickson—and it's going to have all these problems. There is just one point I should make. Our streets are getting filled with overnight car parking. The overflow from these apartments is going into the streets. We pride ourselves in Canberra on avoiding the problems that we've got in the cities. Yet, right here, we're getting it with every apartment, virtually.

MRS CROSS: Overnight car parking?

Dr Dickins : Yes.

MRS CROSS: Do you mean they have visitors staying over?

Dr Dickins: No. There are visitors staying over—that's an addition. They do have visitors, but they may have a one bedroom apartment.

MRS CROSS: We know each other, ladies and gentlemen, so it's okay for me to ask Mac these questions.

Dr Dickins: If you have a one bed apartment, it's not unusual to have two people in the one bed. That's life. They have two cars but they only get one car spot. I think I can finish on this point.

MRS CROSS: Can I ask a serious question?

Dr Dickins : Sharing your bed is a serious matter.

MS DUNDAS: Dr Dickins, if we do readdress Draft Variation 200 and go back for further community consultation, what should we do in the interim?

Dr Dickins : I agree with what Anne Forrest says. I think we ought to have the 5 per cent moratorium. What else was it that she said? I agree with it anyway.

THE CHAIR: We'll go back and have a look on the *Hansard*. Thanks to Dr Dickins in his capacity as a representative of the North Canberra Community Council.

Dr Dickins: I didn't explain. I'm the Chairman of the North Canberra Community Council.

THE CHAIR: You need to get out more!

MRS CROSS: It's good to see you. Thank you for coming, and thank you for indulging the committee.

THE CHAIR: Welcome back to the committee, Dr Webb. You wanted to lay some more information before the committee. Perhaps you would like to make an opening statement, but identify yourself first for *Hansard*.

ROBERT WEBB was called.

Dr Webb: I am Robert John Webb, of 27 Golden Grove, Red Hill. I did pass through to the secretary two further small documents—one last week and one today. I don't know whether you have those. If not, I have copies here. One is dated 7 March and the other 11 March.

MS DUNDAS: I have received them.

THE CHAIR: I have them, and I have read them.

Dr Webb: I will refer briefly to those. The document of 7 March was partly prompted by the discussion at the last meeting. It doesn't repeat what was at the last meeting but, when I was giving some views, there were issues raised in a number of questions asked by the committee. It appeared to me that there were several things that, in a sense, PALM could helpfully respond on, so I raised those five questions. I'm not sure if PALM has had the opportunity to respond to them yet, but I would certainly be interested in there being a response.

Very briefly, it was then to clarify whether it is correct that the intention is to withdraw PPN 6. That would have the effect of retrospectively removing the relevant criteria for any current decision. That seemed to be a bit of an issue, as far as we were concerned, so we looked to PALM to clarify if that was their case and whether that was an intended effect or not.

The second question was why some parts of DV 200 appear to apply retrospectively without any limit, whereas other parts are deliberately prospective, or from the date of announcement. Again, that seemed to be a situation that was difficult to understand and one that, in our own case, has a particularly significant effect. We weren't quite sure what the logic was of making some parts retrospective and others not.

The third question was whether it was possible and desirable to continue some relevant parts of PPN 6, either in their current form or in some modified form. In the second part of my evidence, I will elaborate on that, as to how I think that might pick up on some of the decisions that have been made by the AAT, as evidence that some parts of PPN 6 can be very valuable as guidelines.

The fourth was a question raised in part by the committee. It was seeking for PALM to clarify what the impact of some of the building height and envelope controls were. The committee particularly asked that the case that we'd been involved in be looked at to see whether it would in fact fit within the envelope, just as an example. I don't know the answer, as to whether it does or does not, but I'd certainly be interested in the answer to that, as an indication of how it would work in practice. Given that we believe that, as to the impact on the streetscape, if the envelopes did allow a building like the one we've been involved in in the appeal, then it would seem to us that the envelope is not having a significant aspect in protecting the streetscape.

As to the fifth question, you may recall that I gave a description of the process in practice, as to what that was like—and particularly the impact of draft variations on what, to the residents at least, seemed a bit of an ad hoc process of planning. We were therefore interested to know whether PALM had any views on whether that process could be improved.

There I was just trying to clarify that I thought those were issues on which it would be helpful for the committee to get PALM responses. Therefore, apart from confirming that I'd be interested to know the responses, I'm not wishing to make any further submission in those respects. I don't know whether PALM is intending to respond on those.

THE CHAIR: They will be, yes.

Dr Webb: Perhaps I will move to the second submission. That was just regrouping a bit on issues raised the last time. The one dated 11 March is for clarification. By the way, I don't think PALM has a copy but I am happy for them to have a copy. It was really to draw again on the particular case that we've had, to confirm the impact, and I suppose evidence to some extent. With some of the things that might have sounded like assertions from me last time, this is saying they are actually based on some of the conclusions of the AAT.

I have here some quotes and evidence from the AAT's initial decision. You may recall that a series of events took place. But, back in April last year, there was an initial decision. That then got caught up in all the impact of draft variations afterwards—which undid, redid and undid the process. These are quotes from that decision. In that case, it upheld the residents' view on the appeal and overturned the commissioner's decision at that point, even though the issue is now still going on in another phase.

The first quote, which is in paragraph 50 of the AAT decision, gives an extract from the commissioner's original decision approving the development. I will read that out. It says:

In concept ... the design is quite different to the existing house form of the neighbourhood. This is most evident in the front façade and its presentation to the street. Typically neighbouring dwellings have a front door, windows and very often a balcony or terrace that overlooks the street. By contrast the proposal presents to the street two largely blank walls approximately 6.5 m in height ... with entry structures and carports on both sides. The impact of the appearance of this structure on the existing streetscape was carefully considered with the conclusion that the scale and character is, despite the obvious differences compatible with the surrounding area.

This is the commissioner's own original decision. I suppose it led the residents to ask, "If something like that, notwithstanding all the major differences, is considered to be compatible, then what does it take to not be compatible?" In part, it was that sort of analysis that led us to appeal in the first place—to say, "Here's something which the commissioner is saying is radically different in a number of respects, and yet he is still ruling it compatible."

The next couple of paragraphs are quotes from the AAT's conclusions in the case on compatibility—just evidence of the AAT's view on that—and sub-para section (2)

confirms that it's difficult to find support for the conclusion that the proposed development would be compatible with the characteristic of the area identified as significant by all the expert witnesses. In the subsequent paragraph, it refers to the fact that the visual effect that was being claimed by PALM and the developer to be satisfactory is unlikely to be achieved, especially by building in a form in marked contrast to surrounding houses.

The tribunal found also, notwithstanding the commissioner's decision, that, in the proposal, there were very evident incompatibilities in the nature of the building. On the second page, there's a quote of three paragraphs of the AAT's decision. It comes back to PPN 6, guideline 7.

I think the committee mentioned that guideline last time and asked how that was to be interpreted. It refers to the need for two-storey developments in areas which are basically single storey—which is what Golden Grove effectively is—to have a direct visual relationship to other two-storey buildings—and how that direct visual relationship concept is to be interpreted. I mentioned at the last meeting that the AAT had in fact ruled in that respect—and I think the residents believe it ruled very usefully.

I've quoted from there exactly what the basis for those rulings is. I point out that it was not just the AAT's view but in fact PALM's representatives, both in our case and in another case referred to there. The so-called Wilson case concurred with the AAT's interpretation of what that means. Again, I'll read from the first paragraph—55. The representative from PALM was asked, in our AAT hearing case, “ ... whether he agreed that matters such as balance, focus, closure, historical style or association, traditional building form and conformity with existing urban design, were factors relevant to determining whether a direct visual relationship to another two-storey building existed. He”—that is the representative from PALM —“accepted that they were relevant factors.”

The next paragraph indicates where those factors were originally identified by Mr Tony Powell, a former commissioner of the NCDC, in what was called the Wilson case. That was an AAT case heard before ours. It then indicates that the approach suggested by Mr Powell of interpreting that direct visual relationship was supported by the commissioner's representative in the Wilson case. It was also accepted by the tribunal and, as is mentioned there, it was accepted by PALM in our case as well.

The point I make is that that guideline can be open to interpretation. The interpretation was set down by the AAT and has been accepted by PALM. It was established by a former commissioner of the NCDC, in a way that those features are genuine design features. I think what stands out about that particular aspect of the guideline is that it's one of the few criteria we came across in any part of the planning guidelines which gets to the core of what constitutes good design.

There are many parts of the guidelines, the plan and the parameters measured, as we mentioned last time, in respect of metres and parameters—quite helpful objective criteria. But, in the end analysis, they do not speak to the nature of the design and whether the design is or is not compatible.

The importance of this aspect is that it goes beyond somewhat sterile measures. I'm not saying they're unhelpful—they are a necessary part of the system. But it's one of the few parts—possibly the only part—that gets to establishing the real design characteristics. That is the way it has been used and discussed in those particular hearings. Our concern about the apparent intention to drop PPN 6, in that guideline in particular, is that it is removing one of the few important genuine design sets of guidelines and criteria and forcing us back onto the more abstract measurement approach.

MS DUNDAS: Last time we met, you were quite clear in your desire that guideline 7 from PPN 6 be retained. If my memory serves me, I think we asked then if you had any opinion on the rest of the guidelines in PPN 6. At that stage, you took that question on notice. Would you prefer to see the whole of PPN 6 retained, as opposed to Draft Variation 200, or PPN 6 retained on top of Draft Variation 200—or just have guideline 7 lifted out and stuck in Draft Variation 200?

Dr Webb: I think there are some very useful things in Draft Variation 200. I'm not negative overall about Draft Variation 200. Although it has some serious shortcomings, it also has some quite good initiatives. So I'd prefer to see Draft Variation 200 built on, rather than replaced or removed. I don't necessarily believe the only approach is to leave PPN 6 grafted onto it, or left where it is in its entirety, the way it is. I prefer that to its complete removal but I would have thought that, with a bit of imagination and learning from the usages of PPN 6, PALM could suggest how the essence of some of its intent—guideline 7 is a classic example and there may be others—and perhaps develop it in a clearer way—for example, the interpretation of what's important in respect of good design and direct visual relationship. There's no reason why those sorts of things couldn't be incorporated explicitly in the guideline, rather than being left to the AAT to determine.

MS DUNDAS: Incorporated specifically into the Territory Plan—or what area of guideline?

Dr Webb: The essence of PPN 6 could be incorporated into Draft Variation 200. I'm not sure of the legal or statutory way of doing it—it's not my field of knowledge. In any event, perhaps one could incorporate the relevant parts of PPN 6 into the guidelines for the Territory Plan, but with whatever clarifications are necessary. In the event, it's been left to the AAT, in this case, to develop the clarification which PALM has subsequently accepted. It would seem better to me to have those clarifications in there. It is true that originally some of those aspects of PPN 6 were vaguely worded and not, in themselves, as helpful as they could have been, to any of the parties—developers, PALM or residents.

My assumption was that it would be possible to incorporate some of the relevant parts into Draft Variation 200, rather than replace Draft Variation 200, and to put in some clarifications of their interpretation at the same time, if that's helpful.

MS DUNDAS: Based on what the AAT has said?

Dr Webb: The AAT, PALM and others have accepted what constitutes, in this case, a direct visual relationship. It does seem to reflect good design principles and ones that have been found to be very useful when it comes to establishing whether particularly

larger buildings, like two-storey buildings, are indeed visually compatible to the area and do or do not affect the adjoining streetscape in a significant way.

There was a final point I wanted to make. I notice a previous person mentioned the Artcraft survey. I've also looked into that Artcraft survey. At the last hearing, when I was listening to some of the PALM evidence, there was commentary but, by and large, I heard that the survey had said that mostly it's going okay and that there are just a few things around design that are a bit of a problem.

I must say that I know there are lies in statistics, but I have looked at the statistics myself—prompted by our own case and that comment. When I looked at the figures—which are mentioned here—it's surprising what the degree of concern expressed is. I have the statistics noted in here which I think were being referred to more qualitatively in the previous evidence.

For example, in that survey, of those who have chosen to live in dual occupancies, if you take out those who are neutral, there were in fact 29 per cent whose view was that the quality of the streetscape had been reduced rather than enhanced. There were only 19 per cent the other way. More people of those who had chosen to live in dual occupancies were finding that it had reduced, rather than enhanced, the streetscape. I think that's a damning indictment. When you look at the nearby residents, you find an overwhelming ratio—44 per cent—who found that it decreased the quality of the streetscape, and only 17 per cent who believe it enhanced it.

The Artcraft survey is being used to say that, mostly, things are going okay and there are just a few things around design. But the way I read those figures is that there is a strong negative reaction to what has been happening as far as the streetscape is concerned—and, interestingly, even from those who've chosen to live in the dual occupancies. Bear in mind that this is presumably a random sample. So there is the reaction to some of the more extreme cases of over-development, such as the one we've been involved in appealing against. One can understand why the reaction to that was even greater—and there is the importance, therefore, of having appropriate guidelines in Draft Variation 200 to avoid those sorts of developments going ahead.

I think that's all I wanted to put on the table. I'm happy to answer any questions.

MRS CROSS: You've answered my questions in your comments. Thank you very much, Dr Webb.

THE CHAIR: Thank you, Dr Webb.

Dr Webb: Thank you for the opportunity.

THE DEPUTY CHAIR (Mr Hargreaves): I welcome Ms Coleman to the inquiry. Thank you very much for sparing us the time at this time of night. I take it that you have been here to hear the usual statement that is read out at the beginning of a witness's evidence and that I do not need to do it again. I invite you to make an opening statement, but before you do could you please identify yourself and the area that you represent.

MARIE COLEMAN was called.

Ms Coleman: Thank you so much. My full name is Marie Yvonne Coleman. I live in Dickson. I've brought with me my colleague Mrs Kendall of Downer. I think it could be said that we're not representing any organisation—perhaps "Concerned Grandmothers of the Inner North"!

MRS CROSS: That's got a catchy tone.

Ms Coleman: We haven't incorporated yet! I came late to this process, even though I thought I'd been taking a reasonably intelligent interest in what was happening around me. I can only echo the comments Dr Dickins made a moment ago. I think the mass of people, in my suburb of Dickson at least, do not have a clue as to what the implications of DVP 200 are for them.

THE CHAIR: I've just been looking at the map.

Ms Coleman: You've possibly seen this pretty coloured one—

THE CHAIR: That's much better; it's bigger.

MRS CROSS: Yes, that's nice.

Ms Coleman: You will notice that virtually a third of Dickson is already set aside for rezoning, with consequent considerable increase in density and traffic flow. That's not the purpose of your hearings about DVP 200, but it's impossible to consider the implications of DVP 200 on the Dickson suburb without having regard to the fact that a third of its residential area has already been earmarked to disappear into two- and three-storey intensive development.

I live quite close to the Northbourne Flats, an early example—early is always relative in Canberra; a 1957 example—of townhouse style development, and I wonder daily whether the small ankle-biter type children on tricycles and the like out the back, who don't have any space to play, are going to survive the traffic. With the kind of development that is being proposed here through the core residential, one can envisage that the new range of personnel that are going to come to live in a more intensively developed core residential area almost certainly won't include families with children, as they would want to have room for the children to play outside but not in the street.

Having looked at the proposals for core residential, one of my friends and colleagues did a thorough count of one of the splendid maps the other day. He counted 237 dwellings or blocks in the residential area, 197 in the proposed core area and 283 in B11 and B12. That gives you some idea of the potential impact on Dickson if the core residential area

goes ahead in Dickson. I might say as well that, if it's feasible in the remaining area, in any case, to have dual occupancies with split titles, one can imagine that this will immediately become a suburb that has no relevance whatsoever to existing characteristics, in terms of amenity, streetscape, garden suburb or whatever.

I want to emphasise that it's not that I'm being a nimby. I believe firmly in the logic of higher density in the inner areas of the city, simply because it's not sustainable to continually have to support the expansion of urban infrastructure—I won't mention stormwater drains, but transport, electricity and the like—out into ever-expanding areas. There's a lot of logic in increasing density.

The debate is about how we go about increasing the density. I'd argue that there's an extremely strong case in the instance of Dickson for treating it similarly to Turner. Rather than despoiling the remaining residential areas by the two means—that is to say splitting in the general residential area where dual occupancies are permitted and allowing the concept of the core residential—there's considerable capacity in the actual commercial area of Dickson to go ahead with more intensive mixed residential-commercial type of development. If you're doing another one of your drives, Mrs Dunne, could I suggest you wander into the restaurant zone and note that, where the old government weighbridge was, there's now a “handsome” four-storey development going up at fast speed that will have businesses on the ground floor, underground parking, three storeys of apartments above and—I gather from the sign out the front—even some executive apartments overlooking a meandering stream on the top level. Those apartments are beginning to be available at \$250,000 or something like that—

THE CHAIR: It's modest. It's a snap.

Ms Coleman: It's modest. It's a snap. It's affordable housing.

MR HARGREAVES: Well, the housing trust had better buy those up.

Ms Coleman: There are, of course, no spaces for children to play, but—

MR HARGREAVES: What happened to that meandering stream?

Ms Coleman: I suspect it's got something to do with stormwater, Mr Hargreaves. My point would be that for somewhere like Dickson the problems that I see flowing from the DVP proposal laid over the top of the B11 and B12 zoning are a clear example of what happens when you take a one-size-fits-all approach to planning. When you are trying to redevelop an inner area, everybody can agree with the principle; what we can't all agree on is the reality. It's a bit like Peter Pan used to do at the pantomime, saying, “Children, say you believe or else Tinkerbell's going to die”. We can believe all we like that these proposals are going to protect the garden city, but they won't. They are going to destroy Dickson.

I'd really like now to ask my colleague who lives just across the border in Downer to say something.

MR HARGREAVES: Before you do, there are a couple of questions we might ask.

Ms Coleman: Please do.

MRS CROSS: Why do you think that this is going to affect the garden city? I've heard what you've said, but you haven't told me why you think that?

Ms Coleman: I do a lot of gardening, Mrs Cross. Go through those leafy areas of Dickson. Drive along the B11, B12 zone, along Stockdale Street, Dooring Street and any of those streets. By the time you've managed to bore underground to make it possible for somebody to have an underground car park, you will have done quite a lot of damage to tree roots. There's a strong probability the mature trees will go. If you look at the possible amount of Dickson that is going to be the core area under these proposals, that will get rid of a great deal of what I think Dr Dickins was just referring to as soft open space. It's really going to have a serious impact on the leafy nature of that suburb. I don't believe that anybody can say that it's not possible to have more intensive development that is compatible with streetscapes. But this looks to me like a wholesale destruction, all the way through the B11 and B12 zones as well as into the proposed core residential. By the time you've got this tiny little bit over here, which can still have dual occupancy and split titles, there's not going to be a lot of room left for trees or gardens—or cricket in the backyard.

MR HARGREAVES: You won't be making 100 in the backyard at mum's; that's for sure.

Ms Coleman: Well, not unless it's with 100 broken windows.

MR HARGREAVES: You made a point not long ago about the comparison with Turner. As I understand it, the reason why Turner has been exempt from the residential core area bit is that it has been saturated enough with B status down Northbourne and slightly beyond. Just looking at this map, which is the same as the one up there, it would appear to me that, if you take the shopping precinct and all those B11 and B12 areas, you've already got half the suburb before you talk about the residential core area.

Ms Coleman: Absolutely.

MRS HARGREAVES: And, if the residential core area of Dickson goes ahead, what we'll be left with is about an eighth.

Ms Coleman: A rump. And I can assure you that the people I've spoken with who live in, for example, the houses that border Majura, which is the remaining bordering narrow strip there, already are complaining bitterly about the impact on their living comfort from the volume of traffic going up and down Majura, so it hardly fits with the concept of protecting that residential strip. That'll be what happens: people will be pushing very shortly to sell off for other kinds of developments.

THE CHAIR: While we're on the subject of Majura, it is interesting that the residential core doesn't actually go out as far as Majura Avenue. Some of the other groups are saying that, if you're going to put in a residential core, perhaps you should put it on the main transport routes. It's interesting that here it isn't.

Ms Coleman: You must remember that this began life as two men and a protractor—

THE CHAIR: How do we know that the planners who did this were men?

Ms Coleman: It's true; I don't. However, it certainly has been pushed down further and further into that area, and the logic of it does escape me, as you would have garnered.

MR HARGREAVES: I take it that the people within the suburb of Dickson have said, "Enough's enough. We want the same treatment as Turner. Just take away the residential core bit as it is and leave us alone," so that you would have half the suburb being residential, leafy streets, a quarter being full-on shopping centre and another quarter as the other bit. That's essentially what we're talking about, isn't it?

Ms Coleman: Yes. I think that's just it. There are quite a few people who, as they become aware of this, are saying, "Why us?" This has already substantially changed the nature of the suburb.

THE CHAIR: Can I just ask for a point of clarification from PALM because we don't have the Territory Plan here. If you can't answer the question, I'll just have to look it up later. Dickson is a group centre. How much of Dickson has mixed use in it?

Mr Calnan: I don't believe there's any at the moment. The development—

THE CHAIR: I thought that was the answer to the question.

Mr Calnan: —that Ms Coleman referred to I think is the first mixed use development.

THE CHAIR: Sorry. How much is available for mixed use?

Mr Calnan: Pretty much all of it, I think. I can check the document, but most of the precincts allow residential use.

THE CHAIR: On the second—not on the ground floor?

Mr Calnan: Often it's restricted at ground floor level, yes, because we want to actually retain some—

Ms Coleman: Shops and offices.

Mr Calnan: One of the difficulties we're facing is that, with the demand for residential use, we run the risk of losing our commercial opportunities.

MS DUNDAS: Can I ask my standard question of the night?

THE CHAIR: Is that 700 or 800?

MS DUNDAS: No, it's a different standard question. Would you like to see a reduction in the amount of Dickson set aside for the residential core area or that it be completely removed altogether as a concept and we go back to what another group has put to us, which is the individual assessment—almost a block by block assessment—so that you could have high development, a dual block as such, elsewhere but not necessarily

confined to the proximity of a shop; every block is assessed individually depending on streetscape et cetera?

Ms Coleman: I hear what you're saying. I'd like a variant of the options you offered me. I'd like to see the residential core area flipped right off the radar as far as Dickson is concerned. I'd like to see much greater attention to more mixed commercial-residential development in the commercial precinct, which I think would take some of the pressure off the rest. I think I would prefer to see then, without the option of splitting title—I think that's very important—the idea of sympathetic expressions of interest in redeveloping. There are some older houses there where the blocks are reasonably big. There are quite a lot of people who would probably like to be able to extend. I think we've heard reference to granny flats and things of that kind. I see a lot of point in people being able to extend their house if they want to and make it a two-generation house. I would prefer to see them continuing to live with the consequences of their decisions rather than making a quick quid.

THE CHAIR: One of the things that comes up in your submission is again the tension between the neighbourhood planning process and draft variation 200. Would you like to expand on that?

Ms Coleman: I think the people from PALM have made all sorts of efforts to talk to people. I recognise that they've also, in particular since December, been dealing with a lot of extra work to do, flowing from the bushfires, the shortage of personnel to get out and the difficulty in attracting people's attention. But I think the problem is that the citizenry really haven't had an opportunity to get a handle on this, yet it has a huge implication for the way ordinary people in the suburbs are living. I rather think that the neighbourhood planning system hasn't worked well. I'm not accusing anybody of bad faith. I just don't think it has worked well as an attempt to graft it onto the proposed changes in land use. There are probably lots of elements of the proposed planning variation which have merit. I'm not a professional planner and I wouldn't propose to get into detail about them. But I'm moved to look at the specifics of a suburb I know reasonably well. I don't think it's appropriate.

MS DUNDAS: Do you think that the draft variation has almost pre-empted a neighbourhood planning process in your suburb?

Ms Coleman: I think so, yes. Perhaps Ms Kendall might make a brief comment also.

PATTI KENDALL was called.

Ms Kendall: I'm Patti Kendall. I'm a long-term resident of Downer. I was born in Canberra so I have a long history here.

MR HARGREAVES: Recently I take it.

Ms Kendall: Very recently. Like most of the people in my suburb of Downer, we accept the need for urban infill. I don't think anybody is opposed to that. The problem is that people are concerned about how it's happening. I will back up my friend's statement by saying that people don't know what's going on. I walk the Downer suburb every morning and I speak to a lot of elderly people. They are very concerned. They fear that

they're going to be moved out of the suburb; that they're not going to be able to continue living there if redevelopment continues in such an ad hoc fashion. I would say that the government's current suggestions about rates that were explained in the *Canberra Times* this morning will go some way to alleviating that. But most people are concerned that they just won't be able to afford to live in the area. There is a concern that developers, builders or whatever will pick off deceased estates and the residences of older people living in the area. Most people have had many visits from real estate agents, pushing a bit, and they're very uncomfortable with that. Some of these people have lived there for 40 years and they see themselves as living their days out there. But other people, of course, think: "A dual occupancy might be okay. I might like to have a little place down the back when the time is right—but at my choosing". They do not want to be forced. There is this fear of being forced out of their homes.

The other thing I'd like to raise—I think Marie alluded to it—is that lines on maps don't mean very much. If you walked the streets of those suburbs, you would never put some of those lines on the maps, because it would be totally inappropriate for the streetscape, for the whole area, to be turned into multidevelopment. There might be some areas in Downer that would suit that.

MRS CROSS: Could you be specific, Ms Kendall?

Ms Kendall: I'm thinking about Legge, Berry and all those streets that can now be included in the core area. You just wouldn't put two- or 2½-storey places in those streets. It would totally spoil them. There is another thing happening to our suburb. We had this wonderful mix of older people and a lot of families. There are no families going into all the dual occupancies that are currently being built. There's no room for children. And that is a real concern for a suburb like Downer that has been a very mixed suburb with ordinary people living there and raising their families.

I'm wondering whether we've got an opportunity here because of the bushfires. Not everybody knows about what's going on and how this is going to impact. The focus of PALM and the ACT government is on rebuilding the suburbs that were damaged by bushfires. I'm wondering whether we need to extend the consultation process and look at a model like the Bushfire Recovery Taskforce that is being led by citizens but also has very cooperative arrangements with builders, citizens and government agencies. It's about being able to do things better together.

It seems there's a bit of a stand-off. We need to include everyone in the process, but somehow we've missed the boat on that. I'm just wondering whether we could pause and say, "Okay, we really haven't got time to go into this totally. Let's give ourselves six more months. Let's set something else up to drive it. And let's work together to keep the best things about Canberra and to improve things." I think that's probably all I have to add.

THE CHAIR: One of the things that sticks out in what both of you have said is that you don't feel that a lot of people have grasped the implications. One of the perennial problems with community consultation is how you get people to the table. I really don't know. Garrick, you might be able to enlighten us. When we went out with draft variation 200 in May last year, did you just write to the usual suspects? I don't mean to be pejorative, but there is a list of people that you write to.

Mr Calnan: We do a range of things.

THE CHAIR: Yes. What else was done?

Mr Calnan: Well, there were press articles.

THE CHAIR: There was a fair amount of press, yes.

Mr Calnan: There was a fair amount of press. We pushed that because we recognised that this was a significant proposal. Again, when variation 200 was submitted in December, there was a fair amount of press coverage. There was a half-page article with maps in the *Canberra Times*, there was TV coverage, there was radio—

THE CHAIR: It is probably a little bit late to come to this, but Ms Coleman actually raises a significant point. Draft variation 200 effectively affects every residential block in Canberra. Was there some sort of mass mail-out?

Mr Calnan: No, there wasn't. There were ads placed in the media. As I said, there was media coverage, but, no, we didn't letterbox all 121,000 households.

Ms Coleman: Ms Kendall made the point that in the bushfire affected areas there is a community development approach involving the local people. I think this is one of the difficulties that the PALM advice is giving us. By and large, most citizens look at something like an advertisement for DVP 200, their eyes glaze over and they move on to see how the Raiders are doing.

THE CHAIR: Actually, in fairness, most of them go to the public notices to read it in the first place.

Ms Coleman: People don't read it, whereas if you worked on a block basis of some kind and got people to come in and move around a little bit—you've got to be in more of a community development mode—I think you've got more chance of getting people to understand what we are talking about: yes, you can have dual occupancy and you can split the title; yes, if we draw this line on the map here, your next door neighbour can run up in effect 2½ storeys—pity that it's going to be on your sunny side. If you can get the fact across to people, it helps. Mr Hargreaves referred to people born very recently. There are some elderly people who are really apprehensive because they don't understand this stuff.

THE CHAIR: Thank you very much to the “Grandmothers of North Canberra”, yet to be incorporated, for your insights.

There are issues that I think we need to explore with PALM.

MRS CROSS: Many.

MS DUNDAS: Many, many.

MR HARGREAVES: I think you're right there.

THE CHAIR: Many, but I think that this is not the time to do it. I think we all need our ugly sleep.

MS DUNDAS: Yes. I'd like to put some questions on notice for PALM. I don't necessarily want to go through an in-depth conversation about them, but could you please provide clarification of the current and what would be the intended status of PPN 6 and draft variation 192?

Mr Calnan: Do you want me to do that now?

MS DUNDAS: If you can do it in 10 words or less.

Mr Calnan: Draft variation 192 was withdrawn at the end of November, so it no longer exists. PPN 6 is still a guideline.

MS DUNDAS: A draft guideline?

Mr Calnan: It's still listed on our guidelines register. DV 200 indicates that it is proposed that it be withdrawn on completion of DV 200. One of the issues that Dr Webb raised was in relation to what happens to applications that may still be in the system at that time, and I think that's a valid comment. I think there are ways that that can be addressed. It can be sort of partially withdrawn so that it wouldn't apply to new applications but would continue to apply to existing applications that had been lodged before DV 200 took effect. So there are ways of addressing that issue.

MS DUNDAS: So the intent of draft variation 192 has been picked up by 200?

Mr Calnan: Temporarily. The five per cent rule has been brought into DV 200 in the December version, but it states that that will only apply until DV200 commences or until 30 May. It can't apply beyond 30 May because that's when the interim effect ceases. So the proposal is that the new policies in DV 200, the new sliding scale plot ratio control, the new restriction on subdivision relating to the change-of-use charge et cetera would kick in when variation 200 commences.

MS DUNDAS: This will need to be taken on notice because it involves detail. How many of the residential core areas around shopping centres already have medium density?

Mr Calnan: Most of them.

MS DUNDAS: Most of them? I'd like a list, if that's possible. Also, can you tell us whether or not officials from PALM went out to every suburb and had a look in terms of the rezoning from the 300-metre protractor rule to the individual block section thing? If you can get that information, it would be appreciated.

THE CHAIR: I just want to clarify that. I haven't actually gone around and checked. Are all of those bits shaded dark brown, tan or whatever individual sections? You don't divide sections, do you?

Mr Calnan: We do. That's one of the changes that we have introduced.

THE CHAIR: That's right. I knew that.

Mr Calnan: In general, they are hard physical boundaries like roads, pathways, open spaces, schools or other land uses that are not residential. So they are a well-defined boundary based on the principle of the 200 and 300 metres criterion.

THE CHAIR: This committee is meeting privately later in the week. At that stage we'll work out how much we can put on notice and how much it might be useful for us to come back and have a conversation. We've sent those issues in relation to PPN 6 that Dr Webb talked about.

Mr Calnan: We have a response to that, which we're happy to table, if you'd like.

THE CHAIR: That's fantastic. At this stage we're not quite sure where we'll go from here about consulting PALM on the residual issues, but we'd hope to get back to you by Friday with either a list of questions or perhaps a suggestion for a private meeting. Thank you very much, Hansard.

The committee adjourned at 10.35 pm.