

**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

WEDNESDAY, 19 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 3.07 pm.

GARRICK CALNAN and

KEITH BURNHAM

were called.

THE CHAIR: This is hearing number four of the Planning and Environment Committee into draft variation 200. Welcome, Mr Calnan. Today, we want to take up the issues that have come out of the process and see whether we can explore them to some extent. Before we do that, I want to explore briefly a perception I had through the hearings—correct me if I am wrong—that PALM had given the impression that not everyone was singing from the one hymn sheet, that there wasn't a common area of understanding of what draft variation 200 does.

Sometimes we had people referring in the public hearings to things that were in the green version and at other times to the white version. I was getting a perception from the body language that PALM was feeling that what draft variation 200 set out to do was not entirely understood by the community. Is that a reasonable perception? Perhaps more directly, were there issues that came up in the public hearings that seemed to demonstrate a lack of understanding of what draft variation 200 was doing?

Mr Calnan: I am Garrick Calnan, manager, Territory Plan coordination. I think some of the comments that were made during the public hearings did indicate that there was a level of misunderstanding amongst a number of parties. Obviously, people had a general understanding of what DV 200 was all about but, in terms of the detail, there clearly were some misunderstandings and clearly some of the comments that were made were wrong.

There is an issue there about how we communicate this material better. It is a complex, multifaceted document—we acknowledge that—but the issues that it's attempting to address are also complex and multifaceted. We've done our best to try and convey our position as clearly as possible, but there are obviously still some misunderstandings out there.

MS DUNDAS: Do you think that within that there's any scope to break this draft variation down into segments? Is there any reason why it's all being done in one lot, that we're defining residential and suburban, we're looking at permeable open space and GFA, and we're looking at where dual occs can go? It does a lot in one go. Is there scope, do you think, to actually break it down?

Mr Calnan: We actually have broken it down. The document that was released under the previous government back in 2001, DVP 125, that was subsequently withdrawn, that included a total replacement of the residential land use policies, including all of the area specific policies. It involved a review of the area specific policies and it also proposed to

replace the three existing design and siting codes with a comprehensive code to be referred to as ACTCode. That was a much more complex piece of work. Certainly, one of the issues raised in the consultation on that document was that it was just too complicated.

That was one of the things that we were attempting to address with DV 200, to make it simpler. So, as part of that, we took the view that the area specific policies didn't have to be reviewed. There were some aspects of them that in a perfect world we would like to adjust, but we took the view that they didn't need to be dealt with at that time. We took the view that there was no immediate requirement to incorporate ACTCode within this package of material and that if we made some targeted adjustments to the existing design and siting codes we could achieve a lot of our objectives or the main element of our objectives in terms of the main policy thrusts that we were pursuing with DV 200.

THE CHAIR: What is the main policy objective in draft variation 200?

Mr Calnan: The main policy objective is to protect the garden city character of Canberra whilst retaining opportunities for redevelopment in a way that will assist in providing a more sustainable pattern of development across the whole of the city. So it's really managing our existing residential areas in a way that achieves these competing objectives. It's a balancing act, really.

I'm sure you've picked up from the public hearings that the views are quite polarised. There is a group of commentators who really want to keep Canberra the way it is. There is also a group of people who recognise that Canberra needs to change, that it is changing, that there are forces at play that planning policies will not stop and that planning policies need to respond to. It's balancing those competing objectives.

I guess as planners we also need to recognise that we're planning for people who are not necessarily part of the debate at the moment. The decisions we make today will affect people in 10 or 20 years and their interests need to be considered as part of this process. So we need to weigh up all of those things. As I said, it's a real balancing act. We recognise that this committee and the Legislative Assembly play a very important role in that in terms of reflecting the broad range of community views. But, as I think has become evident, there is no one single community view on these issues.

THE CHAIR: You said the principal aim was to preserve the garden city character of Canberra. What are the essential garden city character elements that you would want to see preserved? I just want to drill down here. We could argue till the cows come home about whose view of the garden city concept we're actually talking about. I don't want to do that. What are the elements that are extant in Canberra that PALM considers need to be preserved? I suppose that is the first question.

Mr Calnan: A number of those elements are not directly affected by DV 200. The garden city character is a holistic thing. The garden city character of Canberra is established through the broad landscape context, the landscaped hills—

THE CHAIR: The ridges, hills and buffers, for instance.

Mr Calnan: The hills, ridges and buffers. Then we have the parks and open spaces within the suburbs; they're obviously a very important part of the landscape framework. We then have the streets and the street trees on public land, which is a very important part of the landscape framework. Lastly, we have the landscape on the blocks. There has been a view expressed, and I think there is some basis for it, that the trends in housing which tend to be of bigger and bigger houses on smaller and smaller blocks are restricting the opportunities in that latter area. So, one of the provisions in DV 200 is saying that if we do recognise that the landscape on blocks is an important part of the landscape setting, we do have to put in place policies that ensure there is at least space for landscaping.

THE CHAIR: But you can't mandate landscaping on blocks.

Mr Calnan: We are not attempting to mandate.

THE CHAIR: I've seen the photograph two or three times, but one of the groups that were here showed us a photograph and said, "Look at how this dual occupancy changed the whole look of someone's backyard." It was most interesting that the actual backyard of the person who was discomfited by the dual occupancy was quite bare. It was essentially a vegetable garden, which has some garden city elements in it, but there was no large landscaping aspect.

Sometimes people who don't have trees in their own backyard benefit from other people's trees and, if somebody pulls them out for whatever reason, this has happened. It has happened with the bushfires, where people who had trees that were a problem took out the trees and the neighbours are all up in arms. Actually, I've seen it. Because the neighbour took out trees, they've lost their amenity but they actually hadn't been contributing to that amenity themselves by having fairly bare blocks. We're not actually mandating that there be a certain amount of garden that should go in.

Mr Calnan: We're not mandating that there be a certain number of trees, but we are increasing the requirements for the amount of private open space.

MS DUNDAS: How many of the current suburbs, maybe the ones that were built 20 or 30 years ago through west Belconnen and Weston Creek, would have been able to develop in the way that they have under draft variation 200?

Mr Calnan: I think most of them could have quite easily developed in the way they have, because what typifies development in places like west Belconnen, Weston Creek or Woden is large blocks, fairly modest houses in the main, and there's nothing in DV 200 that would stop that pattern of development in the future. But it's not the pattern of development that's occurring in new areas. The trend is towards larger houses, smaller blocks.

That, presumably, is for various reasons. There are changes in lifestyles. We're having a lot more women in the work force. We have the household sizes declining. There are a lot more lifestyle options available to people, meaning that people are not necessarily wanting to stay home and do the gardening on the weekend. So we do have some quite observable trends that are occurring and being demonstrated in our new areas.

We have an existing pattern of development in our established areas that people who live there find very valuable and wish to protect and we recognise that. We're not saying that's not a valid position for those people to take. But, on the other hand, it's quite demonstrable that the population in those areas is declining, or has declined. It's quite demonstrable that that decline in population has put certain facilities under threat and in some cases those facilities have either closed down or moved elsewhere.

What will happen if we don't do anything is that the things that people value about those suburbs will change anyway. So what we're trying to do is get a balance that allows some additional development to occur to allow the population decline to be, if not reversed, slowed, and, if we can, support the facilities in those suburbs. That's part of the rationale of the core areas, that by having opportunities for more housing around the main facilities in those suburbs those facilities will have a better chance of surviving in the longer term.

I'd like to have a discussion about the core areas. There was a lot of comment about the definition of the core areas, where the lines were drawn, specific issues being raised. The way we see it is it's really a principle—and it's a longstanding principle; it's not a new principle—that has underpinned planning in Canberra for a long time. If you look at existing multiunit development, you'll generally find that it is concentrated around centres.

If you look at the planning for Gungahlin, a draft variation was out for public comment last year and will come before this committee over the coming months. It identifies nodes of higher density development. There are existing principles in part A of the Territory Plan that talk about the preferred location for higher density development being around centres and close to public transport corridors. What we're saying is that that's a principle that we should reflect in the detailed policies of the Territory Plan.

THE CHAIR: On that, in the core areas, my perception is that what draft variation 200 does is maintain the status quo.

Mr Calnan: Essentially, yes.

THE CHAIR: For the most part.

Mr Calnan: For the most part.

THE CHAIR: And that what it does in the suburban area is, in fact, reverse the trend of densification.

Mr Calnan: It imposes additional restrictions that will certainly limit the sort of change that can occur.

Mr Burnham: Could I add something in that regard?

THE CHAIR: Yes, sure.

Mr Burnham: Keith Burnham, Planning and Land Management. Probably one of the biggest differences is that in the suburban areas it's proposed not to permit the amalgamation of blocks, whereas currently it is permitted, so that block amalgamations will only continue to be permitted in the core areas. Some of the submissions that were made on this part of the 500 that we received indicated that it was block amalgamations in the suburban areas and the resulting multiunit development that was the biggest threat to the suburban areas. That's one of the significant differences. There was a lot of concern from residents wanting some certainty as to where that type of multiunit development would occur.

THE CHAIR: While we're on the subject of trying to drill down, various people put forward the proposition that we should have densification around the local centres. Two or three things go against that. Any densification that's already happened has happened there. I think that Ms Dundas actually asked for a list of suburbs where there was or wasn't multiunit development around the shops. I've been away; I don't know whether we've got that. That's something we need to look at because we might be in a situation where all the densification in terms of two-storey multiunit development that can happen already has happened. I ask the question: why are we bothering to do this if we're just perpetuating the status quo and not providing any means of change?

The other issue was whether, in terms of siting, topography and things like that, it was necessarily the best place. Some people have used the example of multiunit development around the Hawker shops, which is all done and it is well situated and it's all north facing as it slopes down a hill. It is optimal and it is logical that it should go there, but in other places it might not be suitable—for instance, Holt shops for half a schoolyard. There's not very much scope for it. Alternately, the Curtin shops, because it's the highest point in the suburb. There are flats on the one or two little areas that are left, but Curtin shops, if you wanted to redevelop around there, are in the highest point for miles around and the topography might be against you.

MR HARGREAVES: The Holder shops are a better example.

THE CHAIR: The Holder shops are a good example of a good topography. What about the argument that people put forward that having some densification or more intensive development should be, not on the basis of where you've sited your shops, but where you might more sympathetically site this sort of development?

Mr Calnan: I'd like to make a couple of comments. Firstly, DV 200 is not a site analysis or site investigation for medium-density housing, but the core areas are really the application of a principle and, in our view, this principle that opportunities for higher density development are better located in general terms close to centres and on identified public transport corridors is a valid planning principle. As I said, it's something that's already expressed in the Territory Plan in the principles, but not in the policies.

The fact that we have these policies doesn't necessarily mean that development will automatically follow. As you rightly identified, the core area policies are not

substantially different to what has applied across the whole city over the last 10 years. In many of these core areas we wouldn't expect to see significant change in the foreseeable future. Nevertheless, we think having that as a principle is something that's appropriate to be contained within the Territory Plan.

It's right that there will be sights that are more suited or have better aspects or, because of their shape or whatever, are more suited to multiunit development, but that doesn't mean that the Territory Plan shouldn't reflect this principle. It's also true to say that there are—

THE CHAIR: Sorry, we're defending the status quo here. Why should the Territory Plan continue to enshrine this principle?

Mr Calnan: We think that from a planning point of view it's an important principle because it's all about maximising accessibility. One of our fundamental objectives in planning is to maximise people's access to facilities and services, so the more people that are close to those facilities and services—

THE CHAIR: What facilities and services?

Mr Calnan: Shopping, local employment, local services, public transport, schools, education—

THE CHAIR: But how does clustering medium-density housing or two-storey developments around, say, the Hackett shops give people access to shopping services and public transport. Madigan Street doesn't particularly have many buses that go up and down it.

Mr Calnan: If there are, let's say, 300 houses within that core area rather than 100 houses, then you've got an additional number of people. If there are more people living in that area, there are more people who have that higher level of access than there are at the moment.

THE CHAIR: Aren't we perpetuating a 1930s, 1940s, 1950s view about how people live? One of the perennial arguments we've had since I've been involved in politics in the ACT is about the revivification of local shops. People seem to have abandoned the local shops. Once upon a time it was designed so that anyone could walk to the shops and there were lots of women at home and they walked their kids to the preschool or the school, did their shopping and walked home.

Over 30 or 40 years, demography has changed fairly substantially, so we had a failed local shops revitalisation program where we tried to limit people's access to shops in town and group centres as a means of encouraging people to use local centres. That failed and we've had some spectacular successes and some spectacular failures at revitalising shops and it hasn't really had very much to do with the density of population. It usually has to do with the sorts of services that are offered at particular shops. Is instilling this fairly old principle, continuing to enshrine it in the Territory Plan, outmoded? Has the time of the local centres passed?

Mr Calnan: We think local centres still play an important role, important focal point. It is true that they have come under pressure over particularly the last 10 years, and there were a number of factors. Trading hours was one. Once upon a time, because of labour regulations—the larger supermarkets were highly unionised—trading hours were restricted and it was the local centres that provided the more extended trading hours, but we now have deregulation of the labour market and the bigger centres, because they're much larger corporate entities, can operate longer hours. That's one factor that's affected the viability of local centres.

Another factor has been the increased mobility of the population. We mentioned an increased number of women in the work force, but also increased car ownership. That's a very real factor, which means people are much more mobile. They can get in the car and drive to a bigger centre that offers a wider range of services. People do that and this is not attempting to limit that, but we also do observe that when you have more people in close proximity then people will use the shops.

THE CHAIR: Can you give us an example?

Mr Calnan: Watson's a recent one. It's people in the catchment, not so much people immediately around the shopping centre. Watson was a centre that was under significant stress. With the new development in north Watson, there are more people utilising those facilities.

THE CHAIR: But the people who are actually making the difference to the Watson shops don't live within walking distance of the shops.

Mr Calnan: No, that's true, but it's still convenient by car, which people use. There's been a fair amount of development around O'Connor shops. I think by most measures O'Connor would be seen as a very vibrant local centre, which hasn't always been the case. You can attribute that to the new development in its immediate catchment. You might also argue that some of that's due to its location within the broader metropolitan system. It's a very central location. There's a lot of employment close by.

THE CHAIR: It could be the restaurants that make the difference there. There are now three restaurants and a very big bar that serves food. Its success could be attributed in the same way as, say, the success of the Griffith shops. They don't rely on their local catchment; they rely on niche marketing.

Mr Calnan: No, that's right.

THE CHAIR: What I'm trying to do is to drill down and come to a conclusion, not necessarily today, about whether the whole concept of grouping around local centres is actually going to make one iota's difference.

Mr Burnham: There are some other issues, such as in most local centres there's a primary school associated with the centre. So, in answer to your question about whether it's outdated planning, I would say that any policies that reinforce the concept of the walkable neighbourhood are very modern policies. If you look at any international examples, that's what planning authorities are trying to do.

THE CHAIR: But you don't get walkable neighbourhoods in other overseas examples. Perhaps they're not entirely appropriate because we have different concepts of density. The thing that creates walkable neighbourhoods is, in fact, the density, whereas draft variation 200 seems to be perpetuating the sprawl. Is there a conflict there?

Mr Burnham: There will be a marginal increase in density in the core areas, compared with the suburban areas, just by the very focus of block amalgamations and dual occupancies with higher plot ratios.

MR HARGREAVES: I've got a niggle in my mind I'd like you to address. One of the things you're saying is that if we have this multiunit development around the local centres it will contribute to the viability of the shops, the viability of the neighbourhood and so on. I can recall a couple of centres where there is already medium-density housing but still the shopping centres have carked it. Aranda is one that comes to mind. Curtin is another. It has all the potential to do well. It has multiunit development across the road, down near the petrol station, all but across the road and down the slope, but it is still struggling, so the theory doesn't seem to hold up with those two examples. I am not necessarily saying that we should ban it, but I can't see the impetus or the need to actually embody it into the thing if it doesn't work.

Mr Calnan: Aranda doesn't have any new multiunit development around the shops. The population of Aranda has been in decline since probably 10 years after the suburb was first developed. One of the characteristics of development in Canberra, particularly in the early days, was that the development was very focused. If you look at the population profiles, they rise very rapidly with new families settling in those neighbourhoods, having children, and then they peak, plateau out and start to decline. Aranda is probably a classic one of those. There has been virtually no additional housing provided in Aranda since its initial construction, and that's precisely the issue.

You're right; there is existing multiunit development. That's why I'm saying this idea of clustering development around the centres is not new. The multiunit development in Aranda is clustered around the local centre. In a sense, the core area that's proposed for Aranda embodies a lot of that. It does extend it marginally to include some standard blocks. We think it's very unlikely that you're going to see major redevelopment of those existing multiunit sites. We think you will see some change within the standard block areas.

MS DUNDAS: Have you been able to get the information I asked for a while ago about the medium-density levels around the shops identified so that we can see, if the multiunit developments that are already next to the shops are unlikely to be redeveloped, how much of what we have been talking about is up for redevelopment, how many of those standard blocks are being added at the edge? If we're talking about a minimal amount, it then runs counter to what we're trying to do.

Mr Calnan: We haven't got a comprehensive map at this stage. We've got a plan which I can show you which contains some of the information, but we'd like a bit more time to get a more comprehensive picture of all of that.

MR HARGREAVES: Can I address that issue, Garrick? I don't wish to denigrate the good burghers of Aranda or the delightful citizens of Mawson but, in my view, the multiunit developments around the Aranda shops and, particularly, the Mawson wall have to be two examples of the most hideous pieces of architecture I've had the misfortune to come across in many a long time. They are old and they are not in a crash hot state of repair.

THE CHAIR: Not a very good design in the first place.

MR HARGREAVES: They were not of a very good design in the first place. Having said that, that was the go at the time and I've got no problem with that. In doing what we're doing with DV 200 around local centres, are we creating another peak of the type that you were talking about a minute ago? You said the planning of the day when Aranda went up in about 1970 or something like that was that it was a good idea to stick multiunit development around the shops because there would be lots of people there. Ten years down the track, as you say, the population was at a lower level and the suburb has not begun to regenerate, as we are now seeing with Griffith and Manuka where there are more younger families. You were saying a minute ago that Aranda has peaked and the suburb is not regenerating; it just seems to be static at a certain age level. Are we creating the possibility for the same sort of thing 10 or 15 years down the track by going down this track; if not, why not?

Mr Calnan: I don't know whether there will be any change in Aranda as a result of these policies, but if it does occur it's going to occur quite slowly in places like Aranda.

MR HARGREAVES: Perhaps you're misunderstanding me. The Aranda and Southlands examples are actually done deals; they're there now. If somebody wants to pretty the place up by knocking them down and putting something else up, they can actually do so because they would be really replacing them with something of the same sort of density.

Mr Calnan: That's right.

MR HARGREAVES: If, for example, we did it around the Holder shops, the Gowrie shops or the Holt shops, just to make sure every electorate is looked after, will we be creating a similar sort of thing?

Mr Burnham: I think I would answer that by saying that there's a difference in scale, that we've heard from the development industry that the ability to amalgamate existing blocks is quite hard, so probably what you might find is that they could amalgamate two or three blocks at the maximum. A lot of the development you are referring to was original medium-density on quite large parcels of land and there's a big difference between that type of original medium-density development and redevelopment of existing single blocks.

MR HARGREAVES: Except to say that that sort of redevelopment occurred at Kingston, opposite the shops, where quite a number of houses went down and some very

attractive stuff went up. There was some crappy stuff, but some very attractive stuff as well. But the size of the core areas in those shopping centres I've just mentioned is quite extensive and a developer could, if the opportunity presented itself and people were prepared to sell—

THE CHAIR: But there was a conscious policy to allow block amalgamation and to encourage block amalgamation.

MR HARGREAVES: Yes. But we're now talking about the residential core areas, the local areas, around those shops—buying four or five blocks and going boof and up. Would that create the same sort of thing that exists now?

THE CHAIR: No-one wants to do that in Melba.

MR HARGREAVES: Yet.

THE CHAIR: Yet.

Mr Burnham: The response to that is that it's permissible now. Really, all that DV 200 is doing is focusing that permissibility onto the areas around the centres.

Mr Calnan: The question that follows on from the previous question about whether the core area concept is a valid one or not is: what do we do if we say that we're not going to have the core areas? Do we adopt the sorts of policies that we're proposing for the core areas across the whole of our suburbs, so we're really back to where we were pre-DVP 200 and pre-DVP 192, where there is a level of flexibility, where proposals can be assessed on their merits wherever they arise, or do we put in place policies like the suburban area policies, which are quite restrictive and which will mean that there's very little opportunity for the suburbs to change and adapt to the sorts of changing circumstances?

THE CHAIR: An alternative scenario put forward by, I think, the MBA was that we should be more mindful of where our major transport corridors are and concentrate our densification there. Two questions that arise from that. What is wrong with that? Why aren't we building, as an example, higher rise down Macarthur Avenue and Macpherson Street, because they were their examples? The other question that arose from there is: what's magical about two storeys?

Mr Calnan: I'll answer them in reverse order. Firstly, two storeys are the existing policies. This was really about better managing the existing residential areas. We accept what you say. I don't want to point to particular corridors. We think that to take that next step to identify high-density nodes and high-density corridors is something that needs to come out of that spatial planning process. I'm not saying it needs to come out, but it needs to be based on a broader strategic vision of the city.

If the spatial plan concludes that the best form of development in the future is an area with nodes and it identifies some principles about where those nodes should occur or where the corridors should be, then we would see that being implemented through future variations to the Territory Plan.

MS DUNDAS: So, within a year we could be completely rewriting?

Mr Calnan: No.

Mr Burnham: These areas for higher density would be different from the areas around the core areas. Really, we're not describing the areas around the core areas as high density. The only comparison is with the suburban areas where there's a focus on redevelopment. The high density, I think, is more the B11-type areas.

Mr Calnan: Or even higher.

Mr Burnham: Or even higher, and the MBA would like higher.

THE CHAIR: They're also talking about and using the Macpherson Court redevelopment as an example of how three-storey works quite well.

Mr Burnham: That is a B11 area.

Mr Calnan: That's a B11 policy, so that's point 8, plot ratio, three storeys limit.

THE CHAIR: Is Macpherson Court B11? It is, actually.

Mr Burnham: That's a point that they didn't make or didn't realise.

Mr Calnan: The dark brown there is B11.

THE CHAIR: The O'Connor shops are there, okay. And that's always been part of the B11.

Mr Calnan: Not always. The variation to the Territory Plan to make that B11 went through just prior to the construction of the City Edge development.

THE CHAIR: So it was the Macpherson Court memorial draft variation.

Mr Calnan: We didn't refer to it that way.

THE CHAIR: No, but it happened to facilitate the redevelopment of Macpherson Court.

Mr Calnan: Yes, that's right. One of the changes that we've incorporated into DV 200 would probably mean that that wouldn't have had to go through a plan variation. The reason it had to go through a plan variation was because existing territory plans had a two-storey height limit even though the existing development there was three-storey. Legally, PALM couldn't approve a new three-storey development to replace an existing three-storey development. That's part of the reason that we have included that provision in the height limit.

THE CHAIR: So that if you knock down something that was a legally constructed building you can replace it to the same scale.

Mr Calnan: Yes.

MS DUNDAS: There is a row of houses that are now for sale in Ainslie. I've forgotten the name of the street, but they're basically up from the ABC, opposite the Ainslie Football Club.

Mr Calnan: In Wakefield Avenue?

MS DUNDAS: Yes. From that map, those four houses are in the suburban area.

THE CHAIR: They're also heritage.

Mr Calnan: They're in the B11 area. I'm sure you'll find they're along there, in the B11 area.

MS DUNDAS: That changes my question. I'll ask a different question.

THE CHAIR: In addition, the Wakefield Gardens area is subject to the heritage things as well.

MS DUNDAS: I was just getting my streets confused and thought it was a block back.

THE CHAIR: Wakefield Gardens winds all over the place as well, so that's probably part of the problem.

MS DUNDAS: But a different question: you've sat here and listened to the public hearings for the last however many days. Within that, do you think that there's any area in draft variation 200 that could be better, that needs revision, that could be changed, or are you still 100 per cent happy with it?

Mr Calnan: There are a couple of minor modifications that we'd like to see.

MS DUNDAS: And what would they be?

THE CHAIR: It's time for show and tell.

Mr Calnan: On a minor matter: in the explanatory statement there is a typographic error in table 1 which preferably would be corrected, but it has no bearing on the ultimate policy arrangement because it's just the explanatory statement. On page 38, residential redevelopment general, there is an incorrect reference to a section of the land act.

MR HARGREAVES: These are cosmetic or administrative matters, are they?

Mr Calnan: Yes.

MS DUNDAS: We are talking about substantial policy. Do you want to get rid of dual occs altogether?

Mr Calnan: No, we're quite comfortable with the general policy thrust. One issue that's come up which we think probably deserves modification is that one of the changes that DVP 200 introduces is that it requires that 18 square metres for each carport or parking space be included in the plot ratio. That was introduced in the December version. There is no savings provision associated with that, which means that there were applications in the system that had not taken that into account. Whilst we think it's an appropriate thing to have in the longer term, we think it would be reasonable for a savings provision to be included in that.

THE CHAIR: Sorry, what do you mean by a savings provision?

Mr Calnan: Saying that it didn't apply to applications that were in the system at that time.

Mr Burnham: Either had an approved design response report or an application.

THE CHAIR: You probably would have heard the problems that people had with that policy provision of including the garage space in your GFA. That meant that dual occs became ludicrously and non-viably small.

Mr Calnan: Yes. It's probably time to talk about the plot ratio control, the sliding scale plot ratio control that is really a very important component of this whole package. What this graph attempts to do is explain the rationale as to why we've done it. I'll just point out a couple of things. What we have at the moment through PPN 6 is a flat 35 per cent.

This graph is showing block size across the bottom, plot ratio on the left-hand axis and the potential gross floor area on the right-hand axis. In terms of plot ratio, the existing policy is 35 per cent and it doesn't matter what the block area is; it's 35 per cent regardless. What that produces is a maximum GFA that is reflected in this blue line here. It starts for a 700 square metres block at 245 square metres. For a 3,000 square metres block it gets up to—

THE CHAIR: How many blocks, apart from the ones in the Red Hill heritage area, are above 1,500 square metres? How many are we actually talking about?

Mr Calnan: It's a relatively small percentage. I don't have the exact figures, but it would probably be 3 or 4 per cent of all blocks. But there are lots of blocks between 1,000 and 1,500 square metres and 35 per cent does allow quite large houses to be built on those blocks. So what we have proposed, as we've talked about, is a sliding scale that actually decreases as the blocks get larger. That's represented by the red line. And what that does is bring the potential size of the dwellings down, as reflected by this line. You can see the difference; it's gone from there to there.

THE CHAIR: Yes, but at the 2,500 square metres end of the scale, Garrick, there really aren't very many houses we're talking about. For the 1,000 to 1,500 square metres that difference—

Mr Calnan: We can blow up the graph.

THE CHAIR: Yes, I'd like to see that.

Mr Calnan: That's not a problem. We can blow that up, but you'll still see that there's a significant reduction.

THE CHAIR: Yes, but the thing is that you can mount an argument at the big end that you shouldn't end up with houses that are that big. But here in the reality end, between 1,000 and 1,500 square metres, there is probably scope for debate. The other issue is that I still don't have a satisfactory explanation of 140 and 0.15, except that that's what gives you 35 per cent at 700 square metres. Are you actually happy with that sliding scale? I mean, with the slope on the line.

Mr Calnan: I'd say we are very certain in our own minds that the sliding scale concept is appropriate.

THE CHAIR: I don't have an argument with the sliding scale; I am just concerned about that particular one.

Mr Calnan: We accept that the slope of the line can change. It depends on what side of the debate you're coming from as to which way the line should go. The Downer community don't believe that this is going to make a significant enough change and it should be tighter. They're arguing that the line should drop down, which would bring the potential GFA even lower. People like the MBA are saying that it's too tight, it should come up like that. Some people are saying that maybe it should come right up to the 35 per cent.

We accept that where you set the bar is a judgment. This formula was based on our judgment about it. If the committee took the view that it was too tight, we would be quite comfortable with the notion of reviewing that and coming back to the committee with an adjusted formula which would make it less tight. If the committee takes the view that it is too loose, we can come back with some options. But the principle, we think, is right. The principle is right in our view. We are concerned about the implications of the flack. It's a fundamental part of DV 200. If we take away the sliding scale in suburban areas, then it's—

THE CHAIR: But it wasn't fundamental last May; it only became fundamental in December. I think we've got that on board. We all have other commitments, but an issue I really need to explore is: what happens on 30 May if you don't have a draft variation to turn into a variation?

Mr Calnan: What happens?

THE CHAIR: Do you all turn into pumpkins?

Mr Calnan: I doubt it. What will happen is that DV 200 will no longer have any effect, but it will still exist.

THE CHAIR: In what sense would it exist after 30 May?

Mr Calnan: It's still a draft variation; it's just a draft variation that hasn't been completed. What I think you'll find is that, even though PALM will continue to attempt to apply it, the AAT has demonstrated through decisions that it's made that it will take a very legalistic view and it won't give it weight. If PALM makes a decision on 1 June, say, to refuse an application on the basis that it's not consistent with DV 200 and the applicant appeals that, the AAT, when it gets to the AAT, if DV 200 hasn't been resolved in the meantime, is likely to say that it doesn't exist. And the dual occupancy thing, there are people waiting, just waiting. So the sliding scale plot ratio control won't exist and the 5 per cent rule won't exist. PALM might try and hold the line, but it won't be able to hold the line forever. As I said, when things go to appeal the AAT are likely to treat it like it doesn't exist.

THE CHAIR: I think that the big issue is that we're working to a particular timetable and it's—

Mr Calnan: The timeframes are that, if a decision's made on 1 June, it's not going to be in the appeal tribunal the next day, there's a lead time, so there is some scope there. What we've said is that, whilst it probably isn't an issue if this drifts up until the winter recess, if it goes beyond the winter recess and gets into August/September, then there is potential for appeals—in fact, a likelihood of appeals, I think—and it's going to be very messy. There'll be all sorts of recriminations flying around about who did what and why wasn't it done. That's why we think it's highly desirable that it be resolved as quickly as possible, but we recognise that there are some difficult issues there.

Mr Burnham: Certainly in relation to dual occupancy, PALM's aware of a number of people who are just waiting for the 5 per cent limit to be removed.

Mr Calnan: We were conscious that this notion of a formula could cause some people some concerns. We did look at other options. We could have a stepped approach—this is just a hypothetical example—where the plot ratio could be, say, 35 per cent up to 1,000 and drop to 30 per cent and then drop to 25 per cent. The reason we don't like this approach is that it creates discontinuities, so you get inequalities around the changeover points. We don't like that sort of approach, even though it gets away from this notion of a formula.

THE CHAIR: If you have got 1,001 you are beggared.

Mr Calnan: You're better off with 999 square metres than 1,001, which just doesn't make sense.

THE CHAIR: Yes. I'm sure that in the course of the hearings you took note of things where you thought that there were inconsistencies or an incomplete understanding of how things work. If you were to transmit those to Linda, I would be very appreciative.

The committee adjourned at 4.09 pm.