



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

(Reference: Auditor-General's Report No 2 of 2005: development application and approval process)

Members:

**MR R MULCAHY (The Chair)
DR D FOSKEY (The Deputy Chair)
MS K MACDONALD**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 2 NOVEMBER 2005

**Secretary to the committee:
Ms A Cullen (Ph: 6205 0136)**

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 2.05 pm.

CAROLINE LEMEZINA and

ALAN MORSCHEL

were called.

THE CHAIR: By way of formal advice for witnesses, you should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation, for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter. When you first speak, please give your name and the capacity in which you appear for the *Hansard* record.

I welcome you to this hearing this afternoon in connection with the Auditor-General's report No 2 of 2005, relating to the development application and approval process. We have received one submission from the HIA. Do you wish to make an opening statement before we question you?

Ms Lemezina: For the record, my name is Caroline Lemezina. I am the executive director of the Housing Industry Association for the ACT and southern New South Wales. Certainly, the HIA was not surprised by the findings of the Auditor-General on the development application and approval processes in the ACT. Our submission certainly reflects that. HIA has long regarded the ACT as having one of the most complex and frustrating approval systems in Australia.

We, as an association, have identified some key areas within the current planning approval process that we believe need to be addressed. Those key issues are outlined in our submission but, briefly, they relate to community consultation, urban change within the suburbs of Canberra, the culture of the ACT Planning and Land Authority, and the reform of the development application and approval process.

In summary, to reform and substantially improve the planning approval system in the ACT, HIA has determined a number of major principles which it believes will establish a far more efficient and effective planning approval system: the certainty of time frames which are prompt and recognise the commercial environment of the housing industry; consistency of interpretations and decisions that confirm the ACT Planning and Land Authority's sole professional responsibility for development approvals; customer service which focuses on the fee-paying applicant; to be contemporary to meet the current and predicted demographic shifts, but also to be able to readily adjust and adapt to future and unforeseen needs and challenges; to address the cultural values of the planning authority and the Legislative Assembly which are visionary and a challenge to current practices; and community and political consensus to the reforms.

Those are the key areas that we, as an association, have identified. We certainly look to the submission and take that as being read. We are certainly open to questions and do have some clear examples of some of the areas of concern.

THE CHAIR: Thank you for that. Mr Morschel, do you wish to add any comments at this stage or will you just respond to questions, too?

Mr Morschel: My name is Alan Morschel. I am planning adviser to the HIA. I am happy to respond to questions.

THE CHAIR: You refer in your submission to the culture in ACTPLA and it is obvious from your submission that you are critical of the approach. Could you expand on that a bit? I have had it raised with me by other parties, but not within the context so much of these hearings. I am interested in getting more specific information about what you see as the cultural problem within there. Also, probably a more difficult question, how might that be improved from the point of view of the interests that you represent?

Ms Lemezina: From a cultural perspective in ACTPLA, from our industry's point of view and our members' representations to us about their frustrations with the ACT Planning and Land Authority, most of the issues relate to the inconsistency in advice that our members are being given by the ACT Planning and Land Authority. Some of those inconsistencies relate to differences between different staff members' interpretations of guidelines within the authority. Our members are finding that they may go to the authority one day and receive certain advice on a particular project that they might be undertaking and on a subsequent day attend the counter and receive different advice. I will pass to Mr Morschel to provide specific examples of those issues.

Mr Morschel: Before giving a couple of examples: cultural issues in an organisation like that are difficult to overcome. The HIA, as you know, is a national body, so we are fully aware of the problems that planning approval jurisdictions around the country are all struggling with. It does start with the calibre, qualifications and experience of staff. We would certainly like to see more staff in the ACT's jurisdiction with planning qualifications. We know that there are people there that are doing their best, but they are not trained planners. They have other design disciplines that are not always appropriate for the position in which they find themselves. That is a difficult point for a lot of them to start from.

Also, you have to recognise that ACTPLA, as it is now called, has been through many changes and reforms over the years and many staff have seen that. We suspect that, at times, they react in a fairly human nature to yet other organisational changes. We are encouraging more changes, as you know, in our submission. We want to see the planning reform legislation carried through and we know that that would mean further changes within that organisation. We believe that that is a worthwhile change, though, in the long term, even to go through the process.

The other one which is pretty important to us and which we have drawn attention to in our paper is the way in which staff quite often will respond favourably, positively, to an innovative project that is coming over the counter to them or even in the preapplication process that an applicant might take advantage of. What we regularly observe, though, is once ACTPLA realises that there is community concern out there about this proposed project, regularly the staff attitude changes considerably to the innovation of that project and they revert to strictly applying the rules. There is no doubt that the potential workload of writing numerous ministerials, either on behalf of the chief planner or the

planning minister, or facing an AAT appeal puts their mindset quite differently to being receptive to an innovative project.

Many of our members with small scale projects or even the larger scale projects find that sort of change of attitude during the process of a project quite frustrating. As Ms Lemezina said, the advice can change, and it often changes, if it looks like it could be a problem in the community and, therefore, they will be much stricter in the application of what some of us might call guidelines. The guidelines suddenly become the gospel. That is a fairly regular occurrence. We are hoping that the reforms in the pipeline and being considered will alleviate a lot of that pressure on any staff to be a little more risk averse and they will see that Canberra's planning and its planning outcomes can be better than they have been in past years.

DR FOSKEY: I seek clarification. You used the word “innovative”. It seems to me that it is a word that probably means different things to different people. I would appreciate you expanding on your definition.

Mr Morschel: You are quite right; it is. I suppose we would see innovative in the broader sense where a builder, developer, architect or team of consultants is clearly recognising a changing market need, particularly in residential. Often the market, in terms of those people I have mentioned, can be far quicker to understand what is needed, what the market is looking for. The regulating system has less capacity to keep up.

THE CHAIR: Could you give us an example, either hypothetical or a case without the people's details, of one where that approach is running into difficulties?

Mr Morschel: We have brought along a number of examples, not precisely. I am just trying to think of one specifically in that area. Maybe by demonstration, the idea of trying to do something different will come out. Maybe I can just give you a few examples and we will see where we go on those. One that struck us—and it is not one that specifically relates to our members, we acknowledge, as it is a fairly complex project, but, you never know, one of our members might be a tenderer on it—was the Karralika redevelopment down south in Fadden and Macarthur.

It did strike us, on the knowledge that we got of it, that the capacity of even the government to improve the performance of the special needs on that site was extremely frustrated by the community. A project that struck us as being very important in terms of social objectives is still not anywhere near being completed in design and tendered. You could call that innovative, I suppose, on the basis that the government recognised that greater support in facility terms was needed for those particular people, but the community consultation certainly slowed that down.

One that comes to mind—and I must admit that I do not have a lot of the detail—is the Manuka shopping centre, where the former Woolworths pulled out. We were aware that the owner at the time that Woolworths closed up had some quite expansionary ideas on how to modify that site and continue the expansion of Manuka. I do not think that what you now see is anywhere near what was proposed. It was pretty clear from the press publicity that it was going to be a pretty tortuous trail for the original owner to be able to come up with a mixed residential/commercial development, as we briefly understood it to be. It has been just a simple refit on the existing lease conditions. I think you would

find that there have been many examples in town as well affected by the lease proposals. We are looking forward to the planning reforms that we talked about a moment ago.

THE CHAIR: Going back to the planning system reform project, you are obviously placing a fair bit of faith in that but you do take a bit of an each-way bet here in that you say that the HIA believes that, if the planning system reform project is not successful, the planning system in the ACT is very unlikely to be substantially reformed. Do you want to comment on that? It is clear from what you have given in evidence that you are putting a lot of faith in that. What are your concerns, though, and do you have reservations about it delivering the outcomes that we are assured it will?

Ms Lemezina: To date, we have seen some changes as part of that process, changes that have not required changes to legislation or regulations, and we have certainly been pleased with those changes. They relate to being able to fast track some development approvals. They have certainly been well received, but they are only step one in a number of steps that we know and believe need to be taken. Our concerns are that there are a number of steps that need to be taken and, from a time frame point of view, we would like to see some of those issues being brought forward. Our concerns relate to the community consultation process and how that will be addressed in terms of the development approval process. If we do not make a step in the right direction there, the whole planning approval process certainly will become stifled.

THE CHAIR: Are you saying that, at the time it is going to take, this project is way too long? Is that what you are suggesting?

Ms Lemezina: Potentially, it will be and, from an industry point of view and looking at the ACT economy and what we would like to see, we know that the housing industry, the building industry, underpins the ACT economy. We know how important it is. This reform process is vital to ensuring the continued viability of our industry. If we do not see these reform processes take place over the next six to 12 months, we are concerned that we will head into an election cycle where those sorts of issues will become very difficult.

THE CHAIR: What do you see as being the consequence in the marketplace, from your point of view, if this process does not become accelerated?

Ms Lemezina: If it does not become accelerated, we are going to continue to see inconsistency, uncertainty, in the industry. At a time when we have seen the industry go through somewhat of a downturn, it has never been more important to ensure that there is—

THE CHAIR: Do you see jobs going or people packing up their businesses, or not, or is it just an aggravation for them?

Ms Lemezina: We have seen that already in our industry. We have seen that red tape delays, excessive regulations, in our industry have already driven a lot of people out of the industry. People are throwing their hands up in the air and saying it is just too hard. We have seen the skills issue take hold in the ACT, where we do not have enough tradespeople to do the work that we have coming up on the books. But the major issue with our shortages of skilled tradespeople is not that people do not want to come into the

industry; it is the uncertainty of those businesses that are currently in the industry to take people on, because they are just not sure what the viability of our industry is into the future because of this red tape and these delays.

DR FOSKEY: With respect to Ms Lemezina and Mr Morschel, it seems a bit of a broad aim to blame planning; you seem to be loading a lot of things on to the planning system. I know that the ACT exists in an economy that is somewhat larger than our own, so there are a couple of things that I would like to explore with you. You say that the market itself encourages innovation, yet I would like to know whether you think that there is probably a bit of a lag. To be specific here, I see an awful lot of multi-residential developments in process, having been approved and waiting to begin. I am not sure that that is a response to the market that will be required to fill those places, given that the market in this case is the people who have the money to invest in developing those things, not necessarily the people who may want to live in them. Do you see what I mean? To me, market is one of those words that get used to justify a whole lot of things and when you really examine it it does not necessarily hold up.

For instance, you refer to sustainable development but I am not sure whether by sustainable you mean what I would mean. You say, “The inability to achieve sustainable urban change is restricting ACT’s growth and development opportunities.” We hear that there is a demand out there for sustainable development. For sure, we do not believe that ACTPLA encourage that as much as they could. We also hear there are problems with the building industry being able to deliver that and that people are told that it is too hard or too expensive and that often builders will counsel people having homes built to go for a simpler option.

THE CHAIR: Is that a question?

DR FOSKEY: Yes, it is a question. It is a long one.

THE CHAIR: It sure is.

DR FOSKEY: What I really want to know here is—

THE CHAIR: Maybe the witnesses would like to comment on what you have said.

DR FOSKEY: Yes, could you comment?

Mr Morschel: I might care to make some comments. With regard to the sustainability issue, we hope it is none of our members that you might be hearing about with regard to sustainability. HIA runs a program called GreenSmart. It is well publicised within the organisation and members do extra training courses et cetera.

MS MacDONALD: Are you saying all 1,800 members subscribe to that motion?

Mr Morschel: No, they are invited to do that. I am obviously not able to hear what each member says to their prospective clients, but our general feedback is that a lot of people buy to a budget and, if anything, it is the final decision often between that sustainability feature or the granite benchtop in the kitchen, and that more consumers are inclined to go for the granite benchtop than the sustainable double-glazed windows on the south side or

something like that. That seems to be a fairly common feedback that we get.

DR FOSKEY: Would you like ACTPLA to have tighter guidelines that steered them towards the double glazing rather than the granite benchtop?

Mr Morschel: The position that we take is not to look at guidelines or regulations to solve the problem. We prefer a better education program for consumers, to convince them that it is better to invest in the double glazing than the benchtop when they are trading off their total budget. Coming back to some of the comments you made: it is quite correct that builders will not build something if they know that they will not sell it; either they have the client lined up to a budget or they are going to speculate, as happens sometimes. They are not going to take silly risks, so, if the consumers are demanding, they will respond to the consumers.

DR FOSKEY: But the consumers are not often the end consumers; I guess that is my point.

Mr Morschel: The speculative house still has to be sold to someone, even if the builder is the consumer at the time of ACTPLA—

DR FOSKEY: But meanwhile it is being built. If it is a multiresidential development, it is built before they are all sold, so it is that lag that I am trying to address here—market demand.

Ms Lemezina: It certainly is with multiunit developments, but no developer is going to proceed with a development without a significant number of presales, so, if anything, the multiunit builders and developers have to do a significant amount of market research before they put that sort of money on the line.

I will just go back to the sustainability issue. What Alan has addressed is certainly correct: it is about educating the consumers. HIA has its GreenSmart program. We have opened up a GreenSmart display village, which is all about trying to promote to consumers what they can do in their homes to make them more environmentally friendly and sustainable, so it is certainly something that we see as very important and we will certainly do our best to encourage our members to go down that path.

What we have seen, though, in sustainability is that other governments look at other models to address sustainability, like BASIX, which most probably is something that you are aware of. We understand that the ACT government is seriously looking at BASIX, yet BASIX will do nothing to address innovative design and really address the issue of sustainability. So it is those sorts of things that we need to be mindful of as an industry—that there is not an additional burden of red tape that does not result in better outcomes for the consumer.

Mr Morschel: Could I just add to that? Our observation is that with a regulatory requirement to include something in a house, say of a sustainable nature, it just gets included; the consumer has little awareness of what it is or how to use it properly. We would argue that, if the consumer were the one asking for or demanding that, they would do the homework and know exactly what they were getting and why they were getting it. We would like to see a lot more lead from the final occupiers of homes.

MS MacDONALD: But if you are a first-time home buyer—apologies, chair, because I said I did not have any questions, but this has come to my mind—you are looking at the initial outlay; you are not necessarily looking at the cost to you down the track. Should there not be a better way of giving out that information of how much the respective houses are going to cost people down the track? Surely that is something that first-time home buyers, and, indeed, people who are not buying a house for the first time, would be interested in. I am thinking about this as I go along, obviously, but if you have already owned a house you have become aware of the costs of running a house.

Mr Morschel: You can be more aware, yes.

MS MacDONALD: You are more aware and more inclined to do the research than would be a first-time home buyer. Even so, people who have owned a house before will not necessarily be aware of the impact that double glazing will have on heating and cooling bills. They will not necessarily have an awareness of by how much it will reduce their outlay.

Mr Morschel: I agree. Working with some of our members who have undertaken the GreenSmart course, they can be helped if those are the questions that they are asking.

Can I just go back to your earlier comment about the market and add another comment there. Particularly in the ACT, in a residential market we believe there should be more of a choice available. We see it in three categories. There is the green field and the new houses, usually on the outskirts of the city. You made the comment about the high rise and we have seen the ability of many of those projects to get approval now. The third part that is missing is the infill and redevelopment. We think that is a critical part of the market choice that is missing—we draw attention to it in this paper—that capacity to refurbish and redevelop the existing suburbs.

DR FOSKEY: I was going to ask you to expand on the comment that “the slow physical decline of many suburbs and especially the local centres is a clear visual indication of the impact of the restrictive processes”. How so?

Mr Morschel: Drive to many of the suburbs of Canberra and we would say that we see a decline.

DR FOSKEY: I agree with you about the situation but I want to hear the answers.

Mr Morschel: I know it is diverting a bit from the agenda of this committee, but I refer to some of the planning regulations that have occurred over the last couple of years. The banning of dual occupancies is really what that legislation is about. We have the inability or the incapacity of the government to carry out major changes to schools that are nowhere near working at their full capacity. We drive past some of the local shopping centres and wonder how anyone in them is making a dollar and keeping a business going. The landlord maybe is happy, but we cannot understand why anyone would rent them. We know the pressures that the group centres and town centres are having on them. They are an old model, built to develop a neighbourhood and bring new citizens to Canberra. We think that is an old model and should be carefully looked at.

We are aware at times that ACTPLA has looked at that. We are aware that leading up to the last election we—a number of industry people—and the community were shown some quite innovative approaches to a number of the suburbs in north Canberra. Regrettably, what was finally published, maybe six months ago, is such a pale replica of that innovative process that was on the table—not just to look at the local centres but vacant land that was beside schools et cetera, et cetera. It has all gone. We know it is a very tough ask in this town, with the level of expectation from the community to be involved in planning, but they often seem to come through quite noisily and quite opposed to it. We would like to see, through the planning reforms, the freeing up of a number of restrictions on the planners to be able to offer what I call innovative—using that word again—opportunities in the market to refresh those suburbs. The populations are getting older and the houses are getting older and are quite inappropriate to the current needs. You have all seen the “knockdowns and rebuilds”. We believe there are opportunities out there for other types of accommodation, not just knocking down houses and building very large houses because that is the only alternative in the market now.

THE CHAIR: Another area that came up in earlier evidence was the matter of the conflict between different government agencies when you are the applicant. Can you give me any examples of conflict and uncertainty between government agencies, as to who can give a final approval, that has led to either delays and/or increased costs? Are there any case studies you can cite?

Mr Morschel: The areas our members regularly have issues with are the heritage agency in the department of environment, and trees. There are other peripheral agencies under Actew. I suppose we'd say in summary that that is satisfactory. There are issues with some components of urban services—adding another driveway can be difficult at times. You are quite right. It is where you go at what time to get what approvals. Our members are often confused.

THE CHAIR: Could you tell me a little more about the heritage council—one, their role in any problems that have been created; and, two, their transparency of approach from your experience.

Mr Morschel: In heritage, there are areas in Canberra where the unwritten rule of many of our members is that, if a client comes forward with a block of land in a heritage-listed suburb or in part of a heritage-listed suburb, you forget it; you don't go near it. It is just not worth the time, delays and uncertainty.

THE CHAIR: Is that because the council is just uncooperative?

Mr Morschel: There are many examples. You can call it uncooperative. It is quite easy to find examples in, say, Yarralumla but I can't give names of specific people. A proposal sitting between ACTPLA and heritage can just be a ping-pong because no-one makes the decision. They don't even say, “Don't do it; you can't do it.” They leave the door partially open. For the poor applicant, just trying to get a meeting to bring the two parties together to discuss it, it can be extremely frustrating.

THE CHAIR: You are saying it is unreasonable that it is withheld.

Mr Morschel: With the one I am thinking about, the vendor had to come to us to try and

facilitate getting the parties to the table so he could at least be told what the rules were.

THE CHAIR: The two agencies?

Mr Morschel: Heritage has gone off the boil a touch, as far as our members are concerned. As I said, a lot of our members won't go near a property in a heritage-listed area. It is just too complicated because the costs get beyond reasonable bounds. That is heritage as it stands at the present moment. We know they still have a bit of a backlog, although they were able to find resources and get rid of the bulk of it. Half their problem was that there was staff turnover and more and more projects that they didn't know what to do with went into a pile.

THE CHAIR: One of the issues there, for the record, is unreasonably withholding approvals.

Mr Morschel: Not making a decision.

THE CHAIR: Not making a decision—and the other is the inefficiency of the way the heritage office is managing its affairs.

Mr Morschel: Yes. We acknowledge that the recent legislation that went through will help heritage with resource support to run their show better, but it concerns us that it is still their show. We would like to see them better integrated with ACTPLA. At the present moment they sit separately and we are still not convinced that, if projects come up in the future, the applicants won't sit between the two camps.

THE CHAIR: Is there a cultural attitude that your members tell you about?

Mr Morschel: It is a cultural attitude; it's just the independence. Heritage now has independent legislation. Its requirements are not even integrated into the territory plan. In the past, if you were appealing against a decision you didn't like, at least you were arguing against the territory plan. Now you have to argue against the heritage legislation. Possible problems coming out of the revised legislation are still to be shown to us. We have doubts. Their operations could be better, but we don't like their independence from planning. We would like to see them better integrated so that there is one approval that comes from the chief planner or his delegate.

THE CHAIR: In planning, you are saying that the chief planner should have the final say.

Mr Morschel: Correct.

THE CHAIR: What sort of timeframes do you think ought to apply?

Mr Morschel: The track record: take a residential project that is conforming with 99 per cent of the rules of the territory plan. At the present moment we are observing that ACTPLA will look at that within the legislated timeframe. As soon as that project has a significant tree in it that is affected, or there is a heritage issue involved, or they want a new driveway to cross the verge, things slow down. They refer them to the various departments, and we have no idea of the timeframe.

We acknowledge that heritage and the trees both have timeframes. To be quite honest, we are not convinced that they are going to stick to the timeframes in their legislation. These are early days because those pieces of legislation have just been passed. There are a couple of examples in my mind. I will not use the heritage example, I will use the tree example. But there still seems to be a single track to lodge everything with ACTPLA—trees don't want to know about you now. It is a case of, "Lodge a DA with ACTPLA and we'll look at it through ACTPLA." You lodge it; it goes out for neighbourhood notification for three weeks; and ACTPLA sits on it and doesn't do anything. Neighbours' notifications or comments come back. Happily there is no criticism from them. Then they open up the file. "Oh, you wish to have a tree knocked down. We now have to send it off to the tree people." You wonder why they didn't do that at the beginning, when they were going to the neighbours. You just wait as the process ticks by, step by step, rather than running it in line.

DR FOSKEY: That raises an issue about the Goodwin Homes redevelopment. I am sure the proponent, and perhaps ACTPLA, has known all along that there is a significant stand of trees there. It has only just come into the public arena towards the end of the process because it is believed that the minister will shortly call in that development. One of your complaints, which is mentioned by the Auditor-General and which also comes from community organisations, is that consultation occurs too much at the end of the process. You are saying that community groups come along at the end of the process and basically slow things down. The community also say that they don't find out about something until it is pretty much on its way.

When you say that the ACT community has developed a cultural objection and complaint, other people might say, "Well, they are interested." The community is interested in planning issues whether we like it or not—short of cutting everyone's tongues out, we cannot stop that—and it could be used positively. What do you see as the role of the community? For instance, there was community opposition about Havelock House, which is now something else. Everyone would agree that Havelock House serves an important function in our community. It is there because people were opposed to its being sold off and used for private dwelling purposes. Could you comment on that?

Mr Morschel: In the paper we also say that community input and community consultation are very important. We would like to see it take place more in the process that you are involved in as members of the Legislative Assembly. In other words, get the policies right; get the broad zoning and leasing requirements right; and get the territory plan right, whatever format it takes in the future. It frustrates many of our members that, under the current rules, they can put together a proposal that fully complies, yet still have to go out for neighbourhood consultation and have all the delays and risks. That can be difficult enough if it is just neighbourhood consultation, let alone where it is a little more expansionary as in, say, a dual occupancy. In that case you can be appealed all the way to the AAT, which will delay things for months.

THE CHAIR: You are not suggesting the removal of community consultation or appeal mechanisms, are you?

Mr Morschel: We are not supporters of the current system of third party appeals.

THE CHAIR: Perhaps you could focus on my question. Are you advocating no community consultation, and saying that the rules are the rules?

Mr Morschel: Our document says that if a project is judged by ACTPLA, under whatever systems, it has to fully comply with the rules that are in place, the neighbourhood can be advised, but there can be no objections and they have no appeal rights. If you, as the applicant, want to be innovative and change some of the rules to get more out of the opportunity of that block, you go and talk—you get involved in the community consultation.

We would also like to see third party appeals rights brought back. As we comment there, our members have paid their fees but the AAT—the community—can pay a minimal fee and you can be delayed for months. On a big project, that doesn't take long to add up. One of the most extreme examples in Canberra is the Gungahlin Drive extension. The cost to all Canberrans for the appeals that were available to those people is pretty horrendous—and that job will go ahead.

DR FOSKEY: We have a judicial system for a reason. I am sure there are other circumstances in which you would be very grateful for that.

Mr Morschel: Gungahlin Drive has been gazetted as a line on the map ever since I first knew Canberra.

DR FOSKEY: I do not think that is relevant to the issue.

Ms Lemezina: HIA's point of view is that community consultation is important, but we need to bring the community in in handling policy objectives and when looking at those broad strategic areas, rather than looking at development approvals individually. That is where the problems arise. If the community can come together to look at those broad strategic planning policies and come to an agreement, then an application should be able to proceed with certainty if the proponent has complied with the broad strategic planning policies.

DR FOSKEY: You have made a number of complaints about ACTPLA and yet, at the same time, in your section on community consultation you are saying that ACTPLA should have the final word. Community consultation is often a check. As you say, there is a problem with the culture in ACTPLA; that is probably recognised all around the system. Consequently we must have other voices. It is a democracy.

Mr Morschel: We would say fine, but they have to be upfront in setting the rules. Going back to my earlier comments about urban change, suburban change and changing demographics, let us have a community debate as to where this current ageing generation is going to be able to live and be accommodated, not just when a developer turns up and says, "I want to put a dual occupancy in the backyard." He then has a fight with the neighbours about whether the dual occupancy can take place.

Why can't we have a debate about whether dual occupancy is a suitable type of accommodation to be allowed in many parts of Canberra? An ageing citizen in a front unit can create an investment in the backyard, by building a house there that is suitable

for them to live in as they age and become a little less agile, and rent the front unit out. We are not having that debate; we are having a debate that just says, “Thou shalt not have a dual occupancy or, if you do, you are going to go all the way to the AAT”—and we get bogged down in that.

I don’t want to get into the Goodwin Homes at Ainslie debate, but I suspect that a lot of the background there is that that project is of the scale it is because the ageing population of North Canberra does not have many other opportunities to look at in the next few years. Every other planning opportunity is closed off due to consultation with the community being at the tail end, rather than at the front end.

DR FOSKEY: So you feel that, once the reform process in respect of planning regulations is concluded, that is basically the end of it, in terms of the community’s input?

Mr Morschel: Members will be signing off on changes to the wording of the territory plan. You will be signing off on changes to what we call the zoning system. They are all major decisions that you, as community representatives, will make about the future of Canberra. They can all flow as decisions after the legislative changes are made to the planning and environment act. As community representatives, you will have a very big role to play. We will come and speak to you. The rest of the community is welcome to come and speak to you as well, of course. But, as I said in the summary, I would much rather have a debate about how we are going to change the city for our future ageing people and encourage young people to stay and live and work here.

THE CHAIR: You want certainty in the ground rules, don’t you?

Mr Morschel: We don’t have that debate. All we have is some of our members seeing opportunities and then getting knocked by the nimby attitude.

THE CHAIR: I would like to thank you for your time today and the evidence you have given. It will certainly be of great assistance to the committee as we work towards preparing our report.

The committee adjourned at 2.47 pm.