



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON PLANNING, ENVIRONMENT
AND TERRITORY AND MUNICIPAL SERVICES**

(Reference: [Draft variation to the territory plan No 308:
Cooyong Street urban renewal area](#))

Members:

**MR M GENTLEMAN (Chair)
MR A COE (Deputy Chair)
MR A WALL
DR C BOURKE**

TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 27 MAY 2013

**Secretary to the committee:
Ms V Strkalj (Ph: 620 50435)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

WITNESSES

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Amended 9 August 2011

The committee met at 3 pm.

RATTENBURY, MR SHANE, Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing

COLLETT, MR DAVID, Senior Director, Asset Management Branch, Housing and Community Services ACT, Community Services Directorate

THE CHAIR: Good afternoon everybody. I now open this fourth public hearing of the Standing Committee on Planning, Environment and Territory and Municipal Services inquiry into draft variation to the territory plan 308: Cooyong Street urban renewal area. Please be advised that, to provide a record, the hearing will be transcribed by Hansard. In addition, in accordance with the Legislative Assembly (Broadcasting) Act 2001, the proceedings of public hearings are broadcast to government offices and the media and are webstreamed.

On behalf of the committee, I would like to welcome Mr Rattenbury and his officials to the table this afternoon. I draw to your attention the protections and obligations afforded by parliamentary privilege, which are outlined on the pink-coloured privilege statement that is before you on the table. Could you please confirm for the record that you understand the privilege implications of the statement?

Mr Rattenbury: Yes.

Mr Collett: Yes.

THE CHAIR: Thank you very much. Minister, would you like to make an opening statement?

Mr Rattenbury: No, I am happy to go straight to the discussion, thank you.

THE CHAIR: Minister, as you are aware, we have had three hearings before this one, with many witnesses making submissions. Also there have been quite a number of submissions to the committee on the draft variation. One area that has come up as a topic of conversation has been consultation. Could you take the committee through the process that was involved in the consultation period.

Mr Rattenbury: It might be best if I defer to Mr Collett on that, as that took place before I was the minister. I might ask Mr Collett to go through the details on that.

Mr Collett: As is our usual practice when going about the redevelopment of our large multi-unit properties, and as is supported by the territory planning authority, we have engaged in a fulsome process of consultation with the local residents and the tenants of the flats in the early development of the planning report which we submitted to the planning authority as the basis for the territory plan variation. So before and whilst plans were being developed with Purdons, the consultants, and Cox, who provide us with architectural advice, and the various engineering subconsultants, we had a number of on-site meetings. Some of them were targeted at our tenants; others through letterbox drops were targeted at the surrounding residents. We also had a website and we put up a list of issues raised and how we were dealing with those

issues. We were able to move through a number of stages of the development as the planning proposals for the site evolved, as we got more information and undertook consultation.

We were requested by the participants in that communication to maintain our direct consultation with them, even after the territory plan variation process was commenced. At that point the committee will be very well aware that the responsibility for the process passed from the proponent to the planning authority. At the request of the participants, we made ourselves available during that consultation to make an explanation of the process as we saw it, explaining the way in which we provided additional information to the planning authority, and we have given an undertaking that we will go back to the tenants and, if necessary, meet the residents and continue to make ourselves available in that way.

DR BOURKE: Minister, how many public housing units currently in your blocks are up for redevelopment?

Mr Rattenbury: There are currently 228 public housing units on the site.

DR BOURKE: Are they all filled with public housing tenants? What is the proportion of students versus your usual array of tenants?

Mr Collett: Students are in the Currong apartments, which are the eight-storey zigzag apartments at the northern side of the site facing onto Gorman House and the Braddon conservation area. Public housing tenants are still in the Bega and Allawah flats. Bega and Allawah constitute 228 public housing tenants, and there are 212 units in the Currong apartments. There are no public housing tenants in the Currong apartments. Not all of those flats or apartments are occupied by students but students are the only occupants of that block.

DR BOURKE: What sort of leases are your tenants on there, perhaps in terms of length? Is there emergency accommodation or other forms of special accommodation there?

Mr Collett: Again, that is split between the two groups of apartments that I described previously. The vast majority of our public housing tenants in Bega and Allawah flats will be on long-term public housing tenancies. All of the students are on [six-monthly tenancies](#) which coincide with the academic year.

MR COE: Minister, who initiated the proposed draft variation? Was it CSD or was it ACTPLA?

Mr Rattenbury: Again, as that was in the last term, I might ask the officials to brief you on that.

Mr Collett: It was CSD who initiated it, which is a common process, I would guess, where the proponent, the owner of the land, or the developer, comes forward with a planning study, has a series of discussions, often over a number of years, with the planning authority, and gets feedback not only from the planning authority but through meetings from the various agencies that are responsible for the infrastructure

that supports the development.

As I said in a previous answer, the planning authority strongly encourages the proponents in these cases to carry out a reasonably formal consultation process. But this is certainly one of those territory plan variations that is brought forward by a proponent. It does not mean to say that the proponent's proposal in its entirety is adopted by the planning authority. In fact a number of changes were made by the planning authority to the planning report that we brought forward prior to them taking over the process, as it were. Again, as the committee would be well aware, it then becomes a planning authority process—running the draft variation and making recommendations to their minister. That pathway more often than not leads to this committee.

MR COE: Is it not really a bit of a sham process when you have one cabinet minister handing over to another cabinet minister? Is it a done deal? What involvement do ACTPLA have in it from the very genesis? If it is genuinely the intention of the government to go ahead with this process, surely ACTPLA are involved from the very beginning and it is a done deal?

Mr Rattenbury: I do not think that is the case. I think that the planning legislation is set out quite clearly. I know you are well aware of the contents of it. If you think it is a sham process, you should seek to amend the legislation.

MR COE: This is a committee process, and this is all part of that broader legislative process. The point is that surely the government is wasting resources if CSD is not already consistent with ACTPLA's policy.

Mr Collett: I am not sure about CSD being consistent with ACTPLA's policy. I am not sure what you mean. But the process, as I outlined previously, is no different than a private individual would take. So if a developer had purchased this land or owned this land and wanted to change the territory plan, he would go forward to ACTPLA in exactly the same way that we have. So in terms of an open and transparent process, I think we are following a path that is the same as any other proponent in the territory would need to go through in order to change a planning variation. Of course there are early conversations with the planning authority to see whether this is consistent with the objectives of the territory plan, to see whether this is consistent with their strategy for development of the city, and to test whether they believe that they will be able to support a territory plan variation. So those conversations do occur, but they would occur for any developer, whether it was the government or a private individual.

MR COE: But surely this issue would have to be discussed at cabinet and it was agreed at cabinet to go ahead with this redevelopment, so if it has been agreed at cabinet and therefore the planning minister too is bound by the cabinet decision, what sort of flexibility is there for the planning authority to say, "Actually, this is bad policy"? Surely, if the planning minister is going to be consistent with his vote in cabinet, he would be willing to call in the project?

Mr Rattenbury: No-one on this side of the table was privy to the cabinet decision that you are referring to, so we are not able to give you any information on that. In terms of the premise around the role of the planning minister, he will be here on

Wednesday; you can ask him that. I am just not in a position—I guess you are putting forward a sense of how the planning system works. I think that is a really interesting discussion, but I am not sure that I can add a whole lot to it in this forum.

MR COE: It is not necessarily about how the planning system works; it is how the planning system works when you have a government-initiated proposal and a government-initiated draft variation, which I guess begs the real question: why is the government in the business of being a developer when we have got plenty of companies in the town that are up to that?

Mr Rattenbury: It is a very important site in the city. I think it is a site that is prime for redevelopment. Even those people who have raised concerns about the content of the redevelopment I think supported the notion that the area needs to be modernised and that it is time for that. The government owns the land. We own the assets on the land. It is therefore open to government to do that. The other option is that we could just sell the land and have a private developer do it. There are a number of options here where the agency will go forward in a joint venture arrangement, and that is perfectly appropriate. There is an opportunity for government to set standards around design as well, and by having a hand in that one can play that role.

MR COE: What percentage of the units will Housing ACT keep?

Mr Rattenbury: The decision by the previous cabinet was that it would be 10 per cent.

MR COE: So it is a 90 per cent private development, in effect, isn't it?

THE CHAIR: Mr Coe—

MR COE: Ninety per cent private development there.

THE CHAIR: Mr Coe, can I call you to order for a minute because a few of us want to ask some questions as well. You go with that one and then I will follow you.

MR COE: Thank you. If 90 per cent is going to be private development, why is the government in this space? Why is the government trying to compete with all these other businesses in town which do this very thing? There are a lot of sites in Canberra which are very significant and which the private sector controls. Could you not, for instance, sell this block of land with a very tight precinct code and with tight commencement and completion processes in place and actually not take on the risk and, therefore, taxpayers would not be out of pocket as much?

Mr Collett: The answer to that question is that we did take it to the market eight years ago and we did not receive a bid for the development which matched the valuation that we received. So the government would have lost money and would have lost public housing units as a result of having gone ahead with the sale or the disposal of the property at that stage.

MR COE: What was the height restriction at the time?

Mr Collett: In order to secure the development potential of the site, we need to go through a territory plan variation but we—

MR COE: But—

Mr Collett: I am sorry, I am trying to answer the question. We believe that that provides the best return in terms of replacement of public housing properties. The role that we play in the development of the site has yet to be determined by the minister and by cabinet, but the territory plan, as it stands, relies on the surrounding residential densities to give the development entitlement. To secure the entitlement that is there even at the moment in terms of the height of the building and the number of units requires clarification of the territory plan and a resolution of the territory plan against the development that is there at the moment.

THE CHAIR: Mr Collett raises a very important question. This committee is supposed to be looking at a variation to the territory plan, not the DA. Mr Collett, through you, minister, can you point out to the committee the advantages to the community of this variation?

Mr Collett: The variation is quite significant. In terms of the design ideas that are behind our proposal, they go a long way to improve the amenity of the surrounding development and of the development within the site. For instance, at the moment the eight-storey development of the Currong flats is immediately adjacent to Gorman House and the Braddon heritage area where we have got single-storey development and single residences, detached residences, on blocks.

Through the territory plan variation, we are able to move that taller development onto Cooyong Street where it has a much more urban development and we have been able to step down the development, in the most significant case, to three-storey townhouses opposite the single-storey, detached houses of the Braddon heritage area. We have also been able to open up the streets that cross Cooyong Street into Civic, Scotts Crossing and Petrie Street, which improve the permeability.

You will note that some of the submissions that were made to this committee, and indeed many of the comments that were received at the consultation, talked about the lack of security, the lack of lighting, the poor pedestrian amenity, the lack of a feeling of safety if not physical safety of the site as it is currently developed. By making clear, wide footpaths and by connecting streets through into the city, we provide not only a much better quality in terms of the urban realm for the site that we are developing but also much better connections into the city and, potentially, the enlivenment of that part of the city.

Leaving aside the other advantages of increasing densities in areas that are well serviced by amenities such as health, retail services, employment and the significant transport benefits that we achieve, the other, more detailed improvements that we are able to bring forward through this territory plan variation are increasing what is a very narrow footpath on Cooyong Street, providing a dedicated bike lane there, allowing for a much more generous planting area and significantly improving that edge of the city in terms of look and feel and the amenity of the urban area on that site.

THE CHAIR: There is a proposed change also from RZ to CZ on Cooyong Street. Could you go through what you expect to see if that changes?

Mr Collett: One of the key advantages of changing to that rating is not only to give us the flexibility to develop the height where it is best located on Cooyong Street rather than on suburban streets facing onto Braddon and Gorman House but also allows us to mix commercial space and community facility space in with residential in a way that we can determine progressively as we bring those blocks forward. We have got no intention of, and we do not see any advantage at all in, competing with the retail functions that are in the city centre.

You will be aware that there is a Catholic church on the site. We have been in negotiations with and acted on behalf of the Catholic church and they are very keen to reserve a place of worship as part of the redevelopment of the site. Depending on the outcome of the matters before ACAT at the moment, we would be moving forward with provision for a place of worship on the site.

Some of you who know the history of the site or know the site more intimately would be aware that we have the Boomerang room which has provided a community meeting space and an opportunity to run a number of programs targeting, primarily, our public housing tenants. Some of them are open to the general public. They provide services and support for our tenants not only in the ABC flats but also along Ainslie Avenue where we have a significant amount of residential accommodation. So it would provide us with an opportunity to replicate that function and to look at other supporting functions that we might typically find at the edge of the city such as childcare centres or other uses such as that.

DR BOURKE: Minister, what is the responsibility of Housing ACT to find accommodation for people who are going to be displaced during this proposed redevelopment phase?

Mr Rattenbury: We have an absolute responsibility to rehouse any tenants that are displaced as a result of the redevelopment. Certainly the indication we have had so far, based on discussions with tenants, is that some will want to stay on the site in its redeveloped form and others will want to move. The prospect of perhaps moving to the suburbs, where they might be closer to family or particular amenities or services that they are interested in, is attractive to some tenants. So some tenants will want to leave. Others will want to stay. That is a process to go through on an individual basis.

Obviously there is a temporary dislocation but the sense is that the site will potentially be developed progressively, not all at once. It is, obviously, an enormous site. So there may be some scope to sort of manage the movement of tenants within the site as it is redeveloped as well. It is quite a detailed piece of work to work with each individual tenant and come up with a plan that suits them.

THE CHAIR: How would you manage those that want to stay there during the construction phase?

Mr Rattenbury: As I say, there would be a need to find them temporary accommodation. Ideally, for those that do want to stay, it will be not too far away,

because you do not want to dislocate them from the community they are operating in, if they have got children going to school in the area or perhaps have part-time employment or access to services in the area. So it is about seeking to minimise the disruption for those tenants.

Mr Collett: The committee might like to note that that is an exercise that Housing and Community Services have been through quite a number of times before within the site. The tenants from Cooyong apartments were decanted some eight or so years ago. Over a 12-month period we have been working closely with housing managers and support staff from what is now the directorate, but of course we went through a similar exercise with McPherson Court [on Northbourne](#), the city edge development in O'Connor, Bernie Court in Lyons, Fraser Court and Lachlan Court on Brisbane Avenue. As we move to redevelop our older and tired multi-unit properties and break down aggregations of disadvantage, we need to support our tenants in moving to other accommodation. As the minister said, many of them will see it as an opportunity to move into accommodation that they find preferable to the apartments. Some will not; some will want to stay.

DR BOURKE: I also want to talk a little bit about the mix of public and private housing in the proposed redevelopment. What sorts of implications is the design of the redevelopment having?

Mr Collett: That is some way down the track. One of the reasons we were interested in working with the Catholic Church about their land is that they are keen to relocate some of their functions from the site to other areas. That would have provided us with an opportunity to develop that part of that site potentially early on and to decant our tenants into the new accommodation that was built there. Obviously, temporary relocation, as the minister outlined, is one of the alternatives. The other alternative, because of the size of the development—as, again, the minister commented earlier—is for it to be a staged development and there will be the potential for moving the tenants in.

Whether the tenants are “salt and peppered”, as we say, through the whole of the development or whether we build accommodation for public housing tenants is something that we will need to do as we get down to the next stage. There is a lot more work to do before we bring a proposal forward. This is just the very first stage, as I am sure the committee understands.

DR BOURKE: What are the implications of that decision in terms of having separate blocks or “salt and peppering”?

Mr Collett: We own properties in bodies corporate in inner north and south Canberra. We also own small apartment blocks, as well as our large multi-unit properties. It would just be a question of how big the final development sites are, whether the Catholic Church goes ahead and we are able to go through that staging that I described before and, quite frankly, the individual aspirations and desires of the tenants that are there. We would be listening closely to what they want to do. I guess one of our first responsibilities and our first challenges would be to try and get a fit between what we can provide and how we would best support them.

THE CHAIR: We have had some submissions with regard to heritage and, in particular, the Catholic Church. Would you just like to go through for the committee, briefly, the position that you are in now and how we have got to that point?

Mr Collett: Certainly. It is an area that is peripheral to us, I guess. It is not our asset and we are not joined as a party in the deliberations that have been before the ACAT committee looking at the listing that the Heritage Council was proposing to bring down for the church. The only thing I would say in terms of its relationship to the territory plan variation that we have got coming forward is that the territory plan sets the framework within which individual developments can occur. The heritage citation of the conservation management plan would provide the blueprint for how buildings were developed within that broad framework.

It would not be unusual at all for a heritage citation and a conservation management plan to limit the development capacity of a block below what was provided for in the territory plan variation or was provided for in even the lease conditions of a block. So we do not see the thing is necessarily in conflict. There may be an outcome from the Administrative Appeals Tribunal that looks at changing the setback requirements or the curtilage requirements. We have a robust planning framework within which that can be accommodated. Certainly, there is no suggestion that the territory plan variation would override or be in conflict with the heritage citation or the conservation management plan. As in any other site in the ACT, that would take pre-eminence.

MR COE: Minister, Mr Collett mentioned earlier that eight years ago it was put to auction. Was that put to auction as RZ4 or CZ5?

Mr Collett: It was put together as an opportunity to join with the department, as I think it was at that stage, in the territory plan variation that would have changed the development controls on the site to enable a different form of development to occur. As I say, the conjunction between the Currong apartments and the single-storey development on the northern side of the block which effectively casts a shadow over the remnant portion of the block and leaves lower storey development on Cooyong Street where it is facing onto the redevelopment of the Queensland Investment Corporation site into the future is not a preferred planning outcome.

MR COE: I do not think there is too much disagreement, from what I gather, in the community about the need to redevelop the site, but of course there are questions about whether it should be a government development. The height is of particular concern. Mr Collett, you said earlier that the directorate had not decided whether to salt and pepper houses across the development and that the whole public and private mix had not been finalised as yet. Why not? Is that not, from your point of view, the most important thing in this development, the Housing ACT component?

Mr Collett: The territory plan variation affects the development potential of the site. It will establish the height controls and the basis on which a development plan will be brought forward. It looks at setbacks and view lines and those sorts of things. Until that is determined we could spend a lot of effort and put our tenants to a lot of unnecessary angst by contemplating planning outcomes or development outcomes that are not consistent with the territory plan variations that finally pass the Assembly.

In any case, we are yet to do the sorts of detailed discussions that we need to do with our tenants to find out what their aspirations are. As I indicated, that would be a key issue for us. That will change over time, as it does with any family or individual as their circumstances change.

MR COE: I guess what I am getting at is this: is your core business to be a public housing provider or is to be a property developer?

Mr Rattenbury: The core business is clearly to be a public housing provider. I think the debate you are seeking to prosecute is what is the best way to do that.

MR COE: Absolutely. That is why I wonder how it can be that so much money is being spent. We have got artists' impressions and we have got a draft variation before ACTPLA, yet the directorate still does not know what the public-private mix is going to be and whether you are going to salt and pepper it. Surely these are fundamental questions for Housing ACT in any proposed development.

Mr Collett: You continue to assert that, Mr Coe, but there is no evidence to support that assertion.

MR COE: To support what?

Mr Collett: That this is a primary consideration.

MR COE: I am sorry, I do not follow you.

Mr Rattenbury: I think the important issue to focus on here is that we are talking about a territory plan variation. As Mr Collett has just outlined, that sets a whole lot of parameters. The issues that have come up—I will go to them now because it does not seem that anybody is going to ask about them—are things the community are expressing concern about, such as the height. I would like to be quite clear to the committee that I do not support a 15-storey development at the site. I have indicated it and that was certainly a position that I and my colleagues had put in the previous Assembly. I think it is too high and I think it is inconsistent with the city centre precinct code, which has a general limit of 12 storeys—the RL617 parameter. I have entered into discussions with Housing ACT since I have become the minister and I have asked them to reconsider the options and to look at the viability of the site in light of a lower height. They are now looking at a range of possible permutations.

DR BOURKE: Are you proposing a lower yield on the site, minister? Are you going to have a different format which has the same yield but with lower heights?

Mr Rattenbury: These are exactly the sorts of questions that need to be considered. In the context of the committee's examination of the territory plan variation, I am indicating that from the proponent's point of view it would be quite open to the committee finding that a lower height would be suitable in light of the feedback from the community.

DR BOURKE: So what you are really saying is that the issues Mr Coe is discussing are really matters for the development application?

Mr Rattenbury: I think they will come into much sharper focus at that point in time. The purpose of the territory plan variation is essentially about the zoning of the site.

DR BOURKE: Not wanting to jump the gun there, I will just move back to some questions about public housing availability in Reid and Braddon. Perhaps you can tell us what public housing, other than the ABC flats, is available currently in Reid and Braddon.

Mr Collett: Our accommodation in Reid and Braddon, which is quite significant, not only in terms of our multi-unit properties but also in terms of detached houses, falls I guess into two categories. Firstly, there is our older stock. The territory is very well served, as many of you will realise and appreciate, in that because of our background as government housing rather than welfare housing, we have got a much better scattering of public housing right through the metropolitan area and, indeed, in some of our high-value suburbs, than other jurisdictions have. In particular, some of those are in the form of detached single-storey dwellings. The challenge from that, as with our multi-unit properties, is the challenge of the age of our stock. Our stock is the oldest of any jurisdiction in terms of its average age.

We have been progressively upgrading some of those individual properties as well, redeveloping them as two-bedroom apartments in small blocks. When we did the decanting of the Currong apartments, that form of accommodation was very attractive to some of the tenants who moved out of Currong apartments and moved into some of those smaller scale ones. Some of them we bought off the plan from builders; some of them we built ourselves. So our development pipeline is a mixture of sales acquisitions and construction, depending on what the circumstances are and what gives us the best value for money.

There are quite a significant number of properties of that description that would enable us to do that sort of development again. The other form of development, in support of the decanting of the Currong apartments, was about people moving into aged-persons accommodation. Certainly there are some smaller sites, both ours and other sites that we might acquire, that would provide for aged accommodation, which we would anticipate to be another significant demand from people moving out of the Bega and Allawah flats.

DR BOURKE: Are you experiencing greater demand from your tenants for accommodation in town centres or close to town centres?

Mr Collett: No. We take a good deal of pride in the fact that we have got such a good distribution and that the ACT community, by and large, is much more accepting of public housing tenants than we find from some of our colleagues in other jurisdictions. I am sorry; could you repeat the question?

DR BOURKE: What I am getting to is the considerable amenity that is offered by the location. We have heard evidence about what a wonderful place it is to live, as it is so close to the city centre. You may not even need to have a car. Do you have a lot of demand from your tenants for that kind of accommodation or do they prefer a different environment?

Mr Collett: Public housing tenants reflect the broad cross-section of the community. I guess the areas in which we have got more demand than we have got accommodation are probably in the emerging suburbs rather than the existing suburbs. That is not to say that there are not a significant number of public housing tenants who greatly value their access to the city, either in north Canberra, south Canberra or the town centres. But there are also public housing tenants who, because of individual preferences—the distribution of their families elsewhere in the ACT or their need for specialist services—are keen to go into the emerging areas as well. Certainly, we have gone back to the program of identifying blocks with the LDA for purchasing accommodation potentially in west Belconnen or in Gungahlin.

DR BOURKE: Are you seeing any trends in that demand—mixes of numbers of bedrooms or whether it is detached, semi-detached or flats—that is changing now, or projecting that into the future?

Mr Collett: We would see the changes in that area continuing as we have seen over the last decade or so. Again it is a question of our public housing tenants mirroring what is happening in the rest of the community. We are getting a concentration of smaller families and some single-parent families, as well as, at the other end of the scale, larger families. So one of the challenges that face us in terms of our reorientation of the stock to better meet the needs of our tenants is to reduce the number of three-bedroom accommodation places that we have got and increase the number of one and two, and then larger developments for much larger families.

THE CHAIR: You have a lot of people on the waiting list now, I understand. Will that process start to alleviate the numbers on the waiting list or do you expect those to grow at the same rate?

Mr Collett: Leaving aside the growth or not, the answer to Dr Bourke's question was based on our applications for our waiting list. We have an increased number of people who are eligible for two-bedroom accommodation on our waiting list.

MR COE: Minister, you said earlier that nobody seems to be asking about the height issues. I certainly intend to, and that is largely what the planning minister will be here for, later in the week. Your role is to tell us about why you are proposing this draft variation and what you intend to do with this draft variation.

Mr Rattenbury: Thank you for helping me to understand my role.

MR COE: That is why I am asking questions about what Housing ACT's plans are for the site, which I think is perfectly reasonable.

Mr Rattenbury: But as the proponent, I think it is appropriate to discuss what we think is suitable for the site, and that is where the community has expressed interest.

MR COE: One would assume that the draft variation is what you think is appropriate for the site.

Mr Rattenbury: What I am indicating to you is that I think there is scope for

amendment to the draft variation, and I would have thought that was of interest to the committee.

MR COE: It is. I did not seek to ask whether you agreed with your own draft variation; I thought that was a given. With regard to the consultation with residents nearby, why has it changed, from the back street going in to Currong south, for instance, in Reid, three times rather than being consistent?

Mr Rattenbury: Do you mean Kogarah Lane?

MR COE: No, Currong south, in Reid.

Mr Collett: There is no—

MR COE: Sorry, I meant Argyle Square—Kogarah Lane, yes. Why has it changed three times?

Mr Rattenbury: Which bit?

MR COE: The height adjacent to Argyle Square.

Mr Collett: We have involved the community in consultation around the process. As we got further advice around a whole range of issues that were raised by the community, we have changed the plan. We did not go in with a plan and say, “This is it; give us your comments. We’re not changing it.” We went through a process of amending the plan in response to comments from the community, technical advice and other issues that were raised. So, yes, it has been a process of change. That is what the planning process is about.

MR COE: So going to 15 storeys and six storeys in that part of the development, is that consistent with the feedback you got?

Mr Collett: The feedback from some of the Reid residents expressed concern about the height of the buildings both on Ainslie Avenue, the bookend buildings, if I could describe them in that way, and on Kogarah Lane.

MR COE: Why is six storeys on Kogarah Lane the magical number? What makes that appropriate, in your eyes, from a Housing ACT point of view, and 15 storeys on Currong Street? Is it to do with yield? Is it to do with design? If it is to do with design, is not that something for ACTPLA?

Mr Collett: It is the role of the proponent to bring forward planning studies. The planning studies need to look at a whole range of issues. They include the solar impact of the development, the urban design impact of the development, the impacts on car parking and access, the sustainability of the development, improvements to the public realm, how the landscaping is treated, the views of the planning authority and the intentions in the territory plan and, in the case of this site, being on Ainslie Avenue, the view of the National Capital Authority and their planning controls and interests on the site. So it is a question of bringing all of those factors together. That, I guess, would be a description of the planning profession and the planning process.

All of those factors have led to us bringing forward a proposal which we think is supportable in terms of what is clearly a proposal to increase the residential area in a site that is key to the city's development, has a significant capacity to improve the look and feel of the city, has a significant capacity to increase the sustainability of the city by providing a lower reliance on private vehicles and supports cycling, pedestrian traffic and use of public transport. If you are looking for vindication of that position, the response of Infrastructure Australia in proposing that the site be further investigated as the terminus of the Canberra leg of the very fast train indicates that we are not off on some individual idea in this respect and that the planning potential and the urban development potential of the site are recognised by a wide range of people.

MR COE: I am concerned as to why that is your mandate. Why is it your mandate to improve the look and the feel of the city? Why is it your mandate to build a proposed 15-storey building when you are looking at purchasing only 10 per cent?

Mr Rattenbury: I have just indicated to you, Mr Coe—and I seem to be having some difficulty in getting this across—as the proponent, I do not believe a 15-storey building is suitable for the site.

MR COE: Okay, 12 or 15 storeys, whatever it ends up being, given you are looking at purchasing only 10 per cent, I do not understand why Housing ACT have this mandate to go to this very holistic vision of this site.

Mr Rattenbury: Who do you think should do it?

MR COE: Is that not ACTPLA's role?

Mr Rattenbury: ACTPLA is the independent authority.

DR BOURKE: Perhaps I could put this in another way. Minister, do you think it is Housing ACT's role to run down the look of the city and make it look worse, which is the other side of Mr Coe's question?

Mr Rattenbury: Obviously not, and that is why I said before that my impression is that there is strong support for some sort of redevelopment of the site.

MR COE: I agree.

Mr Rattenbury: There is debate about what it should look like and exactly what form it should take. I think there is support to redo something there. I guess I do not understand where you are coming from, Mr Coe. I genuinely do not. Who else do you think should be doing it? Housing ACT owns the land. It is in our interests. Our tenants are living in circumstances which we think need to be upgraded. Those apartments are getting old, they are getting run down, they are not well insulated. We have a responsibility, as the provider of housing, to provide a better quality of housing. It is a site where the cost of building a unit is more expensive than it is in some other parts of town for housing, the cost per square metre.

Therefore, not all of our tenants will necessarily stay there. They may go somewhere

else. We have discussed that earlier. But there is no reason why Housing ACT should not do this.

MR COE: It seems bizarre to me that you have a planning minister in cabinet with the housing minister, yet the housing minister is the one who is advocating this change to the planning system. That is at the core of the issue I have. Why is it that CSD is the proponent of the change to the draft variation, as opposed to simply putting forward a development application within the planning rules, as the planning minister has said?

Mr Collett: The answer to that is that CSD owns the land. In the same way as any other landowner in the ACT has the capacity to bring forward a proposal for a territory plan variation, CSD has exercised its right in that respect, to the benefit of public housing tenants in the ACT. It is unusual for me to be answering a question of why we are bringing forward a territory plan variation to the committee. The territory plan variation, in my experience, is most usually judged on the merits or otherwise of the plan variation.

But to provide you with more background about the way in which we manage our multi-unit properties, we do not have a single approach to every site. We will look at the site, we will see what our tenants' requirements are, we will see what the best outcome for the site is, we will see how we can best build the number of public housing properties we have in the territory to provide accommodation for those who are most in need and most vulnerable in our community and we will bring forward a development and a planning outcome that gives us the best yield when measured against that parameter.

In some cases it will be a territory plan variation. We have gone through a number of successful territory plan variations which have allowed us to maximise the number of public housing units that have been built as a result. One of them is nearing completion, with the Hindmarsh group, on Melrose Drive, Lyons, at the moment.

In other cases, it is not necessary and it is not advantageous to us to do a territory plan variation. In the case of Fraser Court in Kingston, we simply lodged a DA which secured the yield of the site and made sure that the developer who purchased the site had confidence that he could build 200-odd units on the site. That allowed us to maximise the return that we got at auction, given that we did not need to accommodate public housing tenants on that site.

We have developed Lachlan Court, as I said. We have developed McPherson Court. We have developed the Space apartments in conjunction with the commonwealth government. We have successfully refurbished stock through the stimulus package that was provided by the commonwealth government. We continue to work closely with FaHCSIA around development support that is available and around the national affordable rental scheme. For us to be excluded from any particular aspect of managing our stock could only result in a less beneficial outcome for public housing tenants in the ACT.

MR COE: It is interesting that you use the term "us". The government has spent hundreds of thousands of dollars putting together the one government report. You

have this “us” in terms of “this is CSD land” as opposed to “government land”. Then you have ACTPLA in charge of their area.

This is not actually impartial. The change to the territory plan is not an impartial system; it is a political system whereby the minister tables the changes to the territory plan. It is not done through an independent assessment like development applications are. It is not to say there is an impartial assessor in this process. With that in mind, when was the last time that the government was a proponent, other than ACTPLA, exclusively for a draft variation?

Mr Collett: I would need to take that on notice and get back to you. I guess in answer to your question, the territory plan variation process, as we have it in the ACT, relies on the most democratic and the most representative way possible of determining these things, and that is by bringing them forward to the Legislative Assembly for the ACT.

MR COE: Through disallowance?

Mr Rattenbury: It really comes back to this: if you have got a problem with the planning system, you need to put up the legislation to change it.

THE CHAIR: Thank you, minister and officials from the department. That concludes today’s proceedings. We will get a copy of the transcript to you. It will be available on the committee’s web page in the next few days if you need to make any alterations to grammar or things like that. Our next hearing will be on 29 May. The details are available on the Assembly’s website. The hearing is now adjourned.

The committee adjourned at 3.46 pm.