



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

WEDNESDAY, 29 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

CORBELL, MR SIMON, Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development **66**

CORRIGAN, MR JIM, Executive Director, Planning Delivery, Environment and Sustainable Development Directorate **66**

McEVOY, MR JUSTIN, Acting Manager, Territory Plan Variations Unit Environment and Sustainable Development Directorate **66**

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Amended 20 May 2013

The committee met at 4.28 pm.

CORBELL, MR SIMON, Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development

CORRIGAN, MR JIM, Executive Director, Planning Delivery, Environment and Sustainable Development Directorate

McEVOY, MR JUSTIN, Acting Manager, Territory Plan Variations Unit
Environment and Sustainable Development Directorate

THE CHAIR: Good afternoon. I declare open this final public hearing of the Standing Committee on Planning, Environment and Territory and Municipal Services on draft variation to the territory plan 308: Cooyong Street urban renewal area. Before we commence, I apologise for not mentioning at Monday's hearing that Mr Wall, the fourth member of the committee, is this week representing the Assembly at the CPA's 24th commonwealth parliamentary seminar in Singapore.

Please be advised that, in order to provide a record, the hearing will be transcribed by Hansard. In addition, in accordance with the Legislative Assembly (Broadcasting) Act 2001, 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 Minister Corbell and officials to the table. I draw your attention to the protections and obligations afforded by parliamentary privilege, which are outlined on the pink-coloured privilege statement before you on the table. Could you please confirm for the record that you understand the privilege implications of the statement?

Mr Corbell: Yes, thank you, Mr Chair.

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

Mr Corbell: Yes, thank you, Mr Chair, and I thank you and members of the committee for the opportunity to appear before you this afternoon. I and my officials will be happy to try and answer the committee's questions, and I would like to take the opportunity to make a brief opening statement.

Let me start by indicating that I have supported the referral of draft variation 308 to this committee on the basis that it is consistent with the strategic planning framework for the ACT. It provides an opportunity to increase housing choice and supply in a key location with good access to a broad range of commercial, retail, and community and social facilities as well as being closely located to transport and to significant job opportunities.

The proposal is consistent with the ACT's key strategic planning documents—the ACT planning strategy 2012 and transport for Canberra 2012-2031—by providing greater residential development in close proximity to transport, jobs and services. It also consist with the key directions in the city plan project. This proposal has been a key consideration in the government's development of options in relation to the city plan.

The draft variation also sits very well with the high speed rail study phase 2 report, which was released in April this year by the federal government, which proposed a terminal for a high speed rail link in Ainslie Avenue with the inclusion of car parking and mixed-use development on land north of the station on part of this site. So the draft variation already anticipates the need for those types of land uses in the future, potentially.

The review of the zones applying to the site is timely. The existing housing at the site is outdated and it is overdue for renewal. Part of the site is already developed beyond the existing zoning on the site, which is RZ4 medium density residential. The Community Services Directorate proposal to redevelop the site is the impetus for draft variation 308, and the government has had to consider the most suitable zone for the redevelopment site and to establish the appropriate planning controls to guide development on the site.

In referring the draft variation to the committee, I did so cognisant of the fact that I am aware there is a range of community concerns about the proposal. There were 137 submissions during public consultation, and while the majority of comments acknowledged the need to redevelop the public housing complexes, a range of submitters objected to particular elements of the draft variation, including issues around building height, the scale of development and the density of redevelopment proposed. It is for this reason that I felt it appropriate that the draft variation be tested through an inquiry by this committee. I am sure the committee will have close regard to all the issues put before it.

Finally, can I clarify one matter that has been raised in public hearings earlier this week. The suggestion has been made that the proposals in relation to height in this draft variation are inconsistent with other planning controls in the city area. That is not correct. The planning controls in relation to height in the city area are those planning controls that are in place in the national capital plan, which relate to an absolute height limit of any building in the city centre at the level known as RL617—that is, 617 metres above sea level. That is the maximum building height permitted in the city centre under the national capital plan, and this draft variation is consistent with that.

I think there may be some confusion about how RL617 is interpreted or what it means in practice. Commercial buildings, to reach RL617 generally, only have 12 storeys. The reason for that is that commercial buildings have higher ceiling heights than residential buildings. A residential building will have a lower ceiling height—generally less than four metres. Therefore, you can achieve more storeys in a residential building and still sit within RL617.

For example, for a commercial building to achieve RL617, it will probably have approximately 12 storeys. A residential building, again, to sit within RL617 would have around 15 storeys. The height is the same, but the ceiling heights within the buildings are different. I think it is important to clarify that. There is no change from planning controls already in place when it comes to the issue of height. With that, Mr Chairman, I and my officials are happy to try and answer your questions.

THE CHAIR: Thank you, minister. Dr Bourke.

DR BOURKE: Thank you, chair. Minister, the draft variation takes account of the possible heritage listing of St Patrick's Church. The *Canberra Times* article today seems to indicate that the relevant site is not for sale. To what extent does this impact on the draft variation?

Mr Corbell: It does not have any substantive impact on the draft variation. The government has always been cognisant of the fact that the Catholic Church may or may not wish to redevelop its site. The proponent, the Community Services Directorate, has put forward a proposal that anticipates redevelopment of the church site, but it is not a necessary requirement when it comes to issues around the rezoning of the site. So that will be a matter for the Catholic Church as to what they choose to do with their property.

DR BOURKE: Can you tell us what the benefit to the community of this change in zoning for Reid and Braddon will be?

Mr Corbell: Sure. As I outlined in my opening statement, the broad strategic planning objective is one to provide more opportunities for people to live close to the city centre and, more broadly at a territory-wide level, our town centres and close to existing public transport corridors. Having more people living close to these facilities and services improves amenity in terms of people's easy access to a range of retail, social or commercial opportunities and, indeed, cultural opportunities.

It also provides people with better transport choices in so far as they can access those services and facilities through a broader diversity of transport choices than simply relying on the motor car. In terms of a sustainable pattern of development and encouraging a modal shift in the community so that more people can walk, cycle or use public transport, this location is a very sensible one in that regard.

At a broader strategic level, those are the opportunities that arise from a rezoning such as this, recognising that the site is already a relatively high density site, albeit not as intense as proposed in the draft variation.

DR BOURKE: Finally, there has been a lot of talk in our hearings already about the mixed-use proposal. Can you give us some examples of successful mixed-use areas that have previously been rezoned from residential, either in the territory or elsewhere?

Mr Corrigan: What would probably be relevant to this would be some proposals that CSD have done themselves, such as Burnie Court, next to Phillip. There are other sites; most of the town centres have mixed-use developments that work quite well, such as in Woden. There are a number of sites around Gungahlin, near Yerrabi Pond and those places, for mixed use, where there might be a commercial use, restaurants and things on the ground floor, with residences above. So that is what we mean by "mixed use". It works quite well.

Mr Corbell: Perhaps the most obvious recent example in the city centre would be the mixed-use development that is occurring on the New Acton Nishi site, as it is known.

There you have a mixture of commercial uses, office building, residential uses. With two of those buildings, in the same building you have floors that are dedicated to commercial and then floors above dedicated to residential, then you have retail uses on the ground floor—restaurants, cafes, other similar uses like that. So that is a very good example of a well-resolved mixed-use development.

DR BOURKE: What is the advantage to residents who live in these mixed-use developments?

Mr Corbell: I think the clear advantages are that, again, you have proximity of services. So that is always convenient. If people can just pop downstairs to get their convenience shopping, for example, if there is a corner store or if there is a cafe or restaurant that they would like to be able to frequent, having it in close proximity is an advantage. Equally, there are other advantages in terms of urban design outcomes. So increasing activity in high density developments in terms of the numbers of people moving around has a range of benefits.

It contributes to factors that people favour, such as activity or liveliness or vibrancy, to use those somewhat intangible terms, but also it has practical and well-understood benefits around issues such as safety. So busy places are safe places. If there are people moving around, not just during the day but particularly in the evening, that contributes to safety and people's willingness to move around a space and not feel alienated or threatened by it because it is largely vacant, empty and not used by people.

Urban design principles certainly state very clearly that building in nodes of activity that occur not just during nine to five, as you might have if it was just a commercial office building, for example, contribute to broader considerations about safety.

MR COE: Minister, at the start you made mention of a bit of confusion with regard to RL617. When was that stated, or what was the source of the confusion?

Mr Corbell: I understand there was some evidence given in this week's earlier hearing that suggested that—certainly it was reported in the *Canberra Times*—a height of 15 storeys appeared to be inconsistent with the height for commercial office buildings in the city centre at 12 storeys. I think that confuses storeys with height. The height is the same; the number of storeys within the building is different.

MR COE: So is that Mr Rattenbury's evidence?

Mr Corbell: I saw in the report that it was attributed to Mr Rattenbury, yes.

MR COE: Minister, when did this draft variation originate, and from whom? Who brought it to ACTPLA and when was that?

Mr Corbell: No-one brings a draft variation to ACTPLA; ACTPLA prepare draft variations.

MR COE: What was the genesis of it? Did ACTPLA consult CSD, or did CSD consult ACTPLA and say, "This is something that we'd like to go ahead with"?

Mr Corbell: I think it is fair to say that it is more of an iterative process. CSD are obviously looking at opportunities for the redevelopment of their estate and making assessments about what would be the appropriate policy settings to respond to their identified need to redevelop parts of their estate—in this case, ABC flats. The planning authority then would engage in discussions with CSD and give advice on what issues should be taken into account. But, ultimately, it is the planning authority that prepares draft variations, and the planning authority does that in response, also, to the policy settings of the government. The planning authority does not make policy; the planning authority establishes the planning parameters consistent with the government's broader planning policy.

In this case, as I said in my opening statement, the planning policies of the government are very clear. The planning strategy and transport for Canberra both emphasise the importance of establishing higher density development close to centres, existing commercial and retail centres, and close to public transport corridors.

MR COE: So is CSD the proponent? Is that the right language to use?

Mr Corbell: Yes, CSD are the proponent in the same way that a private landowner would be a proponent.

MR COE: When was the last time that a department, a directorate or a government agency of any sort was the sole proponent—so not a joint proponent—for a draft variation?

Mr Corbell: I saw you asked this question the other day, and I can certainly give you some examples of other draft variations or variations which have responded to similar imperatives on the part of other government agencies. For example, variation 316 facilitates the rezoning of land to develop a fire station in the Calwell-Conder area. Variation 315, again, facilitates the rezoning of land for the provision of a combined fire and ambulance station in Aranda. Variation 288 in Phillip facilitates the development of land between the Community Services Directorate and its joint venture partner, Hindmarsh, for housing in the Phillip area. Variation 296 facilitates the development of appropriate water use and catchment code arrangements in response to policy settings on the part of Territory and Municipal Services. Finally, and perhaps a very good example, is draft variation 305, which facilitates the expansion of the landfill site on Mugga Lane for ACT NOWaste.

MR COE: When was the last time that the government was the sole proponent for a draft variation for a residential use?

Mr Corbell: I would refer you to variation 288.

MR COE: I was on that committee, and we had John Hindmarsh before us as well. So we had a member of the private sector there as well.

Mr Corbell: That is because the government chose to develop the site through a joint venture, but it was government-owned land and the government chose to partner with a private sector partner to facilitate development of the land.

MR COE: And that does, in effect, share the risk of a proposal.

MR COE: Yes.

MR COE: So is that definitely the path that you understand the government are going to go down with regard to this project?

Mr Corbell: That is not a consideration for the planning process. How a project is delivered in terms of the financial arrangements, risk allocation and so on is not a relevant consideration when it comes to decisions about varying the territory plan. Varying the territory plan is about determining what is the appropriate use for the site and what the planning controls for the site should be.

MR COE: Does what we are seeing here in the draft variation tick all the boxes of the CSD wish list? Was there much toing and froing between CSD and ACTPLA with regard to the draft variation we have here, or did cabinet presumably approve the development and, therefore, CSD and ACTPLA were on the same page from the very beginning?

Mr Corbell: I think you need to reflect on the fact that this is a more nuanced process than that. Cabinet has given its endorsement to CSD to proceed with public consultation and the presentation of a proposal on the site and for the redevelopment of the site. Cabinet, though, has also noted that CSD will need to see the site varied in terms of its zoning under the territory plan through this draft variation and that any development on the site is subject to the normal planning processes.

Cabinet does not simply say, "It shall be so," and everything else is irrelevant. The proponent still has to go through the planning process. The draft variation has to be prepared. It has to be released for public consultation. The planning authority must take into account the issues raised in the consultation process. They have a statutory obligation to do so. I as the minister have a statutory obligation to take into account all of the issues raised through the public consultation process and also any recommendations that this committee chooses to make. I have a statutory duty separate from the cabinet process, as planning minister, to determine whether or not the draft variation should proceed. I do not go to cabinet on whether or not I should proceed with a draft variation.

MR COE: But surely—

Mr Corbell: Sorry, whether or not I should agree to a variation to the territory plan.

MR COE: Sure, but has cabinet not actually gone further than that, if reports in the *Canberra Times* today are correct and the Catholic Church or branches of the Catholic Church were, indeed, offered a sum of money for land?

Mr Corbell: They are not relevant considerations for the planning process; those are issues around delivery of development should the variation be implemented, and those are matters for the proponent, in this case CSD, to consider.

MR COE: But you said that cabinet decides whether to proceed with taking a draft variation to the public, in effect.

Mr Corbell: No, I did not say that. What I said was that cabinet gives authority to CSD to proceed with public consultation on a proposal which would then inform a draft variation to the territory plan, which is prepared by the planning authority separate from the cabinet process, which is consulted on, and the consultation process is led by and is the responsibility of the planning authority, and then the planning authority make their recommendations to me, having regard to public comment and, in this case, the outcome of this committee inquiry.

MR COE: But CSD must be more confident than that, if the reports in the *Canberra Times* are true and that CSD offered a price to purchase the land? Therefore, is this process a sham? Is it a done deal?

Mr Corbell: No, it is not a done deal because, as I have said very clearly, the planning authority has to go through a statutory process—a legally binding statutory process—to determine whether or not the territory plan should be varied. It must, under law, give its recommendations to me as the planning minister as to whether or not the draft variation should be brought into effect and become a formal part of the territory plan.

MR COE: So has CSD overstepped the mark if they have, indeed, offered a sum to an element of the Catholic Church?

Mr Corbell: I am not privy to those discussions or negotiations between CSD and the landholder. In any event, I would imagine that if such an offer has been made, it would be contingent on the development actually proceeding, which would be a normal commercial practice. In this case, obviously we are not yet at that point. We will not know whether or not we will get to that point depending on the outcome of this process.

MR COE: So would that not mean that, potentially, you have one government agency taking for granted the support of ACTPLA and the minister? Even if it is a conditional offer, surely they are ahead of themselves if that report is true?

Mr Corbell: I have to say that I do not know whether you have been listening to my answers for the last five minutes.

MR COE: You are still a member of cabinet and a senior minister in government.

Mr Corbell: Mr Coe, if I can answer your questions and reiterate what I have just told you, the process of varying a territory plan is a statutory process. It is done consistent with what the law says. As I have indicated to you, decisions on varying the territory plan are ultimately the responsibility of the minister. As I have indicated to you, I do not take a cabinet submission to cabinet seeking their agreement to vary the territory plan. It is a statutory process with the power vested in the minister to determine whether or not a variation should come into law.

THE CHAIR: Minister, I would like to come back to the planning process. The new

multi-unit housing development code which has arisen out of draft variation 306 is due to come into effect soon. Can you tell us the purpose of the code and to what extent it is envisaged that the precinct codes will override the rules within this and other residential codes?

Mr Corrigan: Variation 306 amended residential codes as they apply generally across the territory. Precinct codes, in the hierarchy of how we assess ultimate development applications, have primacy over the general codes. So what is proposed here for variation 308 for the Cooyong Street area is that the precinct code will set the building heights. It will set the plot ratio requirements around those sorts of things—how the buildings interface with Cooyong Street and probably setbacks to Kogarah Lane.

That is what the variation has proposed. It was put on exhibition and then obviously some amendments were made in response to the community feedback we got to draft a precinct code to control—if the Assembly ultimately passes the variation—the outcome on the site. That is what the precinct code is designed to do.

THE CHAIR: Is the core objective of the area that is the subject of this variation to be residential with some commercial uses for residential amenity, or is it commercial with an objective to encourage higher density residential development in locations with access to transport corridors and commercial and employment centres?

Mr Corrigan: Is it a bit of both. We are deliberately proposing a variation here for a mixed-use zoning rather than just a straight higher residential zoning. That is to allow the mixed use. Importantly, there is a community facilities aspect involved here as well. Obviously, in respect of CSD being the proponent and in terms of their still wanting to put in place accommodation for their residents, there is a community facilities provision as well. To answer your question, it is really a bit of both. It meets the broader planning objectives that the minister has outlined in terms of being a good location for development next to the city for all those advantages that the minister has outlined, plus ensuring within the site that there is a mixed use potential to give enough flexibility for a good outcome.

THE CHAIR: How would you distinguish the purpose and, therefore, the likely future locations of CZ5 mixed use versus medium or high-density residential zones like RZ4 or RZ5?

Mr Corrigan: If I follow the line of questioning, the mixed-use zone gives that flexibility that is good for certain locations of the city, where a residential zone is obviously limited to residential uses and higher density around those. It is a flexibility question.

DR BOURKE: Minister, could you tell us more about the provisions for car parking within the zone given that this is an issue that has come up a lot in the evidence that we have received so far?

Mr Corrigan: The car parking requirements for this zone have to meet the car parking code. There is no special provision. That is the first thing. The second principle is that the variation requires—and it supports what CSD are proposing—

access. Access is a big question here. Obviously, with Cooyong Street, it is a busy area. It is about keeping as much traffic out of Braddon and Reid as possible. We do not want car parking funnelling in behind, to the north of the site, to access that, because of amenity issues for the residents of Reid and Braddon. The requirements here are for access into the sites off Cooyong Street where possible and around from Ainslie Avenue and Kogarah street.

Interestingly—it may assist some earlier questioning—with the planning work that was done, you may see in the variation, in the proposed precinct map that supports the precinct code, that Scotts Lane is the footpath between the Catholic Church site and the current public housing site. That is proposed to be a stub road—again, left in, left out—so that cars can access any proposed basements on that site. It is in a location so that if the Catholic Church did not want to partake in a redevelopment opportunity, the planning through the draft variation puts in place a natural boundary between the two. That is a side point. So that is the traffic argument.

DR BOURKE: That addresses the Braddon site, but on the Reid site, residents, particularly in Argyle Square, are concerned about the traffic load in Kogarah Lane.

Mr Corrigan: With the Reid site, the proposed access is off Cooyong Street, with a stub road at the end of Akuna Street, and also from where the church is, at Boolee Street, down at the eastern end—so access from Boolee Street and then into the basement from there. Again, with Kogarah Lane, naturally there would be an increase in traffic on that, but the proposal being put forward is to make sure that any entrance to any proposed basements would not all be off Kogarah Lane and would not come from there, to keep it off the busier roads such as Cooyong Street, quite deliberately.

DR BOURKE: What sort of traffic flow would you expect on Kogarah Lane, say, first thing in the morning when people are going to work?

Mr Corrigan: It depends on the ultimate design. We do not have a development proposal in front of us at the moment.

DR BOURKE: Sure.

Mr Corrigan: I would be—

DR BOURKE: Jumping the gun.

Mr Corrigan: Yes, I would be making a guesstimate. But the principle of making sure traffic comes in off Cooyong Street and the roads that come off Cooyong Street, those stub roads, such as off Akuna Street and places like that, is to get as much traffic off those rear lanes as possible and out of the suburbs of Reid and Braddon.

MR COE: Whilst it might be an estimate, have you not done that estimate? Surely, if the draft variation is as stipulated, you could make some fair assumptions about the density and the capacity of the site. Therefore that must have been a consideration.

Mr Corrigan: You are quite correct, Mr Coe. The planning report that was submitted by CSD in support of the draft variation included a traffic study. Subsequent to the

variation, further traffic work was done. I might defer to my colleague Mr McEvoy, who can detail the numbers. It is hard to make an estimate of exactly what would happen on Kogarah Lane without a development proposal, but there might be some general observations we could make.

MR COE: Surely, it would be required—

Mr Corbell: That is why there is a traffic report.

Mr Corrigan: That is why it was done, yes.

Mr McEvoy: To confirm what Mr Corrigan said, following consideration of the comments we got from the community in relation to the interface and the traffic impacts on the Reid site, Mott MacDonald undertook a traffic and parking assessment of the Reid site. Their conclusion was that there was sufficient access and capacity within the road framework to accommodate the proposal as enunciated in the concept plan. I can go through the report, if you like, and identify a particular point in the day where they thought that peak traffic generation was. It may take a few minutes. I can come back, if you want to go to another question.

MR COE: If that is a publicly accessible document and you are simply reading from it—

Mr Corbell: It is in the traffic report that is next to the territory plan variation—the draft variation documents.

MR COE: Sure. On Kogarah Lane, I gather there are no plans to widen that lane; is that correct?

Mr Corrigan: There is no proposal to widen the actual gazetted laneway, but the draft variation to the precinct code is introducing a nine-metre setback into the site, the redevelopment site. Within that nine-metre setback, basements are allowed to six metres. The idea of that is to create a wider interface between Argyle apartments and the site and also to allow room for deep-rooted landscaping—good-size trees and things. Overall, from boundary to boundary, it would be upwards of about a 20-metre-wide lane. So it is a good width for a lane.

MR COE: Are there any other examples that you can think of where ACTPLA has endorsed a car park as big as 268 spaces, as is the Reid site I believe, going on to such a small lane?

Mr Corbell: I think we would have to take that on notice. ACTPLA deals with a large number of development proposals that involve car parking.

MR COE: There would only be a handful, surely, that are of that size in the ACT in the last few years?

Mr Corbell: 268?

MR COE: Yes.

Mr Corbell: It is actually quite a small car park compared to a number of car parks—

MR COE: In the last few years, though, surely there have not been that many that have been 268-plus DAs.

Mr Corbell: As I say, unless Mr Corrigan has it in his immediate recall, I may have to take the question on notice.

MR COE: Sure.

Mr Corbell: I will take it on notice.

MR COE: With regard to the frontage of the development on Kogarah Lane, I think it is fair to say that that has attracted a fair bit of criticism from people in Argyle Square in particular but elsewhere as well. Why was six storeys chosen? Why not four, why not eight, five or seven—why six?

Mr Corrigan: It was an iterative process. The original variation proposed eight, from memory, and then it reduced to six. There are a couple of reasons. The main reason, like I said, was the interface between the proposed lane width to get a larger setback. So it was from that point of view. Also, in terms of stepping up to the city, in terms of Argyle to the site, obviously the heights increase to the site moving south closer to the city as well. Hence the six storeys and then moving to eight to 10 with the possible 15 on the corner of Ainslie Avenue and Cooyong Street.

MR COE: But it was eight. Did the rationale or the policy change? What made it go from eight to six if it was designed to be a step down?

Mr Corbell: It was revised in response to feedback through the consultation process.

MR COE: And six is therefore acceptable, is it?

Mr Corbell: That was the view that the planning authority reached in proposing the draft variation, yes.

MR COE: Because, of course—

Mr Corbell: These are subjective judgements, and there is no right or wrong answer on the issue of how high it should be. These are subjective judgements. Clearly, the feedback during the consultation process indicated that there was concern about the interface between the Argyle apartments complex and the redevelopment site. So, quite rightly, in response to the public consultation process, the variation was revised and the revision brought it down, as Mr Corrigan said, from eight to six and, at the same time, additional requirements were put in place in relation to setbacks.

The setback is a very generous setback, as Mr Corrigan has indicated—20 metres from boundary line to boundary line between the redevelopment site and the Argyle apartments site. That, again, is in response to the issues raised about the interface between taller buildings to the west of Argyle apartments and the apartments

themselves. There is no precise formula on this matter; it is a question of design and consideration of the various broader strategic planning outcomes that need to be achieved on the site, and the revision was in response to public consultation feedback that was received.

MR COE: I think the broad sentiment of people that I have chatted with and the submissions is that it seems that this project is being determined based on yield as opposed to good planning. How would you respond to that concern?

Mr Corbell: Yield is always a reasonable consideration. It is not the only consideration but it is always a reasonable consideration, because yield comes down to the economic viability of a project.

MR COE: But this is government run. What sort of viability is there when the government is propping it up?

Mr Corbell: If the government is redeveloping a site, it needs to still get a good deal for taxpayers in terms of the value of the land and what can be achieved on the site. It is not the only consideration, nor is it the overriding consideration, but it is a legitimate consideration. Good planning outcomes in terms of good urban design outcomes, in terms of the appropriateness of the location consistent with broader planning objectives, are also considerations. But I think it would be wrong to say that considerations about yield are irrelevant. They are not irrelevant. You, Mr Coe, I am sure would agree that the taxpayers should get a reasonable return on their asset, and that is what it is—it is a public asset. So questions around yield should be taken into account, but they are not the overriding, the predominant or the only consideration. They are a legitimate consideration, amongst others.

MR COE: What would be the maximum density that you think could be achieved on the site concerned had it stayed at RZ4 or gone up to RZ5?

Mr Corrigan: I cannot remember if there is a plot ratio maximum in the RZ5 zoning; I would have to take that on notice and come back to you. If there is a plot ratio maximum in RZ5, that may set a limit across the entire site. Obviously, if you are going to mixed use, the precinct code in DV308 has plot ratios proposed and it would be more significant or greater than the standard general provisions that may apply. But I will need to confirm that, because that would affect the overall building height.

In addition to building height, though, when we consider variations in proposals like this, obviously the land use is the first question. We talked about that; mixed-use development is probably the best outcome in this location—not always, but in this location it is. The traffic and parking, given the principles about accessing it from Cooyong Street and the roads that come off Cooyong Street, can be managed in a way that minimises any impacts on Reid and Braddon. That is important. So that is a second important principle to consider.

The third one is the urban design provisions. We believe the interface between the existing residences of Reid and Braddon, and the Argyle apartments, with the greater laneway, is good at six metres. It also mirrors what is happening in Braddon at the site to the west. Obviously that is six storeys there—not six metres, six storeys. The other

advantage with this site is that because it is to the south of the existing residential areas, with taller buildings, overshadowing is the biggest amenity impact. Obviously in this case the overshadowing is to the south. It overshadows itself or to Cooyong Street and to the city. So those sorts of things lend themselves to a consideration of what we think are reasonable building heights in the location.

MR COE: Just to confirm what you have taken on notice, would you please advise what the density could be on both RZ4 and RZ5—

Mr Corrigan: And mixed use.

MR COE: Yes. And finally on this RZ4 issue, when the territory plan was codified in this form, why was it that that block in Reid was a residential zone?

Mr Corrigan: This is going back to the original territory plan variation?

MR COE: Yes, when it was codified in this form, why would it have been—

Mr Corrigan: I think because of the existing density on the site with the existing ABC flats. RZ5 is the highest density—

MR COE: It is RZ4 at the moment.

Mr Corrigan: The RZ4 and 5 zones are the highest density residential zones permissible in the territory plan from a land use point of view. Obviously the territory plan was created after the ABC flats existed. It was reflecting the existing densities of the site.

MR COE: Yes, but why was it a residential zone? Why was it not a commercial zone, a mixed-use zone, at the time of codification?

Mr Corrigan: At the time—

Mr Corbell: It is a question of existing use.

Mr Corrigan: Yes, existing residential use. It was not a mixed-use development.

MR COE: But there are lots of blocks in town that are paddocks and the territory plan does not reflect the existing use; it reflects a desired use as well. So why was this one a residential zone?

Mr Corbell: Exactly. And that is the difference. Land yet to be developed can be allocated a higher use. Generally speaking, until redevelopment intentions are known for existing developed land such as this, the approach is, generally speaking, to be simply reflecting the territory plan in the existing use, recognising that it may be subject to change through the very transparent and detailed process that a draft variation has to go through.

MR COE: But if that were so, then all the old core areas would be RZ1. The fact is that the territory plan was put in place to reflect the desired outcome of the built form.

Is the desired outcome of the built form actually residential as opposed to commercial?

Mr Corbell: The territory plan is not a set-and-forget document where you get it all right once and you never change it again. The territory plan is an evolving document and it responds to government policy settings. It responds to community expectations. It responds to a range of factors—for example, changing economic circumstances. It responds. It has a variation process built into it for that reason.

I think the suggestion that back in 2008, 2004, 2000 or 1999 the territory should have anticipated this outcome, this proposal, at that point in time is nonsensical. The territory plan has a variation process built into it for this reason—to respond to changing circumstances, changing policy settings of government, changing community expectations, economic circumstances, patterns of living and so on. That is what is occurring here.

MR COE: Is there a community expectation that this should be a commercial area?

Mr Corbell: I think there is a community expectation that there should be higher densities of commercial, residential and mixed-use activity in locations such as this. Quite frankly, if you cannot achieve higher density on this site, I cannot think of a site in Canberra where you could.

MR COE: You do not think you will get double the density through RZ4 and RZ5?

Mr Corbell: I am sorry?

MR COE: You do not think you could get double the density through RZ4 and RZ5 on this site?

Mr Corbell: I do not quite follow you, Mr Coe. Can you rephrase the question?

MR COE: If the site concerned was stated RZ4 but got redeveloped or went to RZ5 and got redeveloped, do you think the density could, in fact, double?

Mr Corbell: I do not know the answer to that question, Mr Coe. It would depend on the specific proposal.

THE CHAIR: Thank you, minister and officials, for your time this afternoon. A copy of the transcript of today's proceedings will be available on the committee's webpage in a few days. A copy will be sent to you as well to check for any typographical or other transcription errors.

As I mentioned earlier, this is the committee's final hearing for this inquiry. The committee is due to present its report on DV308 on 9 August. The hearing is now adjourned.

The committee adjourned at 5.17 pm.