

57.



Legislative Assembly for the Australian Capital Territory

VARIATION TO THE TERRITORY PLAN

NO. 200

GARDEN CITY VARIATION

**RESIDENTIAL LAND USE POLICIES,
MODIFICATIONS TO RESIDENTIAL CODES,
and MASTER PLAN PROCEDURES**

***LAND (PLANNING AND ENVIRONMENT) Act
1991***

Report No 15

Standing Committee on Planning and Environment

29 April 2003

COMMITTEE MEMBERSHIP

Mrs Vicki Dunne MLA (Chair)

Mr John Hargreaves MLA (Deputy Chair)

Ms Roslyn Dundas MLA

Mrs Helen Cross MLA

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RESOLUTION OF APPOINTMENT

(1) The following general purpose standing committees be established and each committee to inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community:

(f) A Standing Committee on Planning and Environment to examine matters related to planning and land management, conservation and heritage, transport services and planning, environment and ecological sustainability.

(2) If the Assembly is not sitting when the Standing Committee on Planning and Environment has completed consideration of a report on draft plan variations referred pursuant to section 25 of the *Land (Planning and Environment) Act 1991* or draft plans of management referred pursuant to section 204 of the *Land (Planning Environment) Act 1991*, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.

Minutes of Proceedings, No 2, Tuesday 11 December 2001, pp 11 to 13

TERMS OF REFERENCE

Section 25 of the Land (Planning and Environment) Act 1991 states:

25 Consideration by a Legislative Assembly Committee

The Executive shall, within 28 days of receiving a draft plan variation under section 24, refer -

(a) the draft plan variation; and

(b) the documents referred to in subsection 24(1) that relate to the draft plan variation;

to an appropriate committee of the Legislative Assembly together with a request that the committee report on the draft plan to the Legislative Assembly.

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SUMMARY OF RECOMMENDATIONS

RECOMMENDATION NO. 1 page 12

The Committee recommends that the Government, in consultation with the community, identify which urban areas need to be preserved (in addition to those areas already afforded protection under Heritage Places Register) and prepare guidelines for their protection.

RECOMMENDATION NO. 2 page 19

The Committee recommends that the Government not proceed with Draft Variation 200.

RECOMMENDATION NO. 3 page 19

Should the Government choose to ignore Recommendation 2, the Committee recommends that specific changes be made in accordance with recommendations in the following chapters to meet the community's basic demands.

RECOMMENDATION NO. 4 page 23

The Committee recommends that before another Draft Variation is developed to reflect a finalised Spatial Plan, detailed analysis and investigations are undertaken and reported on publicly in the following areas:

- a) specific areas for urban intensification based on infrastructure capacity, public transport corridors, diversity of housing types, affordable housing;**
- b) the effectiveness of the performance based approach of the existing Residential Design and Siting Codes contained in Appendix 111 of the Territory Plan;**
- c) a long-term public transport strategy that will effectively support changed residential frameworks and patterns that will result from this or any similar Draft Variation.**

RECOMMENDATION NO. 5 page 24

The Committee recommends that the Government devise some broader guidelines for the suitable siting of dual occupancies that take into account topography, orientation, and the shape and size of the block.

RECOMMENDATION NO. 6 page 25

The Committee recommends that the Government undertake further research into more intensive residential development along public transport corridors.

RECOMMENDATION NO. 7 page 26

The Committee strongly recommends that the 800m² block limit for dual occupancies be maintained and the proposed sliding scale plot ratios be abandoned.

RECOMMENDATION NO. 8 page 26

The Committee recommends that the relationship of the private open space ratios to the plot ratios needs further definition in respect of topography, orientation, ground quality (is the land rocky, soft clay base, subject of a previous land fill, containing dry or wet waterways), suitability in terms of suburban amenity, design compatibility with surroundings.

RECOMMENDATION NO. 9 page 28

Given that there is a minimum lead-time of twelve months between the Development Application approval and construction commencement, and that its retrospectivity places an unreasonable impost on current projects, the Committee recommends that the Government not introduce any changes to the Change of Use Charge until 1 July 2004.

RECOMMENDATION NO. 10 page 30

The Committee recommends that new residential land use policies be devised in the light of the forthcoming Spatial Plan.

RECOMMENDATION NO. 11 page 30

The Committee recommends that PPN6 remain in place until the spatial planning process is concluded and further consideration is given to the best means of protecting the Garden City and other elements of 'Territorial Significance'.

RECOMMENDATION NO. 12 page 30

The Committee recommends that all the planning reviews and processes currently underway be integrated as a matter of urgency, as there is already evidence that high levels of inconsistency is occurring between them.

RECOMMENDATION NO. 13 page 32

The Committee recommends that:

- a. any documents which outline the future planning principles for Canberra include as a pre-requisite, i) specific areas of National Significance (National Capital Planning Areas); ii) specific areas of Territorial Significance (to include historical elements); iii) areas of environmental concern; iii) areas which can only be designated for medium density housing; and
- b. a monitoring framework for spatial distribution of dual occupancies and multi-unit developments be implemented, based on the objectives of PPN6 and the Spatial Plan as it is phased in.

RECOMMENDATION NO. 14 page 32

The Committee recommends that any future Draft Variation on residential land use policy align its headings with the ACTCode for Residential Development, which are:

- a. Neighbourhood Planning and Movement Networks
- b. Physical Infrastructure
- c. Stormwater and Integrated Catchment Management
- d. Streetscape and Neighbourhood Character
- e. Siting Planning and Design

RECOMMENDATION NO. 15

page 33

The Committee recommends that the Government instructs the Planning and Land Management Group (PALM) to:

- a. adopt practices that are more responsive to community input;**
- b. produce documentation that is easily understood by interested lay members of the community; and**
- c. responds fully and in a timely fashion to requests from the Committee for information.**

Vicki Dunne

Chair

29 April 2003

1. INTRODUCTION

The *Land (Planning and Environment) Act 1991*

1.1. The *Land (Planning and Environment) Act 1991* (*the Act*) provides for a Territory Plan (the Plan) to “set out the planning principles and policies”¹ for the ACT. The objective of the plan is to ensure that the planning and development of the Australian Capital Territory provides an “ecologically sustainable, healthy, attractive, safe and efficient environment”² for the people of the Territory.

1.2. The Plan includes both a Written Statement, setting out general planning principles and more specific land use policies, and a map. *The Act* places conditions on development or land use within designated areas to meet the principles prescribed for that land on the Plan.

1.3. Land use requirements change over time and *the Act* sets in place a regime by which the stipulated land use can be altered or varied. Proposals to vary the Plan are prepared by the Territory planning authorities and are known as draft variations. Draft variations are required to be the subject of community consultation. There can be a number of versions of a draft variation depending on the consultation program.

1.4. After public consultation a draft variation, incorporating any amendments made as a result of public comment, and associated papers, is referred by the ACT Government to the appropriate committee of the Legislative Assembly for the Australian Capital Territory. The Standing Committee on Planning and Environment is the committee established by the Fifth Assembly to do this.

1.5. The *Act* does not place any requirements on the Committee’s consideration of the draft variation but does require the Government to consider any recommendation that the Committee may make in relation to the “draft plan variation, background papers and reports submitted”³. The Committee’s reports inform not only the Government but also all Members of the Assembly on the Committee’s deliberations and provide a context for the Assembly to consider the Government’s approved variation.

¹ *Land (Planning and Environment) Act 1991*(the Land Act), section 7 (2).

² *ibid.*, section 7 (1).

³ *op.cit.*, the Land Act, section 26(2).

2. WHAT IS THE GARDEN CITY?

2.1 Paul Reid in his book *Canberra following Griffin- A Design History of Australia's National Capital*, says that 'the history of Canberra mirrors the progress of city design in the twentieth century. All the urban design in the twentieth century from the City Beautiful and Garden City Movements, through Modernism and the New Urbanism to Environmental Design can be identified in the Australian Capital City'⁴. While the basic architectural elements of Canberra have changed as new ideas have been introduced, the Committee believes that it is still a city that is designed around its landscape. In Canberra we have tried to create an environment into which a city will grow, the Canberra that Canberrans often refer to as the 'Bush Capital'.

2.2 The Planning and Land Management Group (PALM) acknowledge in their documents on Draft Variation 173 (Heritage Places Register-Residential Precincts), that 'Garden City' Planning, in combination with American 'City Beautiful' principles, underpinned the initial planning of Canberra by the Federal Capital Advisory Committee (FCAC), Federal Capital Commission (FCC) and the Department of the Interior (DOI) between 1920 and World War II. PALM goes on to write 'the philosophy behind Garden City Planning was to create healthy working and living environments for urban residents. It developed internationally through the 1900s and many of the principles were integral to Walter Burley Griffin's winning design for the new Federal Capital of Australia'⁵.

2.3 The Garden City notion was also proliferated from the late 1950's when Canberra was developing into a series of new towns. The National Capital Development Commission (NCDC) 1970 Report 'Tomorrow's Canberra: Planning for Growth and Change'⁶ stated: 'The people of Canberra have continued to demonstrate their desire for low densities and garden shrubs'⁷, so the NCDC's policy premise for planning became:

- a) retention of the small town character of the bush capital;
- b) residential areas lying in the valleys and within a framework of hills;
- c) a number of districts linked by a system of arterial roads and lying in the valleys between tree-covered hills and ridges; and
- d) using vegetation and well-planned parks, playing fields, continuous street trees, no front fences to create one enormous garden suburb.

2.4 A Select Senate Committee appointed in 1955 to inquire into and report on the Development of Canberra, said in paragraph 21 of its report, 'The most important feature of Canberra's development is its Garden City aspect, which future Administrations should observe as fundamental'. Neighbourhood Planning was a notion that had been considered by this Senate Committee.

2.5 The current ACT Government announced long-term policies 'Preserving the Garden City' to 'protect the unique character of Canberra's suburbs at the beginning of its term of office in October 2001. The policy was based on its policy platform 'Planning and Land Management Policy for Canberra-Planning for People'. This had followed the previous Government's notion of strategies for a viable sustainable future⁸.

2.6 The maintenance of the Garden City was adopted as a planning priority following a press release dated 8 September 2001, by the then Shadow Minister for Planning, who said that 'Labor has the policies that can work to protect and enhance our endangered suburbs.' These suburbs are the Inner City Garden suburbs comprising O'Connor, Ainslie, Braddon, Reid, Yarralumla, Forrest and Griffith, listed by the Australian Council of the National

⁴ Paul Reid 'Canberra following Griffin-A Design History of Australia's National Capital', National Archives of Australia 2002, page 1.

⁵ Draft Variation 173 Heritage Planning Register Residential Precincts-'Statement of Significance', July 2002

⁶ ANU Press, Canberra 1970, p.xix.

⁷ Reid *ibid* p254.

⁸ 'Canberra- A Capital Future: ACT Strategic Plan' ACT Government December 1996.

Trust in 2001 as being endangered places⁹, being central to the city's development and characterised by low-density detached housing with separate gardens and ample street tree planting.

2.7 The National Trust compiles lists of national endangered places each year. The National Trust (ACT) is supported in the nomination of endangered places by various community groups and Local Area Planning Advisory Committees (LAPAC). While the List has no legal authority, it has been increasingly persuasive in making the relevant authorities respond to National Trust and/or community concerns. Criteria for listing include inappropriate development and management (to and around the place) and redevelopment. These Canberra suburbs were accepted for the list based on their being threatened by rapid urban consolidation, and dual occupancy developments¹⁰. The National Trust at that time had also expressed confidence that the 'Garden City Variation' (Draft Variation 200), would mean greater security for the remaining garden city characteristics of the suburbs. During the public hearings the National Trust expressed the view the Trust would have preferred to see the issues raised by Draft Variation 200 dealt with through strategic planning, through the Spatial Plan and through Neighbourhood Plan¹¹

2.8 Other current initiatives involving residential heritage precincts (Draft Variation 173¹² and Draft Variation 187¹³), provide for heritage listing under the Territory Plan for parts of the 'Garden City' planned suburbs, namely Ainslie (Alt Crescent, Wakefield Gardens and Corroboree Park), Barton, Blandfordia 5 (Griffith/Forrest), Braddon, Forrest, Kingston/Griffith, Reid and Red Hill Housing Precinct. Draft Variation 187 includes planning controls to restrict development density of not more than one dwelling per block, and setbacks to protect the heritage values of landscape and streetscape in the Red Hill Housing Precinct, while Draft Variation 173 addresses requirements for Identified Dwellings and Building, Demolition, the conservation of the 'Garden City' Subdivision and Urban Infrastructure; Landscape and Streetscape Values; and the Unity of Built Form within the Streetscape.

2.9 Lifestyles and choice of housing style in Canberra have changed and will continue to change. The Committee noted that Garden City planning has followed a continuous process of rationalisation to suit changing lifestyles, even though there is a claim that 'central landscaped reserves overlooked by housing, the generous verge widths, block sizes and front setbacks and government supplied and maintained hedges have been lost or diminished¹⁴'. With Canberra's population now over 300,000, the Committee suggests that careful thought is required to design planning outcomes to suit the housing needs of this population, yet retain Canberra's Garden City character. At the same time the Committee recognises that planning control policies for the development of dual occupancies, multi-unit development, private open space, subdivision, urban infill and consolidation are necessary. However now it seems there is a tension between urban infill, urban sprawl, and the Garden City. The Committee believes that it is important that the wider community resolve as far as possible these tensions.

2.10 Given the pattern of development and redevelopment of suburbs since 1955, the growth in population, and the apparent change in housing styles and choices, the Committee feels there is a need to question as a community, whether the Garden City is still a workable planning ideal. As a community we need to ask what elements need protection, at what cost to the community, and what will be the trade offs. The Committee observes that there is a perception that Canberra was subjected an unlimited dual occupancy development in the late 1990s which was later reflected during the development of Draft Variation 200.

2.11 During the public hearings, there was considerable discussion about the elements of the 'garden city'. PALM told the Committee that the 'main policy objective of the Draft Variation is to protect the garden city character of Canberra whilst retaining opportunities for redevelopment in a way that will assist in providing a more

⁹ Australian Council of the National Trust Endangered Places Report Card for the Australian Capital Territory.

¹⁰ Press Release of 21 August 2002 by Professor Ken Taylor of the National Trust Canberra

¹¹ Hansard Public Hearing 11 March 2003 Professor Ken Taylor President of the National Trust

¹² Variation to the Territory Plan No.173 Heritage Places Register, Residential Precincts PALM July 2002.

¹³ Variation to the Territory Plan No. 187 Heritage Places Register, Red Hill Housing Precinct.

¹⁴ Draft Variation 173 Heritage Planning Register Residential Precincts-'Statement of Significance'-July 2002.

sustainable pattern of development across the whole of the city¹⁵. In response to a question from the Committee at the same public hearing on how PALM defined the 'essential garden city character elements', the response was, 'the garden city character is a holistic thing-the garden city character of Canberra is established through the broad landscape context, including:

- the landscaped hills
- hills, ridges and buffers
- parks and open spaces within the suburbs
- streets and the streets trees on public land.

The last element that PALM included in the essential character of the garden city was the landscape on the blocks. This is the only garden city element addressed in Draft Variation 200. The Committee believes that there is very little emphasis in Draft Variation 200 on preserving the garden city and that there is almost no emphasis on vegetation. While the stated motivation for Draft Variation 200 was to respond to a perceived proliferation of dual occupancy and in-fill, the final document is complex and densely written and addresses many other issues of urban design.

2.12 On one occasion during the Public Hearings, PALM presented the view that 'all of our [urban] areas are significant and should have an equal level of protection¹⁶. The Committee is concerned that the approach taken in Draft Variation 200 is not discriminating, that some things were being protected irrespective of their architectural or planning value, while others were not, mainly as a function of proximity to shops. The Committee heard for instance, that the application of the core areas would seriously impact on the garden city elements of Downer; would put at risk the former Canberra Brickworks cottages in Yarralumla; and negatively impact on the Curtin Radburn development (outstanding examples of medium density development from the 1960s/1970s in the view of the National Trust)¹⁷. All of these elements would be afforded some protection under the pre Draft Variation 200 regime, but that the notion that everything was equally valuable might result in nothing being protected.

2.13 The Committee feels that the considerations presented in the 1994 Issues and Options Paper¹⁸ still bear relevance in relation to the planning for the consolidation of the structure of Canberra, '....the physical environment of Canberra's residential areas varies considerably. They differ in age, locality, natural environment, density and their relationship to centres. In general terms the older areas have mature landscapes, relatively large blocks, wide streets and large setbacks. In the newer areas blocks are generally smaller, the landscape less mature and streets less wide....there is a strong desire to reinforce this special character of the Canberra neighbourhood, with more emphasis being placed on design solutions which provide a high degree of amenity, comfort, convenience and the peace and quiet one can expect in an uncrowded and convenient city... more emphasis must be given to building up a 'sense of place, as changes inevitably occur, rather than concentrating entirely on buildings and subdivision standards.

2.14 The Committee believes that the concept of the Garden City must continue to be implemented, and as such the current Draft Variation therefore requires further thought and consultation. It is imperative that all areas of territorial significance be identified, formally classified and protected in a similar way to the ACT Heritage listed precincts or like areas of Territorial Significance, and that all other residential development and redevelopment be governed by a set of stringent, but simply written policies that give assurance of the balance between low density and high density dwellings within adequate provisions for private open space and vegetation. The Committee echoes the commentary of the 1994 Report¹⁹, the attempt to control consolidation and redevelopment with one

¹⁵ Hansard for Public Hearing of 19 March 2003.

¹⁶ Hansard for Public Hearing of 28 March 2003 for Variation No. 173 to the Territory Plan Heritage Places Register.

¹⁷ Hansard Public Hearing 11 March 2003 Professor Ken Taylor, President of the National Trust

¹⁸ Residential Redevelopment Review, Issues and Options October 1994, Australian Capital Territory Residential Review, Robert Lansdown AO; CBE (Chairman), page 13.

¹⁹ Residential Redevelopment Review, Issues and Options October 1994, Australian Capital Territory Residential Review, Robert Lansdown AO; CBE (Chairman), page 13.

overall flexible land use policy and design and siting code, can therefore result in new infill of medium density and dual occupancy housing, which is acceptable in one location but not in others'.

Recommendation No. 1

The Committee recommends that the Government, in consultation with the community, identify which urban areas need to be preserved (in addition to those areas already afforded protection under Heritage Places Register) and prepare guidelines for their protection.

3. CONSULTATION

3.1 Before the Draft Variation was referred to the Committee, PALM revised the document five times in response to public input. The development of Draft variation 200 to its final draft stage is as follows:

(i) Release of Draft Variation 192 in December 2001 which limited dual and triple occupancy housing to 5% in any one section to have interim effect to December 2002;

(ii) Release of Draft Variation 200 on 30 May 2002;

(iii) In July 2002, PALM commissioned *Artcraft Research* to undertake a survey of the attitudes of residents and neighbours of dual occupancy development to their homes and neighbourhoods;

(iv) Submissions to PALM closed 30 August 2003 followed by public consultation, input of Advisory Panels. 501 written submissions and 209 form letters (see Appendix 4) – majority object to the draft variation;

(v) Five further changes were made:

- August 2002-allows development applications for house and land packages in Canberra's new greenfields suburbs to be assessed under former rules for private open space
- 1 September 2002-new private open space standard comes into effect
- 26 November 2002 and 17 December 2002-5% limit on dual occupancy development (formerly Draft Variation 192)-extended to May 2003 or until Draft Variation 200 commences
- 23 December 2002-Final Version of Draft Variation 200

(vi) Referred to the Standing Committee by the Minister for Planning on 17 December 2003;

(vii) Standing Committee calls for Public Submissions on 11 January 2003 (*Canberra Times and the Canberra Chronicle*) to close on 14 February 2003. Over 100 written submissions were received with majority objecting to the Draft Variation; and

(viii) Written submissions conveyed high levels of opposition to Draft Variation 200.

3.2 The Committee believes that this was a process that left many residents confused and unsure of where they stood in terms of planning approvals and recently completed Neighbourhood Plans.

3.3 The Committee wanted to ensure that the community had sufficient opportunity to put views forward in a public forum and thus scheduled public hearings. With over 100 submissions received, the Committee undertook approximately 25 hours of public hearings. Public Hearings were held on 28 February, 7 March, 11 March and 19 March 2003. Press Releases to all Canberra Media were issued to notify of public hearings. Evidence in Public Hearings was taken from eighteen Institutions, Community Councils, Professional Bodies; ten from individuals; the ACT Government Minister for Planning; officials from PALM, who were also present during full extent of hearings.

3.4 PALM received over 700 written submissions and representations from a wide spread of Canberra suburban areas, from Inner North Canberra, Inner South Canberra, Woden/Tuggeranong, Belconnen and the new Gungahlin suburbs. Although these represented 40 percent of Canberra suburbs, they were not necessarily representative of a cross section of people in Canberra. At Appendix 3, a table and map show the source of submissions by suburb. A high number of submissions were from Downer residents and North Canberra, while very few submissions were received from Belconnen, Weston Creek and Tuggeranong residents. As it was

important to the Committee to make every attempt possible to gain a balanced view on the matters, the Committee contacted Local Area Planning Advisory Committees and Community Councils.

3.5 Submissions presented to both PALM and the Committee, together with evidence from public hearings, consistently showed that the Draft Variation had changed substantially from the original May 2002 version and did not represent assurances allegedly given to residents by the Government during the PALM consultation processes. Some of the comments made were:

- Draft Variation 200 ignores the 'big picture' in Canberra. It has no vision and no link to, and some inconsistency with, other current planning layers, namely the Spatial Plan, the Neighbourhood Planning Processes, the Affordable Housing Task Force Recommendations, the recently released discussion paper on the ACT Government's Economic White Paper, demographic changes, and other future planned changes to the Territory Plan;
- Logic is missing from the document. It contains conflicting statements and arbitrary, discretionary, confused reasons justifying dual occupancy development and other features;
- It is a complex document, very poorly written;
- The current form of the Draft Variation represents a major change from the May 2002 version and was achieved without consultation;
- In terms of its conceptual framework, the Draft Variation was developed without the consultation with industry groups;
- Based on its 'one size fits all' premise, Draft Variation 200 is going to lead to high densification of the Canberra residential landscape, with very little soft areas;
- PALM's public consultation phase was a deceptive, misleading process, with residents having been ignored, and the Draft Variation suggests the exact opposite of what was agreed at the time²⁰;
- Draft Variation 200 does not acknowledge the areas of 'Territorial Significance' or fine architectural sites, some of which are included in heritage lists;
- 'Fine-grain' solutions must be applied so that there is an 'appropriate fit' for each suburb's circumstances; current Draft contains rigid rules and is too prescriptive;
- Municipal infrastructure services, traffic issues have been overlooked especially as there is no capacity to cope with increased urban consolidation;
- Canberra has become a developer driven city over recent years;
- Draft Variation 200 will not deliver affordable housing, or a sustainable city;
- Residents who claim to have experienced PALM's inconsistent decision making for approvals to development applications, were concerned that matters of compliance will be difficult to manage;
- Proposed residential core areas are arbitrary and have not taken account of suitability of individual streets and blocks with the core; and

²⁰ This was a view expressed in many of the submissions to the Committee, for example, Mr Julian Stevenson 31 Berry Street Downer ACT 2602-submission to the Committee 14 February 2003; Ms Katie Saxby, Chair of the Interim Community Reference Panel, 61b Boldrewood St, Turner ACT 2612.

3.6 In its submission to the Committee, the Housing Industry Association²¹ summed up what were many of the views expressed throughout the submissions received by the Committee as follows. Draft Variation 200:

- Is a very substantial change to residential planning policies in the ACT
- Does not achieve the objective of being a strategic response to a perceived need to preserve the existing character and amenity of the Territory's residential areas
- Is premature and pre-empted the Canberra Spatial Plan-proceeding with Draft Variation 200 will result in very poor planning outcomes
- Introduces an additional overlay that will add to the complexity of residential planning, and therefore will increase the cost of housing in the ACT
- Is very ACT Centric, and continues the inconsistency of many diverse planning codes and rules that exist throughout Australia/ACTCode11
- Does not address municipal infrastructure services or bush fire protection.

3.7 The views expressed by the Housing Industry Association were similar to those expressed by the Master Builders' Association of the ACT in its submission of 14 February 2003 to the Committee that Draft Variation 200 is a major departure from previous policies affecting residential planning in Canberra. Other submissions from residents across Canberra expressed such views as Draft Variation 200 is contrary to government objectives to foster high quality living environments in both new and redeveloping areas which contribute to Canberra's landscape character; and the new policy will not safeguard the amenity, safety and special qualities and in particular, the landscape character of established residential areas while carefully managing change in suitable locations.

3.8 Of some 700 formal representations generated by the release of this Draft Variation, only about four percent provided comments of support. Where the Draft Variation was supported, it was qualified by saying that proposed policies do not address the stated objectives, or it came from suburbs where a predominance of high-density dwellings had been a feature from the beginning of the development of the suburb. Appendix 6 summarises the areas of comment to the Committee.

²¹ Housing Industry Association submission to Committee 14 February 2003.

4. THE ISSUES

4.1 Current Residential Land Use Policies in the ACT have been under consideration since the late 1990s when the Australian Model Code on Residential Development (AMCORD) was the guiding principle for the development of the ACT Code for Residential Development (ACT Code). In 1993, PALM released the ACT Code for Residential Development (ACTCode Version 1) for greenfields matters not covered in the Territory Plan. *The Draft Guidelines for Multi-unit Development and Dual Occupancy Developments* (PPN6) followed in 1994 as a result of an inquiry into residential redevelopment conducted by Mr Robert Lansdown.

4.2 During 2000, PALM undertook a comprehensive review of policies for development of new estates, and the design and siting of residential buildings in both new development and redevelopment situations. These policies were released for public information in October 2000, and later became Draft Variation 125 for Residential Land Use Policies on 29 March 2001. In May 2001, the Legislative Assembly passed a resolution that revoked the gazettal of Draft Variation 125 and its interim effect. In April 2001²², PALM released the ACT Code Discussion Paper that later formed the basis of policies and planning controls contained in Draft Variation 200.

4.3 Many of the key principles cited in that Discussion Paper have been retained in Draft Variation 200, including the:

- need to create a range of diverse housing opportunities throughout Canberra which are affordable, sustainable and attractive and which meet the changing needs of the community;
- maintenance of the present residential character of the majority of established residential areas with 2 storey limits on building heights, dual occupancies, and some special housing;
- continued need to protect heritage residential areas from inappropriate redevelopment;
- maintenance of predominantly low-density environments in new and redeveloping areas;
- fostering of creative, high quality living environments in new and redeveloping areas;
- need to offer a wide variety of attractive and affordable housing choices which meet the changing needs of the community;
- promotion of sustainable, environmentally sensitive development less dependent on car travel and which minimises infrastructure and service costs (a notion of the 'walking city'); and
- provision of convenient access to needed community and commercial facilities for all residents.

Such matters as Building Height; Overshadowing; Plot Ratio; Redevelopment of Single Dwelling Blocks; Community Use Provisions; Area Specific Policies (ASPs); introduction of the ACTCode were also addressed.

4.4 While these are the stated aims of Draft Variation 200, it is the Committee's strong view that there is little in the Draft Variation to preserve garden city concepts and there are built in rigidities that militate against the achievement of such outcomes as a wide variety of attractive and affordable housing choices which meet the changing needs of the community. As such the Draft Variation would fail to meet its objectives.

¹⁹ Discussion Paper 21 April –23 July 2001 Further Consultation on Residential Land Use Policies-Design and Siting Codes and Subdivision Code Planning and Land Management Group-released by Planning and Land Management following Legislative Assembly resolution to revoke Draft Variation 125.

4.5 The ACT Government's ²³ planning policy is designed, to remove the threat to garden suburbs by:

- a) building a Strategic Planning Approach which encompasses the establishment of an independent ACT Planning and Land Management Authority; Master Planning and Local Neighbourhood Plans; Revitalising Local Shopping Centres to allow for a broader range of uses, to protect residential amenity, and encourage affordable housing; Stronger Rules for Dual and Triple Occupancy Development; Urban Village Programs for urban consolidation at Town and Group centres and along Intertown Public Transport Routes; the Canberra Open Space Network;
- b) open and accountable planning;
- c) a sustainable city, including solar access rights and energy rating, a High Quality, Sustainable Design Agenda for commercial and urban buildings;
- d) developing Canberra's New Town Centres;
- e) a focus on housing affordability;
- f) building a Strategic Plan for Canberra and a better ACT Code for Residential Development (ACTCode2) with a focus on protecting Canberra's garden suburbs protection for trees.

The Committee sees little evidence of how this would be achieved by Draft Variation 200.

4.6 Over the past year or so, PALM developed a dual occupancy policy framework with the aim of capturing the benefits of this type of housing while minimising its negative impacts. PALM used the work contained in:

- PALM Discussion Paper on the Residential Land Use Policies, Design and Siting Codes and Subdivision Code (ACT Code 11) was released for Public comment in April 2001. The outcome was an agreed need to 'protect the predominantly low-density, low-rise, leafy character of most established residential areas';
- A Background Paper 'Dual Occupancy Development' September 2001. This paper addressed the central design question as to whether the existing controls on dual occupancies were adequate, or whether new planning controls were necessary to produce high quality living environments; and
- Dual Occupancy Review December 2002. This paper analysed how Draft Variation 200 would address on a wide scale, the role, relevance and impact of dual occupancy dwellings, particularly in older suburbs where existing housing stock is ageing and the landscape maturing. The paper also discusses the direction of Draft Variation 200 for Canberra wide management of residential development.

PALM further supported its policy directions with the results from a July 2002 survey report 'Final Report on a Research Study Among Occupants of Dual Occupancies and Adjacent Dwellings', it had commissioned from *Artcraft Research*. PALM claimed the survey confirmed that there was 'generally high levels of satisfaction with most aspects of dual occupancy development; and that dual occupancy provided a valuable alternative housing option for a wide range of household types.'

4.7 Draft Variation 200, released for public comment on 30 May 2002, claims to be an overarching policy for development in residential areas. The stated aims of the May 2002 version were:

- the protection of residential amenity and neighbourhood character of Suburban Areas, by defining Suburban and General Areas;
- guidance on preferred location of residential development;
- promotion of more sustainable development and housing choice;
- providing frameworks for Master Plans and Neighbourhood Planning; and
- setting building envelope controls, private open space, building bulk, land performance controls, numbers of storeys, building and height setbacks.

²³ Australian Labor Party Planning and Land Management Policy for Canberra.

- 4.8 Draft Variation 200 aims to achieve these goals by a number of means including:
- a) rigorous, **uniform** management framework and planning controls for regulating land use, residential development, redevelopment and change for all Canberra suburbs;
 - b) consistent rules for approving dual occupancy and multi-dwelling development;
 - c) replacing existing Residential Land Use Policies in the Territory Plan Written Statement;
 - d) targeting changes to Residential Design and Siting Codes; and
 - e) withdrawal of the *Draft Guidelines for Multi-Unit including Dual Occupancy in Redevelopment Areas* (PPN6) from the Territory Plan Written Statement, after Draft Variation 200 takes permanent effect, incorporating some of its provisions into the Written Statement of the Territory Plan.

Draft Variation had immediate interim effect for twelve months from 30 May 2002.

4.9 During the Public Hearing on 19 March 2003²⁴, PALM stated that precursors of this current Variation, such as Draft Variation 125, had been a more complex document, as it proposed a full review of the area specific policies, and a replacement of the three existing design and siting codes with a new comprehensive code to be referred to as ACT Code. PALM believes that Draft Variation 200 is a simpler document, with policies that have no immediate requirement to incorporate such elements as ACTCode. PALM iterated²⁵ that 'the main policy objective of Draft Variation 200 is to protect the garden city character of Canberra, whilst retaining opportunities for redevelopment in a way that will assist in providing a more sustainable pattern of development across the whole of the city...it's really managing our existing residential areas in a way that achieves this, in a way, competing objectives. And it's a balancing act really.'

4.10 Appendix 2 shows an analysis of the planning controls in place before and after Draft Variation 200 (December 2002 Version), however during the Public Hearings²⁶, PALM agreed that Draft Variation 200 will maintain the 'status quo'²⁷, with the exception in suburban areas with additional restrictions on densification.

4.11 The Committee believes that the solutions offered in Draft Variation 200 are not appropriate for all areas of Canberra. It rejects the 'one size fits all' approach²⁸ of Draft Variation 200, and agrees with the overwhelming view put in evidence that Canberra needs much more sophisticated 'fine grained' planning than that provided for in Draft Variation 200. This view is supported, inter alia, by Mr Robert Thorn, representing the Royal Australian Institute of Architects (RAIA). The RAIA maintains that 'there's a number of criteria such as topography, orientation, relationship to open spaces... which would make them better suited for medium density redevelopment than others. RAIA representatives went on to say '....and especially from a sustainability point of view, but also from an amenity point of view of the minimising of impact to adjacent sites et cetera. So what we're suggesting is that there should be a much more fine-grained selection of sites throughout suburbs that are suitable for medium density'²⁹.

4.12 The Minister for Planning told the Committee at a Public Hearing on 11 March 2003, that other significant strategic planning processes such as the Spatial Plan and Neighbour Planning concurrent with Draft Variation 200 may influence future changes to the Territory Plan. The Minister's view is this Draft Variation provides 'a better set of planning controls than what was in place in October 2001; is a step in the right direction; and is not dependent immediately on the outcome of the other planning frameworks that will provide the higher level strategic overlay'.

²⁴ Hansard Public Hearing 19 March 2003.

²⁵ Hansard Public Hearing 19 March 2003.

²⁶ Hansard for Planning and Environment Committee 19 March 2003.

²⁷ Hansard for Planning and Environment Committee 19 March 2003 (Mr Garrick Calnan).

²⁸ Hansard for 7 March 2003 Downer Residents for a Liveable Community, Mr Miles Boak, Mr John Van der Velde, Mr Jim Derrick; and 'Garden' to be taken out of garden city-article by Mr Miles Boak, Members of Planning Institute of Australia, Canberra Times 6 March 2003; Mrs Marie Coleman in evidence at Public Hearing 11 March 2003.

²⁹ Hansard of Public Hearing 28 February 2003, Mr Robert Thorn, Royal Australian Institute of Architects.

4.13 With respect to the impact of the Canberra fires on 18 January 2003, the Minister told the Committee on 27 February 2003³⁰ that:

- a) the Government would not consider withdrawing Draft Variation 200;
- b) the fires have made it all the more important that the Draft Variation be finalised as expeditiously as possible;
- c) clarification of the policies applying to development will assist in the orderly reconstruction of fire affected areas;
- d) the Government's views related to the bushfires, may have some flow-on implications for broader planning policies in the Territory Plan, but are not expected to change the Government's fundamental position on the issues covered by this Draft Variation; and
- e) any flow-on implications will be dealt with by way of separate variations to the Territory Plan following the outcome of the relevant reviews/inquiries and will be subject to the full statutory processes under the *Land (Planning and Environment) Act 1991*.

4.14 Despite stated aims, the Committee does not accept that Draft Variation 200 will, in the long term, maintain the 'Garden City', or provide a balance between well designed high quality dual occupancies and other urban and suburban development. The Committee concludes that while Draft Variation 200 addresses multi-faceted planning issues, many of these are extraneous to the Garden City concept. The Committee does not accept that Draft Variation 200 is a step in the right direction nor does it provide a better set of planning controls to achieve good outcomes, because:

- The Government seems to have an imperative to embed the planning principles and controls of Draft Variation 200 as a 'one size fits all' strategic framework for managing residential redevelopment, irrespective of what might evolve from other planning processes;
- It is illogical to suggest that it is appropriate to do in one suburb what has been done in another;
- The Government's own admission that it maintains the status quo; and
- The best of what Canberra has, may not be protected.

Recommendation No. 2

The Committee recommends that the Government not proceed with Draft Variation 200.

Recommendation No. 3

Should the Government choose to ignore Recommendation 2, the Committee recommends that specific changes be made in accordance with recommendations in the following chapters to meet the community's basic demands.

³⁰ Letter of 27 February 2003 to Mrs Vicki Dunne MLA, Chair of Standing Committee on Planning and Environment.

5. OTHER ISSUES- DUAL OCCUPANCIES, BLOCK SIZES, PLOT RATIOS, CHANGE OF USE CHARGE

Dual Occupancies, Block Sizes, Plot Ratios

5.1 The use of single residential blocks for more than one dwelling (dual occupancies), which had been a component of Canberra's urban development policies since 1986, was a source of public concern for many years. They are clearly one way to provide Canberra with additional housing in the form of higher density living to meet future demand.

5.2 One of the current Government early initiatives was to restrict the number of dual occupancies being built. This was affected through Draft Variation 192 released on 6 December 2001. Earlier dual occupancy development had been strongest in Belconnen and Tuggeranong, largely as part of greenfields developments. In Tuggeranong, 219 dual occupancies were approved between 1992 and 1994. Following the Lansdown Report (1994), which instituted a five-year moratorium on dual occupancy development and infill areas³¹, the level of dual occupancies in most greenfield development areas reduced significantly. The changes brought by the Lansdown Report saw the number of these dual occupancies drop. In recent years there has been an upsurge in dual occupancies in Gungahlin.

5.3 It appears that since its release in May 2002, Draft Variation 200 has had no impact on the slowing of such development with 108 approvals in 41 suburbs during 2002-2003 (to 19 March 2003). This extrapolates to 144 approvals over a full year. This rate of application/approval compares with 165 approvals across 46 suburbs in 1999-2000.

5.4 *Figure 1- Trend for Dual Occupancies Occupied after Construction*, shows that despite previous planning controls, demand continues. The Lansdown Report allowed dual occupancies to be permitted outside the greenfields areas, but with no subdivision or unit titling. The notion of the minimum block size for dual occupancy at 700m² with a floor space ratio of 0.35 and tightened provisions to preserve area character and amenity was also reflected in the recommendations of that Report³².

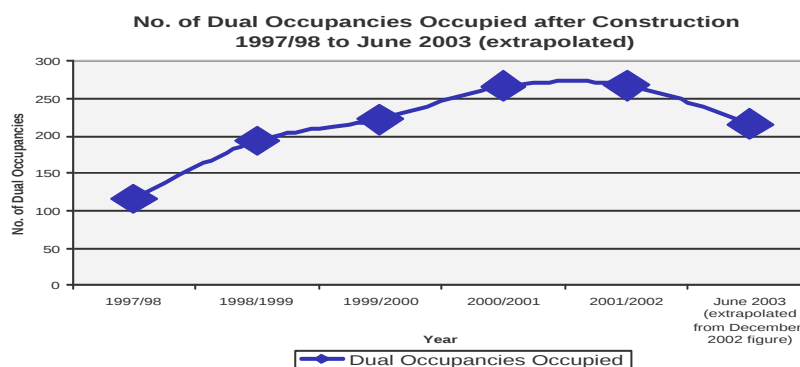


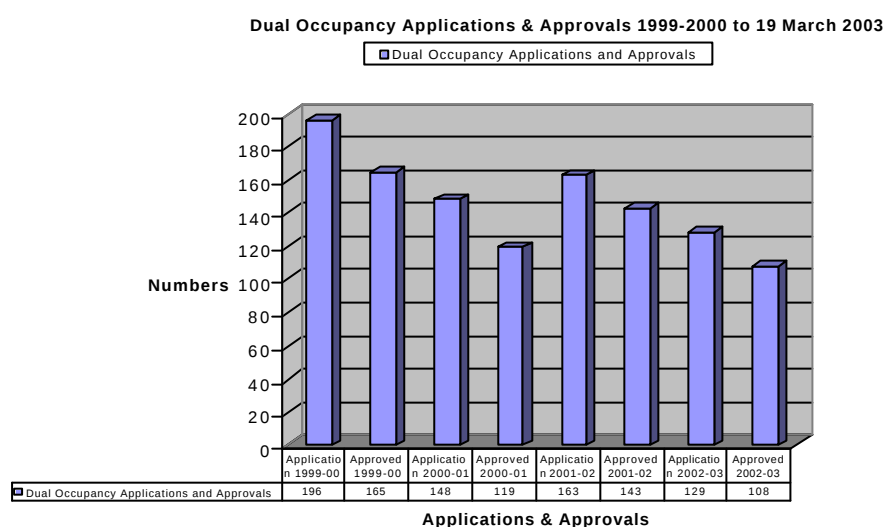
Figure 1

³¹ Australian Capital Territory Residential Redevelopment Review Report to the Minister for Environment, Land & Planning, November 1994 (known as the Lansdown Report), page 2, paragraph 3.

³² the Lansdown Report page 6.

5.5 PALM receives annually about 5,000 development applications for all types of commercial and domestic buildings, modifications and extensions, with around 2,000 being for new domestic dwellings, and approximately 300 being for dual occupancies. This information suggests there may be a continuing demand for dual occupancies in Canberra at the rate of approximately 6 percent of all development applications being lodged annually. *Figure 2 shows the trend of dual occupancy applications and approvals from 1999-2000 to March 2003.* If the trend showing for 2002-2003 were to continue at the same rate to the end of financial year 2002-2003, the level of demand would be consistent with demand since 1999-2000. Appendix 1 shows the detail of the dual occupancy applications and approvals by suburb for 1999-2000 to 19 March 2003. Table 2 is a summary of Appendix 1, represented in terms of the suburbs grouped together as Inner North, Belconnen, Gungahlin, Inner South, Woden, Weston, Tuggeranong, and illustrates the rate of and locations of densification in Canberra since 1999-2000.

Figure 2



5.6 Figure 3 shows that highest demand for dual occupancies have been largely in the Inner North, Inner South and Woden areas, but also suggests that there has been a fall off in demand. Figure 4 shows that if the same rate of approval were to continue in 2002-03 that demand is still slower that what was experienced in 2001-2002. Using the Lansdown Report as a source, the number of approvals for dual occupancies has fallen from 572 between 1992 and 1994 to 144 in 2002-03 (extrapolated from the 19 March 2003 figure of 108). This represents approximately an 81% fall in approvals, and even if the extrapolated figure of 144 for 2002-03 is used as a guide, this still gives a 75% decrease in approvals. These figures do not include the multi unit approvals that over the two years to 1994 totalled 376.

Table 2 Rate of and Location of Densification in Canberra since 1999-2000

	1999-00	1999-00	2000-01	2000-01	2001-02	2001-02	2002-03	2002-03 to 19 March 2003
Area	Number Lodged	Number Approved	Number Lodged	Number Approved	Number Lodged	Number Approved	Number Lodged	Number Approved
Inner North	79	65	42	38	56	49	26	22
Belconnen	16	15	13	10	15	14	14	9
Gungahlin	14	12	0	0	2	2	20	19
Inner South	57	46	52	37	25	22	20	16
Woden	17	15	23	19	39	34	22	22
Weston	3	3	4	3	7	4	4	4
Tuggeranong	10	9	14	12	19	18	23	16
Total	196	165	148	119	163	142	129	108

Figure 3 :Dual occupancies approved 1999-00 to 19 March 2002-03

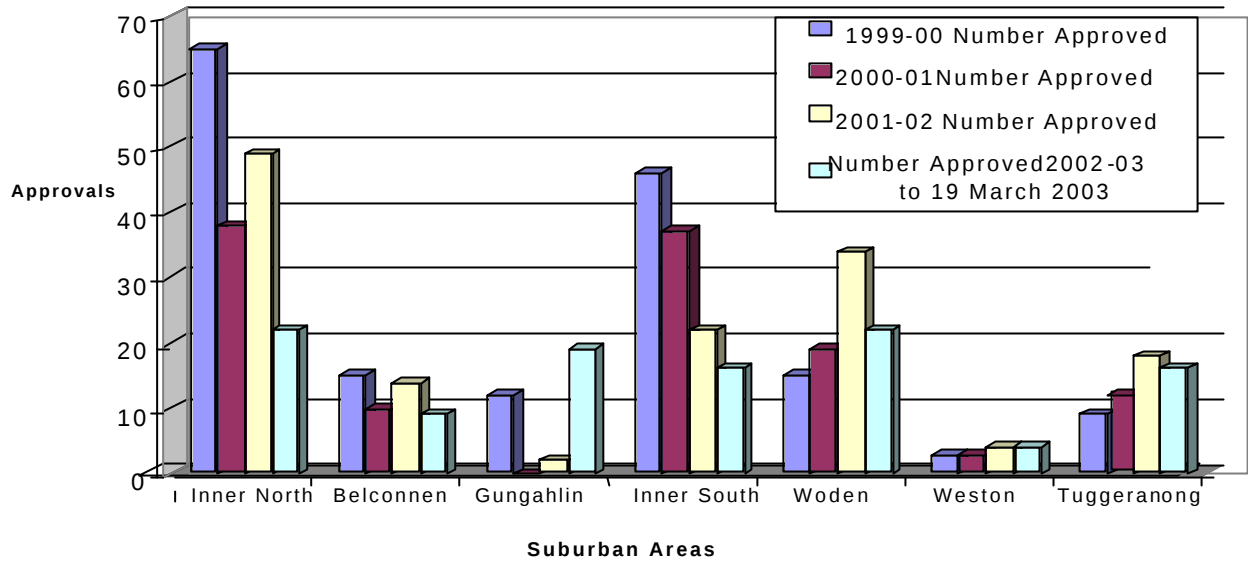
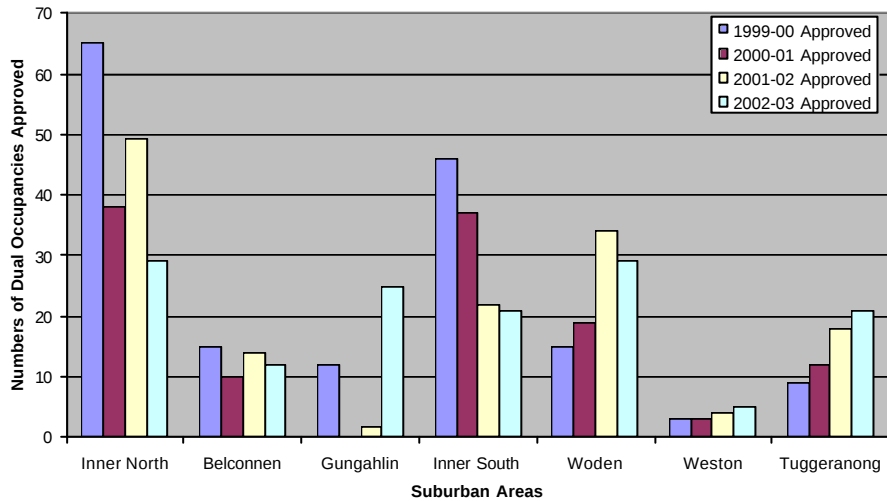


Figure 4

Dual Occupancies Approved 1999-00 to 2002-03 extrapolated from 19 March 2003 for Full Year Effect



5.7 As stated above there are conflicting trends to urban infill and urban expansion, so the Committee looked at what infrastructure costs might be incurred to develop and redevelop blocks in the ACT. A report prepared by the Indicative Planning Council³³ in 1995 compared indicative development and infrastructure costs for the ACT. These costs included estimates of public and private sector provided utility services as well as human services, but excludes infrastructure provided to meet community wide demands such as hospitals. The per block figures in 1995 dollars identified in the report for three scenarios were:

Greenfields Gungahlin	\$52,400.00
Urban Renewal in North Watson	\$37,100.00
Redevelopment in Central Canberra	\$10,000.00.

5.8 This Report draws conclusions that 'there appears to be considerable capital cost savings associated with redevelopment vis a vis greenfields. Savings are made on the capital costs of utility services because of spare capacity that can support additional dwellings. They are also made on the recurrent costs of human services due to the lower costs of transportation and service delivery in a consolidated urban environment'³⁴.

Recommendation No. 4

The Committee recommends that before another Draft Variation is developed to reflect a finalised Spatial Plan, detailed analysis and investigations are undertaken and reported on publicly in the following areas:

- a) specific areas for urban intensification based on infrastructure capacity, public transport corridors, diversity of housing types, affordable housing;**
- b) the effectiveness of the performance based approach of the existing Residential Design and Siting Codes contained in Appendix 111 of the Territory Plan;**
- c) a long-term public transport strategy that will effectively support changed residential frameworks and patterns that will result from this or any similar Draft Variation.**

5.9 The recent Rawlinson's Group Report on ACT Government Land Development Mode³⁵ describes the current Territory Government as a 'developer in future residential subdivision'. This Report confirms a PALM benchmark for development density based on 'assumptions recognising that the block sizes are at the lower end of the range and that planning policies have influenced the block per hectare yield. It shows that the benchmark development in the newer suburbs is for block sizes of between 590 m² and 640m² (using a 17percent take for roads, verges etc). Such benchmark sizes caused the Committee to seriously question the logic that PALM might have applied to set 700m² as the minimum block size available for dual occupancy development instead of the

³³ Indicative Planning Council for the Housing Industry Report on Infrastructure Program ACT Case Studies February 1995, prepared by Spiller Gibbons Swan Pty Ltd and Ove Arup & Partners.

³⁴ Indicative Planning Council for the Housing Industry Report on Infrastructure Program ACT Case Studies February 1995, prepared by Spiller Gibbons Swan Pty Ltd and Ove Arup & Partners, page IX.

³⁵ Rawlinsons Management, a division of The Rawlinsons Group Pty Ltd Report February 2003 on ACT Government Land Development for the ACT Department of Urban Services Land Group, page 5.

originally proposed 800m². If the 700m² limit is the minimum block size, it will have a detrimental effect on the suburb of Downer (amongst other suburbs from which the Committee received many submissions), considering the high demand for low impact dual occupancy developments, townhouses and multi-unit dwellings. The coloured presentations of the impact on Downer produced by PALM are testimony to this (see Appendix 5).

5.10 While the potential impact in Downer, if all eligible blocks were developed for dual occupancies, looks somewhat overwhelming and demonstrates the overall drastic change that could occur. PALM³⁶ provided the Committee with some figures that give quite a different complexion on potential concerns for the community in the future. Table 3 identifies the total number of blocks greater than or equal to 700m² and greater than or equal to 800m² by district.

Table 3

Block Size Distribution by District					
District	GE 700m²	%	GE 800m²	%	Total
Belconnen	21342	76.94%	14491	52.24%	27739
Canberra	12836	72.53%	8813	49.80%	17697
Woden	9024	85.33%	6734	63.67%	10576
Weston Ck	6923	83.87%	4384	53.11%	8254
Tuggeranong	22111	80.23%	15551	56.42%	27561
Gungahlin	3197	40.43%	1971	24.92%	7908
Total	75433	75.63%	51944	52.08%	99735

5.11 Table 3 identifies 75,433 blocks greater than 700m², which represents 75.63% of all residential blocks. By comparison, there are 51,944 blocks greater than or equal to 800m², which represents 52.08% of all blocks. If the assumption is made for a dual occupancy demand of 200 blocks per year and based on the 700m² criterion proposed in Draft Variation 200, it would take 377 years for all eligible blocks to be developed. However, based on the need is for 2,400 dwellings per year based on the estimated population growth to 2010, it would still take approximately 32 years for all eligible blocks to be developed. Using the same approach based on the 800m² block size, it would take 260 years for a 200 per year demand for dual occupancies to exhaust all eligible blocks, or 22 years at the rate of 2,400 dwellings per year.

5.12 An average of 143 dual occupancies per year have been approved over the last four financial years to 2003-2004 which would take 528 years to exhaust the supply of eligible 700m² blocks, or 363 years for 800m² blocks. The Committee believes that while this analysis which confirm there is some considerable time before all eligible blocks would be exhausted using either category of block size limit, the issue becomes more of a concern when the table shows that the largest availability of blocks is concentrated in the Belconnen, Central Canberra and Tuggeranong Districts.

Recommendation No. 5

The Committee recommends that the Government devise some broader guidelines for the suitable siting of dual occupancies that take into account topography, orientation, and the shape and size of the block.

5.13 The Committee notes that the stated basis for the policy proposal to define Residential Core Areas around Local Centres is to maximise accessibility to facilities and services like shopping, employment, public transport and other local services. At the 19 March 2003 Public Hearing, PALM reminded the Committee that clustering

³⁶ Block Size by District Provided by PALM to the Committee on 3 April 2003.

around Local Centres is not new, as it has been a feature of Canberra planning for more than ten years. However, the defined Residential Core Areas around Local Centres is arbitrary, as the Draft Variation does not explain the logic behind the areas chosen to qualify as such areas. Some sites will be more suitable than others for densification. The Residential Core/Local Centres proposal needs further research to consider locating such densification along public transport corridors, consistent with evidence presented during the Public Hearings.

Recommendation No. 6

The Committee recommends that Government undertake further research into more intensive residential development along public transport corridors.

5.14 The Committee notes that the current provisions of the Single and MultiDwelling Design and Siting Codes include performance measures specifying a minimum area of private open space of 35 percent of the block for blocks of up to 450m² and 40 percent for blocks over 450m². Draft Variation 200 introduces a formula that increases these minimum amounts significantly, but these need to be laid side by side with the new sliding scale for proposed dual occupancy plot ratio controls for suburban areas, to gauge just what kind of outcome is intended with Draft Variation 200. Table 4 gives a snapshot of the new Private Open Space Controls against the Dual Occupancy Plot Ratio Controls for Suburban Areas:

Table 4

<u>Block Size</u>	<u>Private Open Space</u> (sliding scale 60 percent of block area less 50m ²)	<u>Plot Ratio for Dual Occupancy</u> (sliding scale $P=140/B+0.15$)100 P is maximum permissible plot ratio expressed as a percentage B is block area in square metres
400m ²	50 percent	Not applicable
700m ²	52.8 percent	35 percent
800m ²	60 percent	32.5 percent
1200m ²	63.33 percent	26.67 percent

5.15 The two sliding scales do not appear to give a clear picture of how the intention for more private open space can actually be achieved against the application of the Plot Ratio for Dual Occupancy. The Draft Variation is obscure on this matter in its explanation of how these two sliding scales work together, or what is the exact intended outcome in terms of the slowing of dual occupancy opportunities or the garden city. Some submissions in fact commented that the sliding scales are an 'arbitrary' restriction that takes no full account of the site or its sustainability for a development of a given size. The sliding scale in the new control works in a counter intuitive direction-the larger the block the greater the restriction when compared with the old control of 35 per cent. On the contrary it is possible that larger blocks would be permitted for larger developments³⁷. To amplify, one might not build a 750m² house on a 1500m² block, but one might build three, 200 m² houses and still have room for a pool and a tennis court.

5.16 This is an example where the provisions of Draft Variation 200 appear to be in contradiction of each other. The Committee recommends that there needs to be more logical and stringent performance based criteria and standards in terms of orientation, topography in lieu of the 700m² restriction on dual occupancy development, and the development of clearer more complementary guidelines for plot ratios and private open space. The Committee

³⁷ Submission to the Committee from Dr and Mrs K A Jarvis.

feels that the private open space principle on its own is commendable, but its relationship to plot ratios needs further definition for topography, orientation, ground quality (is the land rocky, soft clay base, subject of a previous land fill, containing dry or wet waterways), suitability in terms of suburban amenity, design compatibility with surroundings.

5.17 The extent to which this will maintain the garden city character of Canberra as a whole will only be evident over the long term. Suburbs taken around 30 years to go through a full life cycle of generational occupation before they might have not only matured in landscape, but also in terms of the needs of the inhabitants.

Recommendation No. 7

The Committee strongly recommends that the 800m² block limit for dual occupancies be maintained and the proposed sliding scale plot ratios be abandoned.

Recommendation No. 8

The Committee recommends that the relationship of the private open space ratios to the plot ratios needs further definition in respect of topography, orientation, ground quality (is the land rocky, soft clay base, subject of a previous land fill, containing dry or wet waterways), suitability in terms of suburban amenity, design compatibility with surroundings.

Change of Use Charge

5.18 Without Draft Variation 200, subdivision or consolidation is permissible with no restriction on unit titling, based on developments being an 'integrated development' or where a 'residential purposes only' lease applied. This arrangement avoids paying the Change of Use Charge to the ACT Government. In the final draft version of Draft Variation 200, PALM introduced a new concept to close the loophole so the Change of Use Charge could be applied in accordance with section 184 of the *Land (Planning and Environment) Act 1991*. This was done by a new clause in Draft Variation 200 that reads 'Subdivision of a lease granted for residential purposes may only be approved where the lease expressly provides for the number of dwellings provided for in the proposed subdivision'. The implication of this clause is that intensification of development on 'residential purposes only' leases would no longer be able to avoid the Change of Use Charge, except where there was no proposal to subdivide. 'Residential Purposes Only' leases can only be subdivided if it was first varied to expressly specify the number of dwellings permitted.

5.19 The Committee found it difficult to assess the extent to which this will be effective, as the Draft Variation document contains insufficient information as to:

- where such developments have occurred, and where in the absence of the proposed new controls this would be likely to occur; or
- how Division 5.3 Variation of Leases, sections 184, 184A, 184C, 184D of the *Land (Planning and Environment) Act 1991*, will apply under Draft Variation 200 (*Change of Use Charge is calculated by a formula contained in the Act to determine the amount payable when a variation of a nominal rent lease is effected. It is payable on the increased value of a block of land arising from a development application and is calculated as 75 percent of the added property value. Some qualifying lease variations will receive a remission of the Change of Use Charge of between 25 percent to 100 percent.*³⁸); or

³⁸ Budget Paper No. 3 Australian Capital Territory Budget Overview 2001-2002, Page 107-108.

- what might be the estimated additional returns to ACT Revenue by the invocation of the Change of Use Charge; or
- whether developers might choose to go elsewhere other than the ACT to commit to investment proposed sites for dual occupancy/multi-units development because of the cost Change of Use Charge and other restrictions on subdivisions and amalgamation of blocks; or
- how the Spatial Plan will address strategies to accommodate medium density housing and what is Draft Variation 200's consistency or relationship with the Spatial Plan; or
- how the restrictions will deliver affordable and sustainable housing (apart from the policies relating to high quality sustainable design and vegetation/landscaping).

5.20 The Committee noted that in the last three financial years, the Change of Use Charge for all purposes returned to ACT Revenue, amounts of:

\$3.076m in 2000-2001³⁹;

\$3.840m in 2001-2002⁴⁰;

\$3.932m estimated for 2002-2003⁴¹.

On the basis of this, the Committee was forced to conclude that the Change of Use Charge is having very little impact on in-fill dual occupancies.

5.21 Advice⁴² of 2 April 2003 from the Australian Capital Territory Government Solicitor to the Committee confirmed that with the implementation of Draft Variation 200 variation of a lease would be a prerequisite for subdivision. The Committee contends that if this should occur to any block, and although it might be a matter for an expert valuer, commonsense would dictate that there should be a value attributed to the lease as varied. This means that Draft Variation 200 would result in an increase in value for Change of Use Charge purposes. It should be emphasised that the right to subdivide into unit titles is a right contingent upon permission of the Minister *in accordance with Section 20 of the Unit Titles Act 2001* and so there is no acquisition of property by addition of further restrictions or procedures upon gaining that permission. The Act, on registration of a units plan, provides that the previous lease is determined and the previous owners become owners of an estate of leasehold in the units in the plan, as if each of the units were the subject of a lease containing the relevant provisions of the units plan (see section 33).

5.22 Under Draft Variation 200 consolidation of blocks will be prohibited in Suburban Areas except for Supportive Housing. In Heritage Areas, no subdivision or consolidation (including unit title subdivision) will be permitted. Subdivision including Unit Title subdivision will be permitted only where the lease expressly provides for the number of dwellings proposed to be provided for by the subdivision, but this will invoke Change of Use Charge formula.

5.23 While this element of Draft Variation clearly does appear to introduce more restrictions into the planning regulations for the ACT, it is not clear to the Committee what the efficacy of these restrictions will produce in terms of the 'garden city', affordable housing or other sound planning outcomes. The Property Council of Australia-ACT⁴³ expressed strong concerns about the about the new restrictions for block amalgamation together with the application of the Change of Use Charge, especially its retrospectivity to 17 December 2002. While the premise of

³⁹ Budget Paper No. 3 Australian Capital Territory Budget Overview 2001-2002, Page 107-108.

⁴⁰ Budget Paper No. 3 Australian Capital Territory Budget Overview 2001-2002, Page 107-108.

⁴¹ Budget Paper No. 3 Australian Capital Territory Budget Overview 2002-2003, Page 96.

⁴² Australian Capital Territory Government Solicitor advice from D. R Jarvis, Counsel, to the Committee 2 April 2003.

⁴³ Submission to the Standing Committee for Planning and Environment from the Property Council of Australia, and Hansard of Public Hearing 7 March 2003.

Draft Variation 200 is to halt adhoc large multi-unit/dual occupancy developments and introduce some quality designs through the High Quality Sustainable Design principles, the ACT Office of the Property Council of Australia contends that the Change of Use Charge combined with the restrictions will adversely affect future and current developments in the ACT.

5.24 While noting the restrictions and the possible impact on housing development in the ACT, the Committee remained to be convinced that such restrictions were going to be synonymous with good planning outcomes including affordable housing, appropriately placed density of development around local centres, group centres and town centres and other areas of Canberra, sustainability in terms of transportation issues and water usage, and important increases to the ACT Revenue base.

Recommendation No. 9

Given that there is a minimum lead-time of twelve months between the Development Application approval and construction commencement, and that its retrospectivity places an unreasonable impost on current projects, the Committee recommends that the Government not introduce any changes to the Change of Use Charge until 1 July 2004.

6. DRAFT VARIATION 200 AND THE SPATIAL PLAN

6.1 Like Draft Variation 200, the *Canberra Spatial Plan-Planning Canberra's Future*⁴⁴ is intended to be an overarching document. The Spatial Plan aims to address:

- the future urban form of Canberra, including density and urban consolidation;
- the impact of sustainability imperatives on development patterns;
- the impact of economic development on the physical layout of the city, including identification of the locational needs of industry and business;
- the role of town centres and especially the role of Civic;
- the integration of land use planning with transport planning and the promotion of public transport;
- the critical elements of the natural and built environment which should be maintained and protected for the 'bush capital'; and
- the growth rates and their impact on the spatial organisation of the city.

6.2 From the second half of 2002 PALM focussed on possible scenarios for the future urban form as part of the Spatial Plan. PALM informed the Committee that high density nodes and high density corridors is something that will come out of the Spatial Planning process, and so needs to be based on a broader strategic vision of the city. PALM further said that if the Spatial Plan concludes that the best form of development in the future is an area with nodes and it identifies some principles about where those nodes should occur, or where the corridors should be, then PALM would see that being implemented through future variations to the Territory Plan.⁴⁵

6.3 It seems that these elements, integral to the Canberra Spatial Plan are also integral to Draft Variation 200. PALM is also now working closely on long term planning for Canberra with the National Capital Authority and the Canberra Bushfire Recovery Taskforce to gather and analyse data and present options for urban form and adjacent land use.⁴⁶ It would appear that Draft Variation 200 either preordains much of the future urban shape and sustainability practices or will rapidly become redundant as a result of the Spatial Plan.

6.4 The Committee therefore questioned the need for Draft Variation 200 and its timing. In a similar way to Draft Variation 175⁴⁷, the Committee considers that Draft Variation 200 lacks a strategic framework to facilitate the monitoring of the type and form of residential development projects, the spatial distribution and overall densities of residential development. In the same way as Draft Variation 175 failed to address changing commercial and industrial trends, the Committee believes that Draft Variation 200 fails to recognise changing residential trends.

6.5 The Committee believes that a rigorous spatial planning process, which identifies future development and redevelopment opportunities, might relieve pressure on residential areas in the inner North and South and reduce the demand for dual occupancy.

⁴⁴ The Canberra Spatial Plan-Planning Canberra's Future-Planning and Land Management April 2002.

⁴⁵ Hansard from Public Hearing 19 March 2003.

⁴⁶ Our Canberra Our Future The Canberra Spatial Plan-Planning and Land Management update 25 March 2003.

⁴⁷ Standing Committee on Planning and Environment Report No. 14 of 16 April 2003 to the ACT Legislative Assembly, pages 2 and 19.

Recommendation No. 10

The Committee recommends that new residential land use policies be devised in the light of the forthcoming Spatial Plan.

6.6 The 'Draft Guidelines for Multi-Unit Redevelopment including Dual Occupancy in Residential Areas' (known as PPN6 and released in 1995 by the Planning and Land Management Group), were developed as a benchmark to 'achieve a high standard of urban design and to integrate small scale multi-unit redevelopments with existing areas by providing for an increased number of dwellings without changing the existing character of a neighbourhood in terms of streetscape, architectural character, privacy and amenity of residents'. The Committee contends that it would be unwise to replace PPN6 when Draft Variation 200 has the hallmarks of not creating better planning outcomes and controls than those contained in PPN6. PPN6 should remain in place together with an amended Draft Variation 200 until the Spatial Plan dictates that a further consideration of these two planning regimes becomes necessary.

Recommendation No. 11

The Committee recommends that PPN6 remain in place until the spatial planning process is concluded and further consideration is given to the best means of protecting the Garden City and other elements of 'Territorial Significance'.

6.7 The Committee agrees that it is critical that the various planning reviews and phases currently underway in parallel be integrated as a matter of urgency, as there is already evidence that high levels of inconsistency is occurring between each of the various layers. Planning needs simplicity, transparency so that the community can make a real contribution.

Recommendation No. 12

The Committee recommends that all the planning reviews and processes currently underway be integrated as a matter of urgency, as there is already evidence that high levels of inconsistency is occurring between them.

7. INCONSISTENCY IN PLANNING

7.1 Part A: General Principles and Policies of the Territory Plan states that '...the city's economic development will be inextricably linked to the quality of its urban environment and its appeal as a place to live...The ACT is having to meet higher standards of fiscal self-sufficiency, but at the same time government cannot burden the community and private sector with excessive taxes and charges. Nor should government impose unwarranted costs on development. This highlights the importance of an efficient pattern of development, cost-effective provision of infrastructure and services, and as far as possible a streamlined planning system.'

7.2 The Committee heard from the Housing Industry Association ACT/Southern New South Wales Region, that Draft Variation 200 'was developed in a vacuum and not linked to other important planning and development initiatives in the Territory...We have always argued for consistency in planning and development initiatives...'⁴⁸ In another example, Turner Residents had completed their Neighbourhood Plan process predicated on the May 2002 version of Draft Variation 200, and now find that the December 2002 version largely negates most of the agreements and detail of that Neighbourhood Plan. Draft Variation 200 is attempting to address many complex and multi-faceted issues and PALM believes that this has been a large factor in the misunderstandings that became evident through the submissions and the Public Hearings. One example is that the community felt that PPN 6 afforded more control over the construction of two storey dwellings (houses or dual occupancies), and that it prevented amalgamation of blocks to build large block of multi-unit dwellings. The controls introduced into Draft Variation 200 to prevent amalgamation of blocks have not been clear to the community. The misunderstanding and anxiety and strong objections expressed by some sectors of the community may have been minimised if the presentation of the Draft Variation had drawn better, simple and more succinct distinctions between what are matters of planning and what are matters of 'good design'.

7.3 One example of such planning misunderstanding/design issues has been the subject of a lengthy appeal by residents of Golden Grove Red Hill in the Administrative Appeals Tribunal where a large dwelling had been approved before the interim effect of Draft Variation 200, and therefore occupies 35 percent of the block and is two storeys. Confusion about wide ranging impact of Draft Variation 200 appears to have occurred from the style of the written document, the changes that occurred without apparent consultation, and its obscure relationship to current planning documents such as PPN6 and others that are in gestation.

7.4 The Committee believes that a simpler framework needs to be developed that is easily understood and interpreted when laid side by side with other planning documents. The Committee believes that the Draft Variation could be a more palatable, community-friendly document if it were redrafted to align its headings with the ACTCode for Residential Development, because the ACTCode specifically addresses the subdivision and site-special planning controls that interpret the objectives and policies of the objectives and policies of the Territory Plan. It is a comprehensive package of guidelines that apply to neighbourhood design, subdivision of land and design and siting for all housing types, except for certain housing over four storeys and dwellings not located in Residential Land Use Areas. These headings are:

- a) Neighbourhood Planning and Movement Networks
- b) Physical Infrastructure
- c) Stormwater and Integrated Catchment Management
- d) Streetscape and Neighbourhood Character
- e) Site Planning and Design.

⁴⁸ Hansard Public Hearings 28 March 2003.

7.5 The Committee recommends that this might also assist in achieving a level of consistency of decision making between the directions and content of the various planning documents, while at the same time integrating as part of any planning process, the issues of design as well as estimates for cost-effective provision of infrastructure services, and the capacity for such services to accord with sustainability, quality of domain considerations and affordability. This will ensure that where multi-unit or dual occupancy dwellings are approved in established suburbs, the community is informed and there are some guarantees or tests undertaken about the ability of existing infrastructures to cope with additional populations.

Recommendation No. 13

The Committee recommends that:

- a. any documents which outline the future planning principles for Canberra include as a pre-requisite, i) specific areas of National Significance (National Capital Planning Areas); ii) specific areas of Territorial Significance (to include historical elements); iii) areas of environmental concern; iii) areas which can only be designated for medium density housing; and**
- b. a monitoring framework for spatial distribution of dual occupancies and multi-unit developments be implemented, based on the objectives of PPN6 and the Spatial Plan as it is phased in.**

Recommendation No. 14

The Committee recommends that any future Draft Variation on residential land use policy align its headings with the ACTCode for Residential Development, which are:

- a. Neighbourhood Planning and Movement Networks**
- b. Physical Infrastructure**
- c. Stormwater and Integrated Catchment Management**
- d. Streetscape and Neighbourhood Character**
- e. Site Planning and Design.**

8. ROLE OF THE PLANNING AND LAND MANAGEMENT GROUP (PALM)

8.1 Throughout 2003 during public consultation on this and other Draft Variations, the Committee has received consistent feedback about the unresponsiveness of PALM to community consultation.

8.2 In order for the Committee to be able to undertake its work effectively, quickly and accurately, the Committee requires the assistance of a range of resources, including that of the officials of the Planning and Land Management Group (PALM). The Committee was disappointed that PALM did not always follow up in a timely fashion, the requests for information made either during public hearings or separately⁴⁹. Some of the information provided was of poor quality so that it has made the analysis of some of the issues more difficult than it should have been. In addition, the Committee feels it was not always afforded an appropriate level of co-operation during the exhaustive process involved in this inquiry.

Recommendation No. 15

The Committee recommends that the Government instructs the Planning and Land Management Group (PALM) to:

- a. adopt practices that are more responsive to community input;**
- b. produce documentation that is easily understood by interested lay members of the community; and**
- c. responds fully and in a timely fashion to requests from the Committee for information.**

⁴⁹ At the Public Hearings of 28 February 2003, Ms Dundas noted with PALM that in the original version of DV 200, all local centres, all commercial centres, had a core area. Under the revised approach, some centres would not have a core area. Ms Dundas requested 'a list of suburbs where there was or wasn't multiunit development around the shops; which local centres core areas originally referred to as the general areas in the May 2002 version of Draft Variation had been withdrawn in the December 2002 version.

9. CONCLUSION

9.1 Draft Variation 200 seems to have attracted more widespread interest, anxiety and opposition than any Variations to the Territory Plan that this Committee has received. Following considerable consultation and deliberation, the Committee has unanimously rejected Draft Variation 200, because it believes that the proposals:

- a. anticipate the outcomes of the Spatial Plan;
- b. are too broad in their application;
- c. do not guarantee the protection of elements of the garden city, that was its ostensible purpose;
- d. are too uniform and do not take into account the organic development of Canberra; and
- e. lack a strategic framework; and
- f. lack longevity.

9.2 The Committee believes that before far-reaching changes are made to residential land use policies that more analytical work must be undertaken in the context of the Spatial Plan, and in an open and truly consultative way with the community. The analysis should cover such issues as:

- (i) elements of the Lansdown Report, in particular its recommendations for the amenity of garden city planning and the protection and sustaining of important places, such as the very landscaped, low density and streetscape character and some more recently developed areas;
- (ii) transport issues
- (iii) water and energy efficiency; and
- (iv) housing affordability.

Mrs Vicki Dunne MLA

Chair

29 April 2003

APPENDIX 1 DETAIL OF THE DUAL OCCUPANCY APPLICATIONS AND APPROVALS BY SUBURB FOR 1999-2000 TO 19 MARCH 2003

	1999-00	1999-00	2000-01	2000-01	2001-02	2001-02	2002-03	2002-03
Suburb	Number Lodged	Number Approve d	Number Lodged	Number Approve d	Number Lodged	Number Approved	Number Lodged	Number Approved
Ainslie	24	21	19	16	18	16	8	8
Amaroo	3	1	0	0	0	0	0	0
Aranda	2	2	0	0	2	1	1	1
Banks	2	2	1	1	3	3	0	0
Barton	2	0	2	2	0	0	0	0
Bonython	0	0	0	0	1	1	1	0
Braddon	7	7	2	2	8	8	1	1
Calwell	1	1	1	1	3	3	1	1
Campbell	4	1	5	4	9	7	1	1
Chapman	1	1	0	0	0	0	0	0
Charnwood	2	2	0	0	0	0	1	1
Chifley	4	4	2	2	4	4	4	4
Chisholm	1	1	0	0	1	1	2	1
Conder	0	0	2	2	2	2	3	2
Cook	1	1	1	1	1	1	2	2
Curtin	3	2	5	4	3	3	0	0
Deakin	4	4	3	3	0	0	1	1
Dickson	3	3	1	1	0	0	2	0
Downer	3	3	2	2	2	2	2	2
Duffy	0	0	2	2	0	0	2	2
Dunlop	1	1	1	1	0	0	0	0
Evatt	2	2	3	2	1	1	1	1
Farrer	2	1	0	0	2	2	1	1
Florey	1	1	1	0	0	0	1	0
Flynn	0	0	0	0	2	2	1	1
Forrest	6	4	7	6	1	1	0	0
Garran	2	2	3	2	7	7	2	2
Gilmour	0	0	2	2	0	0	0	0
Giralang	1	1	0	0	0	0	1	1
Gordon	2	2	2	2	3	2	1	1
Griffith	15	10	13	8	6	6	3	2
Gowrie	0	0	0	0	1	1	0	0
Gungahlin	0	0	0	0	2	2	20	19
Hackett	3	3	1	1	1	1	1	1
Hall	2	2	0	0	0	0	0	0
Hawker	0	0	3	3	1	1	1	0
Higgins	1	1	1	1	0	0	0	0
Holder	0	0	0	0	3	1	0	0

Appendix 1 Continued

	1999-00	1999-00	2000-01	2000-01	2001-02	2001-02	2002-03	2002-03
Suburb	Number Lodged	Number Approve d	Number Lodged	Number Approve d	Number Lodged	Number Approved	Number Lodged	Number Approved
Holt	0	0	0	0	0	0	1	1
Hughes	3	3	5	4	4	4	2	2
Isabella Plains	1	1	0	0	0	0	2	2
Isaacs	0	0	1	1	4	3	0	0
Kaleen	2	2	0	0	1	1	3	2
Kambah	2	1	3	2	1	1	2	2
Latham	0	0	0	0	0	0	1	0
Lyneham	1	1	1	1	0	0	0	0
Lyons	1	1	0	0	4	3	5	5
Macquarie	2	2	2	1	4	4	0	0
Mawson	1	1	2	2	5	5	2	2
McKellar	1	0	0	0	0	0	1	0
Monash	0	0	0	0	0	0	3	2
Narrabundah	5	5	7	5	8	8	8	8
Nicholls	2	2	0	0	0	0	0	0
O'Connor	13	13	5	5	9	8	5	5
O'Malley	0	0	0	0	1	0	0	0
Page	0	0	0	0	3	2	0	0
Palmerston	9	9	0	0	0	0	0	0
Pearce	0	0	4	3	3	3	2	2
Red Hill	11	11	12	7	8	5	4	3
Reid	3	1	0	0	1	1	0	0
Richardson	0	0	0	0	1	1	2	1
Rivett	0	0	0	0	2	1	2	2
Stirling	0	0	0	0	1	1	0	0
Symonston	1	1	0	0	0	0	0	0
Theodore	0	0	0	0	2	2	0	0
Torrens	0	0	1	1	2	0	4	4
Turner	16	10	5	5	4	4	1	1
Wanniassa	1	1	3	2	1	1	6	4
Waramanga	2	2	0	0	1	1	0	0
Watson	0	0	1	1	2	1	4	2
Weetangera	0	0	1	1	2	2	0	0
Weston	0	0	2	1	0	0	0	0
Yarralumla	14	12	8	6	2	2	4	2
Total	196	165	148	119	163	143	129	108 Or 144 if extrapolate d to end financial year

Source: Dual Occupancies Report from DARTS database 19 March 2003, Department of Urban Services.

APPENDIX 2: COMPARISON OF KEY ISSUES BEFORE AND AFTER DRAFT VARIATION 200

KEY ISSUE	BEFORE DV 200	AFTER DV 200 December 2002 Version
Residential Core and Suburban Areas.	Not applicable. The same Residential Land Use policies applied across all residential areas except where an Area Specific Policy (ASP) applies (eg B11, B12 Areas in Inner North Canberra).	Residential areas divided into Residential Core and Suburban Areas, each with specific policies. Residential Core Areas provide for wide range of housing types of modestly higher density and are located generally within 200m of local centres and 300m or Group and Town Centres. Suburban Area policies protect existing garden city character whilst retaining some limited opportunity for redevelopment and change. ASPs continue to apply in identified areas.
Land Use and Land Use Restrictions	Territory Plan, Part B: Land Use Policies	No substantive change. Home business restrictions will remain as those introduced in Variation No. 63 (December 1998).
General Controls	2 storey maximum building height except where otherwise provided for in ASP Attics and basements permissible in addition to permitted number of storeys. No provision for rebuilding where existing approved building exceeded 2 storeys. Open carports and car spaces not included in plot ratio except where PPN 6 applies	2-storey maximum building height except where provided for in ASP. Attics and basements permissible in addition to permitted number of storeys except in Suburban Areas (new definitions for attic and basement). Provision made for rebuilding on sites where lawfully constructed development exceeded the permissible building height. For all development, plot ratio to include 18m ² for each open carport or car space provided
General Controls on Residential Redevelopment	Concept of 'residential redevelopment' not defined in existing Territory Plan. Multi-unit redevelopment and dual occupancy subject to PPN6. Residential redevelopment has been subject to High Quality & Sustainable Design guidelines since June 2001.	Residential redevelopment to be defined in Territory Plan. New mandatory requirements: Designing for High Quality & Sustainability process tree surveys and landscape plans
Private Open Space (POS)	35% of block area for blocks under 450m ² 40% of block area for blocks 450m ² and above. These provisions do not apply in B11 and B12 areas under Urban Housing Code. POS to include one area with a direct relationship to an indoor daytime living area with a minimum dimension of 6x6m.	New sliding Scale: ie 60% of block area less 50m ² . No change in B11 and B12 areas. POS to include an area with a direct relationship to an indoor daytime living area with an area of 10% of block area and minimum dimension of 6m.

Appendix 2 Continued

KEY ISSUE	BEFORE DV 200	AFTER DV 200 December 2002 Version
Building Envelope Controls	Applied only in B11 and B12 Areas under Urban Housing Code- multi-unit development (2 or more dwellings) on blocks within the B11 and B12 areas in North Canberra. In other areas: the maximum height of walls was restricted to 7.5m under Single Dwelling and Multi Dwelling Design & Sustainability Codes; and Average height of wall except within 12 metres of Upper Floor Level building line of 3m plus 1m for each 2m setback	Common set of building envelope controls to apply across all areas.
Subdivision and Consolidation	Could happen anywhere subject to being part of 'integrated development'. No restriction on unit titling.	Consolidation of blocks prohibited in Suburban Areas except for Supportive Housing. In Heritage Areas, no subdivision or consolidation (including unit title subdivision) Subdivision including Unit Title subdivision only permitted where the lease expressly provides for the number of dwellings proposed for by the subdivision. (NB this will invoke Change of Use Charge regime).
Replacement single dwelling housing developments	Could be approved anywhere subject to meeting Single Dwelling Design & Sustainability Code Subject to Designing for High Quality & Sustainability guidelines since June 2001. Not subject to PPN6 No statutory plot ratio control Attics and basements permitted in addition to 2 storeys	Can be approved anywhere but subject to meeting new General Controls for Residential Redevelopment Subject to 50% plot ratio control In Suburban Areas, no attics or basement car parking in addition to 2 storeys

Appendix 2 Continued

KEY ISSUE	BEFORE DV 200	AFTER DV 200 December 2002 Version
Dual occupancy development	Could be permitted on almost any single dwelling residential block subject to meeting Multi-unit Design & Sustainability Code and the PPN6 guidelines. Key provisions in PPN6 are: Minimum block size of 800m² Maximum plot ratio of 35%. 2-storey development including houses, permissible where direct visual relationship with 2-storey development on adjoining blocks. Since 6 December 1991, 5% rule has applied firstly under DV 192 and now under DV 200. Dual occupancies could be separately titled using Unit Titles Act. Dual occupancy development has generally not been subject to Change of Use Charge.	Permissible in both Residential Core and Suburban Areas subject to meeting specific controls in Residential Land Use Policy and Multi-unit Design & Sustainability Code. Key provisions in Residential Land Use Policies: Minimum block size of 700m² Maximum plot ratio in Suburban Areas determined by sliding scale plot ratio control from 35%:245 GFA m² to 19.67%:590 GFA m² by formula Maximum plot ratio in Residential Core Areas of 35% or 50% where both dwellings face the street. Rear dwellings in Suburban Areas must be single storey in scale with no basement car parking and must not be larger than half the permissible plot ratio The 5% rule will not apply beyond 30 May 2003 & latest version of <i>Unit Titles Act</i> to apply. Subdivision of dual occupancy developments allowed where lease specifies 2 dwellings are permissible. If a lease variation is required, Change of Use Charge will be payable based on increased value. Lease will be required to expressly provide for the number of dwellings proposed before the lease can be subdivided.
Triple occupancy development	Could be permitted anywhere subject to meeting Multi-unit Design & Sustainability Code and PPN6 guidelines. Blocks could be amalgamated anywhere to provide a site that met minimum size requirements. Since 6 December 2001, the 5% rule has applied firstly under DV 192 and now under DV 200. Triple occupancies could be separately title using <i>Unit Titles Act</i>. Key provisions in PPN6 were: Minimum block size of 1400m² Maximum plot ratio of 35%. 2-storey development permissible where direct visual relationship with 2-storey development on adjoining blocks. Triple occupancy development has generally not been subject to Change of Use Charge.	Permissible in Residential Core Areas <u>only</u>, subject to meeting specific controls in Residential Land Use Policy and Multi-unit Design & Sustainability Code. The 5% rule will not apply beyond 30 May 2003 & latest version of <i>Unit Titles Act</i> to apply. Key provisions in Residential Land Use Policies: Minimum block size of 1400m² Maximum plot ratio in Residential Core Areas of 35% or 50% where both dwellings face the street Subdivision of triple occupancy developments will only be permissible where the lease specifies that 3 dwellings are permissible. If a lease variation is required, Change of Use Charge will be payable based on increased value.

Appendix 2 Continued

KEY ISSUE	BEFORE DV 200	AFTER DV 200 December 2002 Version
Other Multi unit redevelopment on existing single dwelling (standard) blocks	Could be permitted anywhere subject to meeting Multi-unit Design & Sustainability Code and PPN6 guidelines. Key provisions in PPN6 were: Minimum block size of 1400m² Maximum plot ratio of 35%. 2-storey development permissible where direct visual relationship with 2-storey development on adjoining blocks. 5% rule does not apply (only applies to dual and triple occupancy). Triple occupancies could be separately title using Unit Titles Act. Multi-unit housing has generally been subject to Change of Use Charge where it involves block amalgamation.	Permissible in Residential Core Areas only, subject to meeting specific controls in Residential Land Use Policy and Multi-unit Design & Sustainability Code. Key provisions in Residential Land Use Policies: Minimum block size of 1400m² Maximum plot ratio in Residential Core Areas of 50%. 5% rule will not apply beyond 30 May 2003 & latest version of Unit Titles Act to apply. Subdivision of multi-unit developments will be permissible where the lease specifies number of dwellings proposed for subdivision. If a lease variation is required, Change of Use Charge will be payable based on increased value.

APPENDIX 3: SOURCE OF SUBMISSIONS BY SUBURB-PALM AND COMMITTEE COMBINED AND SCHEMATIC MAP OF CANBERRA

Key	Suburb	Population	Number of Submissions
1	Hall	403	Nil
	Gungahlin	56	Nil
2	Nicholls	6043	3
3	Ngunnawal	8830	1
4	Amaroo	3348	1
5	Palmerston	5924	Nil
6	Mitchell	3	2
7	Dunlop	2696	Nil
8	Fraser	2211	Nil
9	Spence	2806	Nil
10	Charnwood	3156	Nil
11	Flynn	3786	Nil
12	Melba	3564	Nil
13	Macgregor	3837	Nil
14	Latham	3847	3
15	Florey	5598	Nil
16	Holt	4979	1
17	Higgins	3276	1
18	Scullin	3043	Nil
19	Hawker	2991	Nil
20	Page	2887	Nil
21	Weetangera	2786	1
22	Macquarie	2406	1
23	Belconnen Town Centre	2941	Nil
24	Evatt	6066	Nil
25	McKellar	2835	Nil
26	Giralang	3733	Nil
27	Cook	2982	2
28	Aranda	2586	2
29	Bruce	2881	1
30	Kaleen	8282	1
31	Lyneham	4212	3
32	O'Connor	4765	3
33	Acton	1501	1
34	Turner	1963	16
35	Watson	3817	Nil
36	Downer	3427	278
37	Dickson	1876	5
38	Hackett	2988	1
39	Ainslie	4770	Nil
40	Braddon	2996	5
41	Canberra City Centre	514	6
42	Reid	1668	2
43	Campbell	3248	3
44	Russell	0	Nil
45	Duntroon	1311	Nil
46	Fyshwick	88	Nil

Appendix 3 Continued

Key	Suburb	Population	Number of Submissions
47	Majura	229	Nil
47 a	Pialligo	118	Nil
48	Oaks Estate	315	Nil
49	Kingston	1963	4
50	Barton	530	Nil
51	Forrest	1225	4
52	Yarralumla	3061	5
53	Deakin	2701	6
54	Stromlo	81	Nil
54 a	Weston Creek	22	1
55	Duffy	3207	Nil
56	Holder	2854	Nil
57	Weston	3429	2
58	Curtin	5396	4
59	Lyons	2557	1
60	Hughes	3002	3
61	Red Hill	3306	51
62	Griffith	4031	36
62 a	Manuka		4
63	Narrabundah	5679	11
64	Symonston	435	Nil
65	Garran	2809	2
66	O'Malley	992	Nil
67	Phillip	1735	Nil
67 a	Woden		2
68	Jerrabomberra	27	Nil
69	Hume	14	Nil
70	Isaacs	2651	Nil
71	Mawson	3031	5
72	Farrer	3578	Nil
73	Torrens	2268	Nil
74	Pearce	2511	Nil
75	Chifley	2381	Nil
76	Waramanga	2680	Nil
77	Fisher	3097	Nil
78	Stirling	2141	Nil
79	Rivett	3376	Nil
80	Chapman	2919	Nil
81	Kambah	17107	3
82	Wanniassa	8702	1
83	Fadden	3512	Nil
84	Macarthur	1666	2
85	Gilmore	3110	Nil
86	Chisholm	5893	Nil
87	Gowrie	3461	Nil
88	Monash	6037	Nil
89	Oxley	1889	Nil
90	Greenway	992	Nil
90 a	Tuggeranong	63	Nil
91	Bonython	3598	Nil
92	Isabella Plains	4534	1
93	Richardson	3499	Nil

Appendix 3 Continued

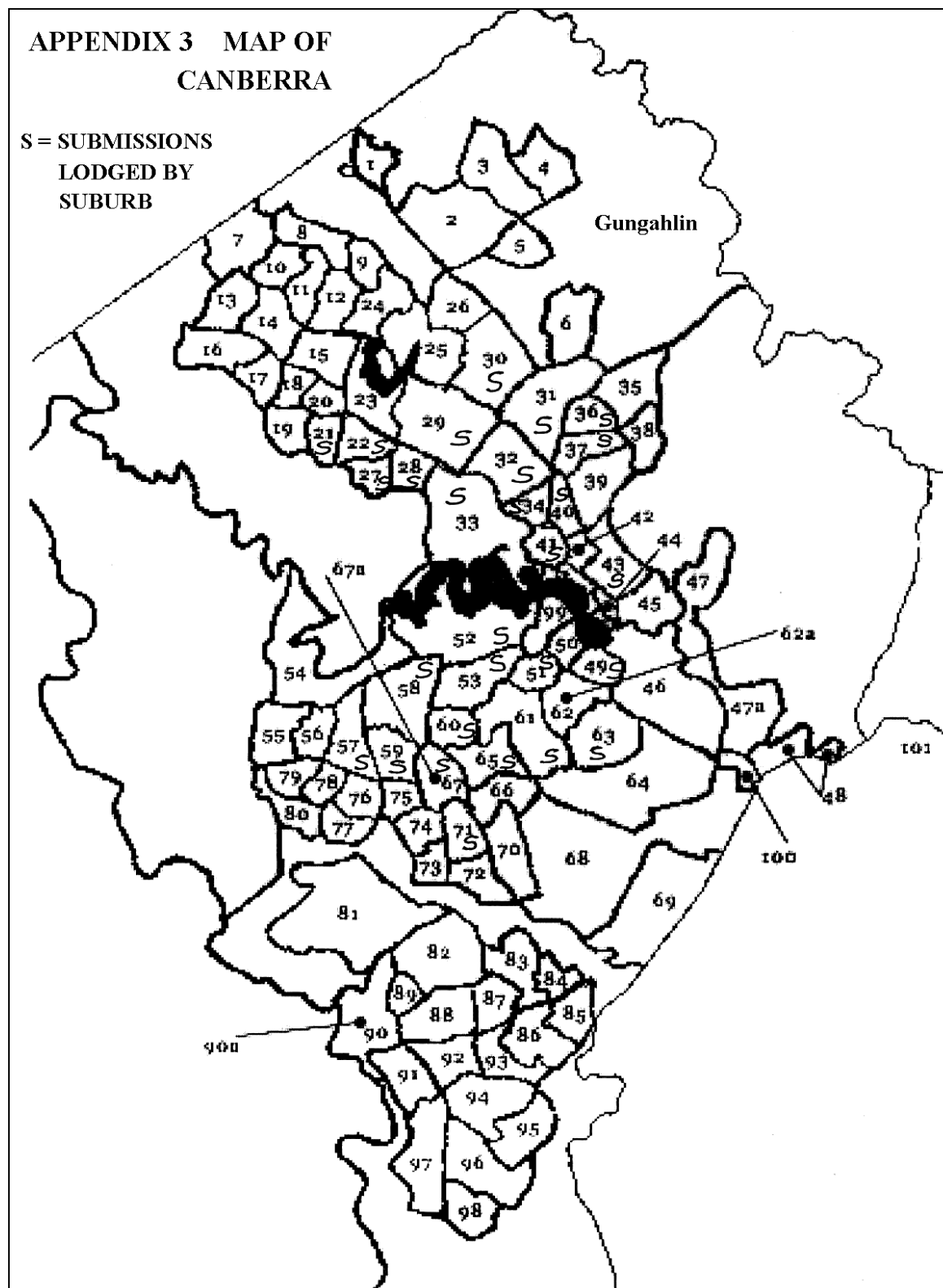
Key	Suburb	Population	Number of Submissions
94	Calwell	6360	Nil
95	Theodore	4317	Nil
96	Conder	4534	Nil
97	Gordon	7770	Nil
98	Banks	3753	Nil
99	Parkes	26	Nil
100	Harman	186	Nil
101	Queanbeyan		Nil
102	Kowan	21	Nil
103	Remainder of ACT	373	8
	NSW		5
	Grand total	321680	820

The Map of Canberra with Appendix shows the suburbs by number that correspond to the suburb numbers in this table

'S' means submissions lodged by suburb

APPENDIX 3 MAP OF CANBERRA

S = SUBMISSIONS
LODGED BY
SUBURB



APPENDIX 4 - DRAFT VARIATION 200-SUBMISSIONS TO COMMITTEE AND PUBLIC HEARING WITNESSES

Individuals	Address	Public Hearing Witness
Ms Debbie Worner	13 Allport Street DOWNER ACT 2602	
Ms Sheree Edlington	14 Allport Street DOWNER ACT 2602	
Ms Rosalind Wallace	22 Atherton Street DOWNER ACT 2602	
Mr Hans Lawatsch	22 Atherton Street DOWNER ACT 2602	
Mr Malcolm Bennett	178 Atherton Street DOWNER ACT 2602	
Ms Siobhan Cosgrove	25 Atherton Street DOWNER ACT 2602	
Dr Anne Nevile	18 Banfield Street DOWNER ACT 2602	
Ms Nicole Eldridge	50 Banfield Street DOWNER ACT 2602	
Mr Ian Gaze	50 Banfield Street DOWNER ACT 2602	
Ms Judy Cevallos	10 Barney Street DOWNER ACT 2602	
Ms Kari Ahmer	11 Barney Street DOWNER ACT 2602	
Ms Marie Coleman & Ms Patti Kendall	PO Box 236 MITCHELL ACT 2911 & 6 Blackett Street DOWNER ACT 2602	11 March 2003
Ms Nadia & Ivan Potas	54 Blackett Street DOWNER ACT 2602	
Mr J van der Velde	6 Becker Place DOWNER ACT 2602	
Ms Megan van der Velde	6 Becker Place DOWNER ACT 2602	
Mr A & Mrs E Goodieson	1 Berry Street DOWNER ACT 2602	
Mrs M Cummins	2 Berry Street DOWNER ACT 2602	
Mr Julian Stevenson	Berry Street DOWNER ACT 2602	
Ms Genevieve & Mr Brian Palm	9 Berry Street DOWNER ACT 2602	
Mr James McDonald	19 Berry Street DOWNER ACT 2602	
Mr Miles Boak	21 Berry Street DOWNER ACT 2602	
Ms Jean Smith	23 Berry Street DOWNER ACT 2602	
Mr Peter Searle	26 Berry Street DOWNER ACT 2602	

Appendix 4 Continued**DRAFT VARIATION 200-SUBMISSIONS TO COMMITTEE AND PUBLIC HEARING WITNESSES**

Individuals	Address	Public Hearing Witness
Mrs Patricia Searle	26 Berry Street DOWNER ACT 2602	
Mrs Anne Dehlsen	30 Berry Street DOWNER ACT 2602	
Mrs Paula Wroe	65 Bonython Street DOWNER ACT 2602	
Mr Joss Haiblen	21 Burn Street DOWNER ACT 2602	
Mr Colin Lowe	28 Burn Place DOWNER ACT 2602	
Ms Thalia Lowe	28 Burn Place DOWNER ACT 2602	
K Stewart	6 Cadell Street DOWNER ACT 2602	
Mr Michael Wenzel	21 Cadell Place DOWNER ACT 2602	
Ms Julie Peard	21 Cadell Place DOWNER ACT 2602	
Ms Natalie Miles- Deane	1 Cole Street DOWNER ACT 2602	
Mr Brian O' Malley	12 Cotton Street DOWNER ACT 2602	
Mr V Cowsill	9 Durack Street DOWNER ACT 2602	
Ms Cassie Proudfoot	30 Durack Street DOWNER ACT 2600	
Mrs D Wildin	39 Durack Street DOWNER ACT 2602	
Mr John Wilden	39 Durack Street DOWNER ACT 2602	
Mr Peter Lockwood	1 Edkins Street DOWNER ACT 2602	28 February 2003
Mr Gary Palmer	4 Edkins Street DOWNER ACT 2602	
Ms Wendy Anderson	26 Edkins Street DOWNER ACT 2602	
Mr Neal Hardy	27 Edkins Street DOWNER ACT 2602	
Ms Julie Phillips	27 Edkins Street DOWNER ACT 2602	
Mr Jim Derrick	4 Fenner Street DOWNER ACT 2602	
Ms Jacqui Pinkava	4 Fenton Street DOWNER ACT 2602	
Mr Mark Paterson	10 Frencham Street DOWNER ACT 2602	

Appendix 4 Continued**DRAFT VARIATION 200-SUBMISSIONS TO COMMITTEE AND PUBLIC HEARING WITNESSES**

Individuals	Address	Public Hearing Witness
Mr & Mrs J & V Mackay	13 Gardiner Street DOWNER ACT 2602	
Ms Sue Webber	28 Gardiner Street DOWNER ACT 2602	
Ms Mary Mond	3 Giblin Street DOWNER ACT 2602	
Mr Keith Heydon	5 Giblin Street DOWNER ACT 2602	
Mr Simon Blake	6 Heaton Place DOWNER ACT 2602	
Ms Catherine Blake	6 Heaton Place DOWNER ACT 2602	
Ms June Penny	14 Heaton Place DOWNER ACT 2602	
Ms Beverley Lamb	16/59 Melba Street DOWNER ACT 2602	
Mr John Byrne	77 Melba Street DOWNER ACT 2602	
Ms Rosalie Rankin	77 Melba Street DOWNER ACT 2602	
Ms Jane Teasey	4 Nichols Street DOWNER ACT 2602	
Ms Julia Taylor	558 Northbourne Avenue DOWNER ACT 2602	
Alexa & Kevin Turner	9 Padbury Street DOWNER ACT 2602	
Ms Elda Sutton	11 Padbury Street DOWNER ACT 2602	
Mr Byron Kaufman	18 Padbury Street DOWNER ACT 2602	
Ms Ann Cleland	39 Padbury Street DOWNER ACT 2602	
Mr John Howard	42 Padbury Street DOWNER ACT 2602	
Mr Brian Oakes	44 Padbury Street DOWNER ACT 2602	
Mr Walter Hawkins	59 Padbury Street DOWNER ACT 2602	
Ms Carolyn Emerson	76 Phillip Avenue DOWNER ACT 2602	
Mr Bryan Tuckey	122 Phillip Avenue DOWNER ACT 2602	
Ms Sandra Tuckey	122 Phillip Avenue DOWNER ACT 2606	
Mr & Mrs J Fitzpatrick	6 Rain Place DOWNER ACT 2602	
Individuals	Address	Public Hearing Witness
Ms Liesl Mitchell	27 Tardent Street DOWNER ACT 2602	

Appendix 4 Continued

DRAFT VARIATION 200-SUBMISSIONS TO COMMITTEE AND PUBLIC HEARING WITNESSES

Mr Gary Tuite	38 Tardent Street DOWNER ACT 2602	
Mr Barry Raison	32 Colebatch Place CURTIN ACT 2605	7 March 2003
Mr John Lamb	74 MacGregor Street DEAKIN ACT 2600	
C& K McKenzie	PO Box 243 DICKSON ACT 2602	
Mrs Yvonne Dunn	PO Box 373 DICKSON ACT 2602	
Ms Katie Saxby	32 Dumaresq Street DICKSON ACT 2602	7 March 2003
Mr Stephen Brown	14 Dampier Crescent FORREST ACT 2603	
Mr Frank Mestrov	2 Hovell Street GRIFFITH ACT 2603	
Mr David Menzel	19 Sabine Close GARRAN ACT 2605	
Ms Sonia Charles	9 Rabnor Place Isabella Plains ACT 2905	
Ms Jane Hingston	2 Gibbs Place KAMBAH ACT 2902	28 February 2003
Mr Jack Kershaw	Lovegrove Place KAMBAH ACT 2902	
Mr Robert Burgess	93 Jackie Howe Crescent MACARTHUR ACT 2904	28 February 2003
Mr Graham Moseley	Rehfisch Close LYNEHAM ACT 2602	28 February 2003
Dr Bob Webb	27 Golden Grove RED HILL ACT 2603	28 February and 11 March 2003
Dr Robert Boden	20 Barnet Close SWINGER HILL ACT 2606	
Sir Lenox Hewitt OBE	Level 1, 70 Pitt Street SYDNEY NSW 2000	
Mr R Gilbert	28 Watson Street TURNER ACT 2612	
Mr John Passioura	TURNER ACT 2605	
Mr Sukhpal Singh	63 Boldrewood Street TURNER ACT 2612	
*Companies *Community Groups *Professional Associations	Address	Public Hearing Witness
Mr Eric Martin	Eric Martin & Associates Architects Suite 10,68 Jardine Street KINGSTON ACT 2604	28 February 2003

Appendix 4 Continued

DRAFT VARIATION 200-SUBMISSIONS TO COMMITTEE AND PUBLIC HEARING WITNESSES

Mr David Dawes Mr Jerry Howard Mr Rob Purdon Mr Hans Sommer Mr Dominic Maiuto	Master Builders Association 241 Northbourne Avenue LYNEHAM ACT 2602	11 March 2003
Ms Rosemary Lissimore & Mr David Lissimore	Tuggeranong Community Council PO Box 436 ERINDALE ACT 2903	7 March 2003
Mr Miles Boak	Downer Residents for a Liveable Community 21 Berry Street DOWNER ACT 2602	7 March 2003
Mr Keith Storey	Convenor ACT for Trees 20 Fergusson Crescent DEAKIN ACT	
Mr Robert Thorn	Chairman Planning Committee RAIA ACT Chapter PO Box 3199 MANUKA ACT 2603	28 February 2003
Mr Bruce McKenzie	Chief Executive Officer Community Housing Canberra Ltd PO Box 239 O'CONNOR ACT 2602	
Ms Margaret Fanning	President Griffith/Narrabundah Community Association POP Box 4127 MANUKA ACT 2603	
Chris Shelling	Burley Griffin LAPAC 4 Esson Place GARRAN ACT 2605	
Ms Trish Bootes & Mr Jerome Fitzgibbons	Vice President & Secretary Griffith/Narrabundah Community Association Inc 44 Stuart Street GRIFFITH ACT 2603	11 March 2003
Dr Mac Dickins	PACTT 14 Bent Street TURNER ACT 2612	28 February and 11 March 2003
*Companies *Community Groups *Professional Associations	Address	Public Hearing Witness
Mr David Dall	Convenor Downer Community Association 6 Cadell Street DOWNER ACT 2602	7 March 2003

Appendix 4 Continued**DRAFT VARIATION 200-SUBMISSIONS TO COMMITTEE AND PUBLIC HEARING WITNESSES**

Ms Nancy-Louise McCullough	Inner South/Manuka Local Area Planning Advisory Committee PO Box 24 RED HILL ACT 2603	11 March 2003
Mr Michael Pyers (Executive Director) & Mr Alan Morschel	Housing Industry Association 70 Constitution Avenue CAMPBELL ACT 2612	28 February 2003
Professor Ken Taylor President & Mr Colin Griffiths Heritage Officer	National Trust of Australia (ACT) PO Box 1144 CIVIC SQUARE ACT 2608	7 March 2003
Ms Claire Middleton & Mr Paul Cohen	President, ACT Division Planning Institute PO Box 1491 CANBERRA ACT 2601	7 March 2003
Mr Jeffery Carl	Chairperson, Weston Creek Community Council PO Box 3701 WESTON CREEK ACT 2611	7 March 2003
Ms Romilly Madew & Mr Tony Adams	Executive Director Property Council of Australia ACT Division PO Box 1025 CANBERRA ACT 2601	7 March 2003
Ms Anne Forrest	Manuka LAPAC 5 Stoke Street GRIFFITH ACT 2603	11 March 2003
Mr Dirk van der Vliet	West Belconnen LAPAC 39 Fellows Street LATHAM ACT 2615	7 March 2003
Mr Peter Brooks	West Belconnen LAPAC 10 Davidson Street HIGGINS ACT 2615	7 March 2003
Mr & Mrs K Jarvis	Unit 32 The Devonport 7-17 Ijong Street BRADDON ACT 2612	
Mr Bruce Barnett	Director AAD Pty Ltd 87 Novar Street Yarralumla ACT 2600	
Ms Patricia McGinn	Deputy Chairperson Weston Creek Community Council PO Box 3701 WESTON CREEK ACT 2611	7 March 2003

Appendix 4 Continued

List of Witnesses Standing Committee on Planning and Environment Public Hearings of 28 February 2003, 7 March 2003, 11 March 2003 Total of 35 associations, councils, and individuals.

Friday 28 February 2003

*Planning and Land Management Group
(appeared as a Special Advisers and Witnesses to the Committee)

1.Mr Lincoln Hawkins*

Executive Director, Planning and Land Management
Department of Urban Services
GPO Box 1908
Canberra ACT 2601

2.Mr Garrick Calnan*

Manager Territory Plan Co-ordination
Planning and Land Management
Department of Urban Services
GPO Box 1908
Canberra ACT 2601

3.Mr Keith Burnham*

Senior Planner
Planning and Land Management
Department of Urban Services
GPO Box 1908
Canberra ACT 2601

4.Mr Robert Thorne RAIA

Chairman, Planning Committee
RAIA ACT Chapter
P O Box3199
MANUKA ACT 2603

5.Mr Peter Lockwood

1 Edkins St
DOWNER ACT

6.Mr Graham Moseley

5 Rehfisch Close
LYNEHAM ACT 2602

7. Ms Jane Hingston

2 Gibbs Place
KAMBAH ACT 2902

8.Mr Robert Burgess

93 Jackie Howe Crescent
MACARTHUR ACT 2904

Appendix 4 Continued

9.Housing Industry Association
Mr Michael Pyers & Mr Alan Morschel

10.Dr Robert Boden
Robert Boden & Associates
Consulting Arborist and Heritage Tree Specialist
20 Barnet Close
SWINGER HILL ACT 2606

11.Planning the ACT Together
Dr J M (Mac). Dickins
c/- 14 Bent St
TURNER ACT 2612

12.Mr John Lamb
74 McGregor St
DEAKIN ACT 2600

13.Eric Martin and Associates
Architects
Suite 10, 68 Jardine Street
KINGSTON ACT 2604

14.Dr Bob Webb
27 Golden Grove
RED HILL ACT 2603

Friday 7 March 2003

*Planning and Land Management Group
(appeared as a Special Advisers and Witnesses to the Committee)

1.Mr Garrick Calnan*
Manager Territory Plan Co-ordination
Planning and Land Management
Department of Urban Services
GPO Box 1908
Canberra ACT 2601

2.Mr Keith Burnham*
Senior Planner
Planning and Land Management
Department of Urban Services
GPO Box 1908
Canberra ACT 2601

3.Downer Residents for a Liveable Community
Mr Miles Boak, Mr Johan Van Der Velde, Mr John Derrick
21 Berry St
DOWNER ACT 2602

Appendix 4 Continued

4.Mr Barry Raison
32 Colebatch Place
CURTIN ACT 2605

5. Mr Paul Cohen
Planning Institute of Australia ACT Division
P O Box 1491
CANBERRA ACT 2601

6.Tuggeranong Community Council
19 Station Street
GOWRIE ACT 2904
Mr & Mrs David & Rosemary Lissimore (Media Officer and President respectively)

7.National Trust of Australia (ACT)
P O Box 1144
CIVIC SQUARE ACT 2608

Professor Ken Taylor -President
Mr Colin Griffiths – Heritage Officer

8.Property Council of Australia ACT Division
GPO Box 1025
Canberra ACT 2601

9.Ms Romilly Madew- Executive Director
Mr Anthony Adams –Member of Planning Committee

10. Mr David Dall- Convenor
Downer Community Council
6 Cadell St
DOWNER ACT 2602

11.West Belconnen Local Area Planning Advisory Committee
39 Fellows St
LATHAM ACT 2615

Mr Dirk van der Vliet –Residential Representative
Mr Peter Brooks – Residential Representative

12. Weston Creek Community Council
P O Box 3701
WESTON CREEK ACT 2611

Mr Jeffery Carl - Chair
Ms Patricia McGinn- Deputy Chair

13.Ms Katie Saxby
Chair of Turner Interim Community Reference Panel
61b Boldrewood St
TURNER ACT 2612

Tuesday 11 March 2003

*Planning and Land Management Group
(appeared as a Special Advisers and Witnesses to the Committee)

1.Mr Garrick Calnan*
Manager Territory Plan Co-ordination
Planning and Land Management
Department of Urban Services
GPO Box 1908
Canberra ACT 2601

2.Mr Keith Burnham*
Senior Planner
Planning and Land Management
Department of Urban Services
GPO Box 1908
Canberra ACT 2601

3.Master Builders' Association of the ACT

Mr David Dawes- Executive Director
Mr Jerry Howard
Mr Rob Purdon
Mr Hans Sommer

4.Manuka/Inner South Local Area Planning Advisory Committee
P O Box 24
RED HILL ACT 2603

Nancy Louise McCullough- Convenor

5.Manuka Local Area Planning Advisory Committee

Ms Anne Forrest

6.Griffth/Narrabundah Community Association Inc
P O Box 4127
MANUKA ACT 2602

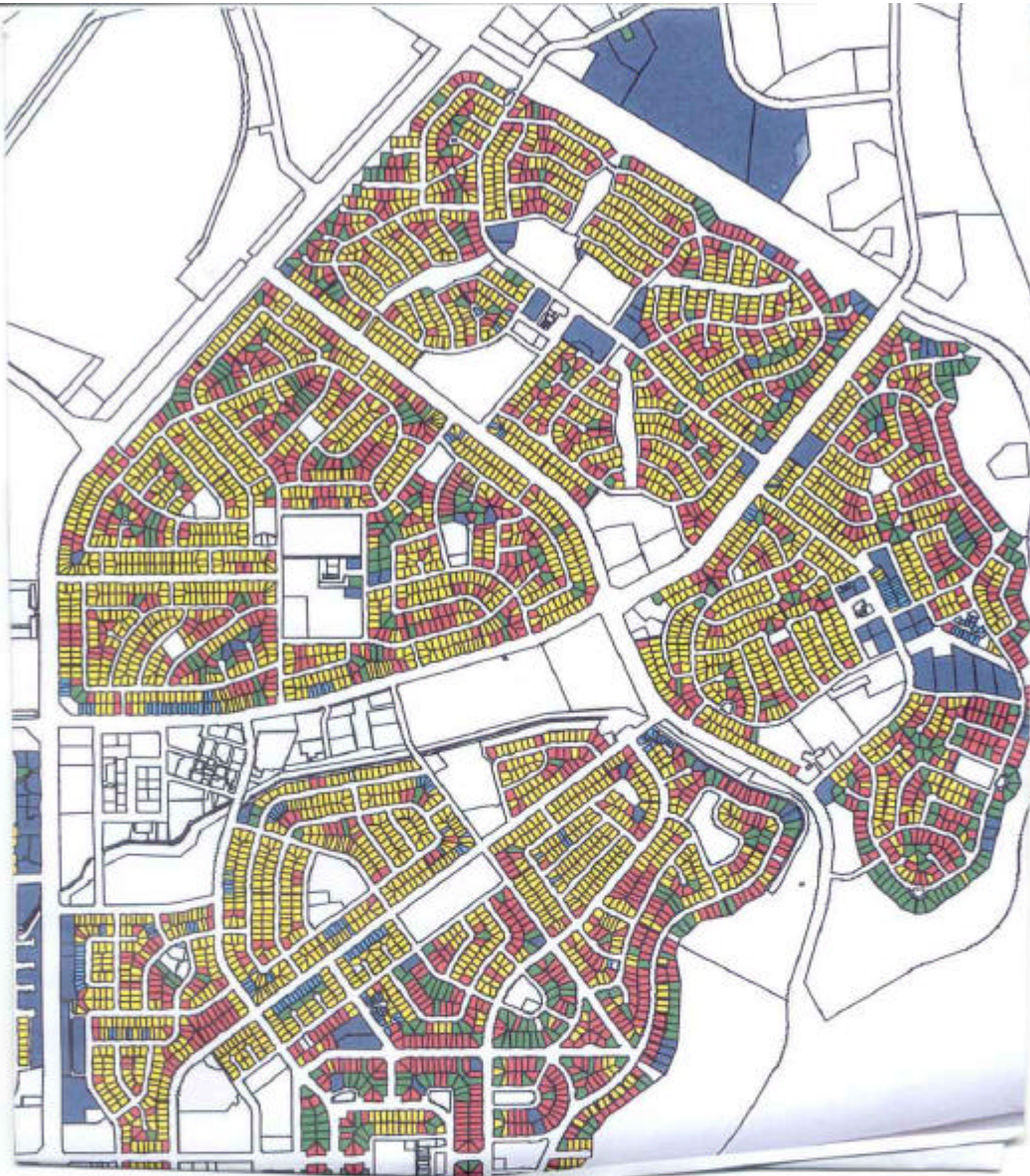
Ms Trish Bootes
Mr Jerome Fitzgibbons

7.North Canberra Community Council Inc.
32 Dumaesq St
DICKSON ACT 2602

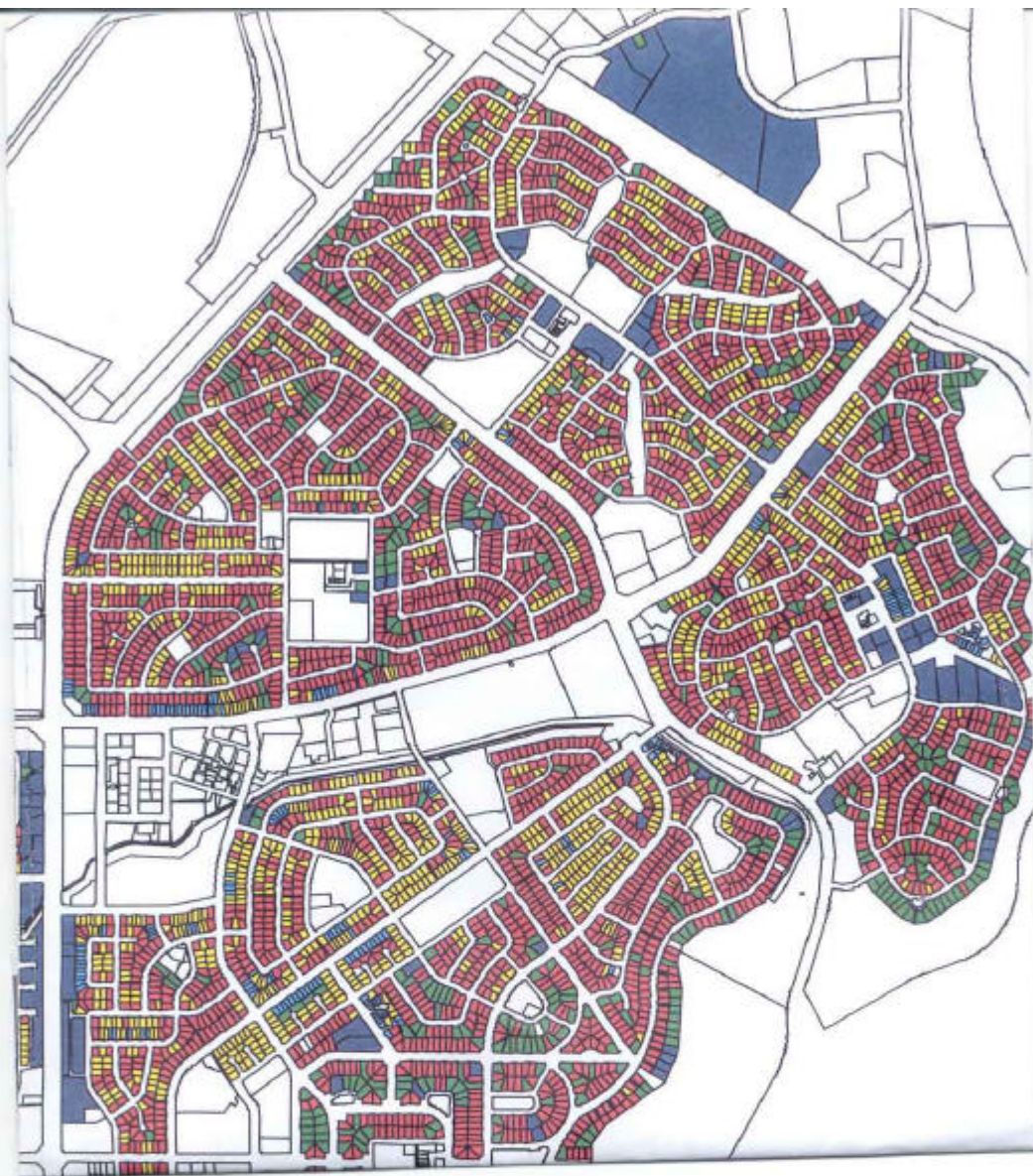
Dr (Mac) Dickins
Ms Joan Kellett- Convenor & Deputy Chair

8. Dr Bob Webb
27 Golden Grove
RED HILL ACT 2603

9. Ms Marie Coleman
P O Box 236
MITCHELL ACT 2911



**Red blocks are
available for dual
occupancy if limit
equals 800 metres
squared**



**Red blocks are available
after limit to dual
occupancy reduced to 700
metres squared**

APPENDIX 6 SUMMARY OF ISSUES PRESENTED IN SUBMISSIONS

DRAFT VARIATION 200-SUMMARY OF ISSUES PRESENTED TO THE COMMITTEE

1. Comments about the current Government and Draft Variation 200

- Draft Variation 200 makes the greatest changes to the Territory Plan since its inception
- Main concern is that Draft Variation 200 assumes that whole of Canberra is on one set of guidelines and no flexibility of these guidelines to allow for peculiar suburbs and situations is allowed.
- Flawed Consultation process in terms of receipting of submission, submissions being inaccurately recorded to reflect community opinion
- No validated research material to support the recommendations- ARTCRAFT RESEARCH '*Final Report on a Study Among Occupants of Dual Occupancies and Adjacent Dwellings for the Territory Planning Branch and Land Management, September 2002*' was not made public
- Draft Variation 200 is a breach of community trust by the current Labor Government- ACT Government and Minister for Planning has ignored residents' views
- The current Government has acted sneakily, deceitfully in release of revised Draft Variation 200; additions were added by PALM not by ACT residents
- ACT Government isn't working for its constituents
- The Government conducted a very poor consultation process, including the fact that insufficient time was allowed for consultation
- Draft Variation 200 will become subject of AAT process
- Draft Variation 200 is developer driven
- Downer residents are outraged and feel completely alienated by DV 200- it has made a mockery of planning processes and public consultation in the ACT
- Of approximately 500 submissions to PALM from all of Canberra, 300 of these from Downer residents
- All but 2 of Downer's residents have objected to the proposal
- Main objection is the extent to which Downer has been targeted for redevelopment and arbitrary way in which General and Residential areas were determined
- Increased antagonism to Revised Draft Variation 200 issues in December 2002 because changes in the December 2002 version warrant a further round of intense consultation is needed
- Conclusions from Artcraft Research (commissioned by PALM) and referred to in Planning Minister's Media Release of 6 December 2002 are questionable
- Draft Variation 200 is the most significant changes in the history of the administration of Canberra
- Opposition has been increased following many unsolicited house calls from aggressive real estate agents and speculators interested in building units and townhouses
- Draft Variation 200 is arbitrary 'consolidating development in streets already effected by development; locating development close to main roads; protecting areas in which there is considerable existing social capital'
- Government is not genuine- Government approached Canberra residents with concerns about quality of living; property values; infrastructure viability; community safety; possibility of crime related activity but now ignores development of neighbourhood values
- Draft Variation 200 is selling out Canberra's assets and unique characteristics-would change Downer into a faceless mass of concrete and brick, with very high density housing
- Planning Minister seemed to accept views of residents, but now views have been totally ignored and people treated with contempt. The current Government has let residents and community down
- A sham in consultation to have call for submissions over the holiday period
- Planning activity for suburban areas has been abandoned in favour of market driven pressures and revenue
- Draft Variation 200 uses paint by numbers approach that will severely alter the amenity, character and options for future developments that are not in keeping with the existing distinctive character of the Kambah neighbourhood

Appendix 6 Continued

- Draft Variation 200 is poorly formed, and needs to be revisited for public consultation especially in the light of the recent fires
- Draft Variation 200 is a very substantial change to residential planning policies in the ACT; does not achieve the objective of being a strategic response to a perceived need to preserve the existing character and amenity of the Territory's residential areas; is premature and pre-empts the Canberra Spatial Plan-proceeding with Draft Variation 200 will result in very poor planning outcomes; introduces an additional overlay that will add to the complexity of residential planning, and therefore increase the cost of housing in the ACT; is very ACT Centric, and continues the inconsistency of many diverse planning codes and rules that exist throughout the Australia/ACTCode11; does not address municipal infrastructure services
- Draft Variation 200 needs some modifications-Refer Clause 3.5 (c) Residential Redevelopment –General-vegetation surveys-this clause is too general because it provides no guidance for either applicants or assessors; Tree Protection (Interim Scheme) Act 2001; weakness is that it provides no protection for small trees (ie less than 12m high); vegetation survey should cover all trees, tall shrubs and hedges above 3m high or 2m spread; survey must gather information about the position of trees on the block, species, size (height, crown spread, trunk circumference at 1m above ground level), habit (deciduous or evergreen), health and condition, life expectancy, status (common, occasional, rare), landscape value, weediness potential, allergenic properties, hardiness, significance (whether significant under existing tree protection legislation); provision of public open space in 'Residential Core Areas' should be increased to compensation for loss of open space in leased areas resulting from increased density of residential development
- Draft Variation 200 is very poorly drafted and very confusing
- So many changes in current Draft Variation 200, a new process of comprehensive consultation needs to be undertaken

2. Comments on the Garden City Concept

- Some positive steps with Draft Variation 200 are positive, but a number of issues remain that will erode the Garden City concepts and not achieve the stated challenge of protecting the predominantly low density low use leafy character of most established residential areas
- Deliberately moved to Downer because of lovely leafy big blocks, quite streets, no neighbouring houses; Draft Variation 200 destroys the reason for the move
- Downer is a Garden City Suburb and must remain so- this is the reason a resident moved to live and retire here
- Draft Variation 200 is inconsistent with Garden City notion
- Draft Variation 200 will turn suburbs into 'yuppie ghettos'
- Residents deliberately buy in Downer to give kids a yard and a garden
- Draft Variation 200 will destroy Downer as a suburb and will result in a decline in maintenance and character of Downer
- Draft Variation 200 contains a number of provisions that are a significant improvement over current provisions, in particular those relating to requirements for permeable planting areas and private open space and plot limitations within suburban areas
- Draft Variation 200 is inconsistent with the Garden City notion, will make a congested suburb, will reduce neighbourliness, in a suburb that will not cope with increased people, cars etc
- Draft Variation 200 inconsistent with Garden City notion will make for a very crowded noisy suburb
- Draft Variation 200 ignores consideration of life style for families and children who wish to live in the inner suburbs and that the local neighbourhood provides a safe environment with open spaces and large yards where children can play
- Draft Variation 200 will turn Downer into a 'nasty little treeless ghetto of 2 storey cardboard and concrete dual occupancies on tiny blocks'

Appendix 6 Continued

- Draft Variation 200 will fatally destroy the suburban feel, gardens, wide tree lined streets and convenience that Downer exudes
- Many people have recently purchased houses in Downer (including newly built single storey dual occupancy dwellings) because of suburb's environs
- Draft Variation 200 will change physical environment and radically alter for the worse the community environment
- Moved to Downer because of its simple, modest, cottage-based suburban character with its lawns, attractive gardens, and tree lined streets
- Downer does not need to become like Turner-ugly blocks of box like flats instead of quality unassuming brick houses
- Particularly bought in Downer because of amenity of the suburb and established trees and gardens
- No faith in the Canberra system of planning or possibility by Canberra residents to have any real influence even if they participate in the consultation process
- The vision of the founders of Canberra has been eroded by developer mentality. Draft Variation 200 represents an irrevocable change for the worse
- Draft Variation 200 is contrary to Government objectives to foster high quality living environments in both new and redeveloping areas which contribute to Canberra's landscape character; and to safeguard the amenity, safety and special qualities and in particular the landscape character of established residential areas while carefully managing change in suitable locations
- *Current Draft Variation 200 addresses certain deficiencies of original Draft Variation 200, but ignores fundamental influences for urban change, including putting an end to the Garden City concept

3. Comments on the linkage to other Planning Processes

- Draft Variation should not proceed until there has been a Neighbourhood Planning Process
- Need to develop local plans that will set out where dual occupancy and multi unit development is suitable to maintain and enhance character and amenity suburbs
- Needs Neighbourhood Plan process, but also contrary to Minister for Planning's statements; there is no safety net in Neighbour Planning
- Need to use the Neighbourhood Plan Process to address suitable areas for urban infill- why hasn't it been used to develop Draft Variation 200
- Government needs to develop a model redevelopment master plan for section 24 Deakin where architectural/environmental merit becomes the principal criteria rather than short-term profit maximisation.
- Master Plans have lower standards than previously because PALM can approve without reference to Assembly or Minister
- Refers to PPN6 'Guidelines for Multi Unit developments including Dual Occupancy in Redevelopment Areas'- Draft Variation 200 needs to incorporate additional criteria from PPN6 to have equivalent effect of some of those in PPN6 and/or be clear in Draft Variation 200 that PPN6 is to remain applicable for those development applications lodged prior to Draft Variation 200 taking effect
- Neighbourhood Plan process needs to provide residents with the tools and resources, appropriate authority and powers to ensure that the expectations and aspirations of the community are harnessed to come up with a strategic view of development within any suburb
- Draft Variation 200 is not equitable in terms of preserving the Garden City
- Abrogates Garden City concept- the 1912 Walter Burley Griffin and Marion Griffin vision, concept, design and planning principles for the ACT has been nominated for the Australian Heritage and World Heritage Lists

Appendix 6 Continued

4. Urban Consolidation-High Density, Dual Occupancy Issues, Multi-Unit Dwellings

- Opposition to dual occupancy and high density development because does not allow for intelligent placement of other major living structures in the same site, but some support recognising need for urban consolidation or renewal
- Draft Variation 200 will result in poor quality and badly placed structures, residential core are of 25 percent is too low
- Only concession made by the Government is that the percent of Downer originally proposed for multi-occupancy development was reduced to 42 percent, but dual occupancy policies will allows for 40 percent of Downer being able to be declared suitable for dual occupancy
- Draft Variation 200 does not address the issue of higher densities in existing residential areas
- Draft Variation 200 will lead to bad development- current Draft Variation based on flawed principles
- Opposition to dual occupancies as they attract transient rent population and original setback and overshadowing to remain
- Residential Core areas in Draft Variation 200 are arbitrary
- Draft Variation 200 is a ploy to raise revenue by the current Government
- Some agreement to allowing dual occupancy on 800m² blocks
- Downer must not suffer the same fate as suburbs like Ainslie that have been spoilt by rampant development with insufficient controls to ensure high quality development
- Boundaries of the residential core area have been selected on an arbitrary basis and unacceptable and blocks within that core
- Dual occupancy must be limited to blocks that are larger than 800m²
- Removal of the 5 percent limit on dual occupancies in suburban areas to counter reduction of the boundary on residential core areas from 42 percent to 25 percent is not acceptable
- Draft Variation 200 will lead to insensitive and detrimental development with large blocks of 3 storeys with basement car parking
- Areas of Draft Variation 200 need reconsideration: Residential Core Areas; 5 percent Limitation on Dual/Triple Occupancies; Streetscapes, Neighbourhood Character and Scale, Architectural Style, residential Amenity and Privacy etc; Areas of Territorial Significance (PPN6); Unit Titling; 2 Storey Developments; Definitions of Critical Words adopted within Draft Variation 200; Community Consultation; Plot Ratios
- Raises need for streamlining and accountability for the pre application process; the assessment of development applications, the change of use purpose clauses and Change of Use Charges

measures in PPN6; Retention of 5 percent limit in dual occupancy and continued disallowance of unit titling; Inadequacy of 0.5 ratio for single dwellings is inadequate; Plot ratios have been greatly increased in the core areas; Draft Variation 200 increases high density housing

- Draft Variation 200 does not adequately canvass the issue of change of use and its possible consequences
- Draft Variation 200 is about the Government raising revenue, but if s184A of the Land Act (the section concerning lease variations and change of use charge- originally called 'betterment') is interpreted as the Supreme Court and the ACT Government Solicitor have said it should be interpreted, Draft Variation 200 will yield no additional revenue
- PALM needs to further explore the consequences of DV 200 in respect of s184A of the Land Act

5. Municipal Infrastructure Issues

- Municipal infrastructure services will not cope

APPENDIX 7 LIST OF ACRONYMS

ACT	Australian Capital Territory
ASP	Area Specific Policy
DV	Draft Variation
LAPAC	Local Area Planning Advisory Committee
PALM	Planning and Land Management Group ACT Department of Urban Services
RAIA	Royal Australian Institute of Architects