

ESTIMATES 2007

Question on Notice

Planning

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23 Planning Foskey

Garden City Provisions

DR FOSKEY: To ask the Minister for Planning:

In relation to the evaluation of the Garden City Provisions:

1. Can the Minister explain why the evaluation of the Garden City Provisions is taking so long?
2. When will the results of the evaluations be made available?

MR ANDREW BARR MLA: The answer to the Member's question is as follows:—

1. A discussion paper outlining the technical evaluation of the Garden City provisions was released on 27 March 2007. This evaluation required extensive research and analysis of development applications.

The period for public comment on the technical evaluation closed on 4 May 2007, however several late submissions have been received. The submissions are being evaluated and the results will be compiled into a consultation report.

2. The consultation report is expected to be available in August 2007.

77 Planning Seselja

Construction of an extension Block 13 Sec 22 Stirling

Zed Seselja MLA : To ask the Minister for Planning

In relation to : Construction of an extension built for the residents of Block 13 Section 22 Stirling

An extension to an existing dwelling on Block 13 Section 22 Stirling was completed in 2002. The builder was subsequently issued with a rectification order regarding defective works on that extension .

- (1) Have any activities of the builder responsible for the construction of an extension at Block 13 Section 22 ever been drawn to the attention of ACTPLA for any reason apart from that relating to Block 13 Section 22.

If so:

- a. What were the circumstances of those activities being drawn to the attention of ACTPLA
- b. What action has been taken in relation to each of those concerns?

- (2) Has the builder responsible for the construction of an extension at Block 13 Section 22 ever been warned, cautioned, issued with a rectification order, or received any other advice from ACTPLA or by the Registrar apart from any action taken in relation to Block 13 Section 22?

If so:

- a. In What circumstances?
- b. What action was taken as a result?

Mr Barr : The answer to the Member's question is as follows:–

(1) No.

(2) No.

78 Planning Seselja

Block 13 Sec 22 Stirling - work complete standards

Zed Seselja MLA : To ask the Minister for Planning

In relation to: Block 13 Section 22 Stirling

An extension to an existing dwelling on Block 13 Section 22 Stirling was completed in 2002. The builder was subsequently required under a rectification order to install a proprietary steel post and a hyspan bearer to support.

- (1) Was the steel post and associated work completed?
- (2) Did the work as first completed meet compliance standards or was further work required to meet those standards?
- (3) Has the work been certified and signed off?

Mr Barr : The answer to the Member's question is as follows:-

- (1) Yes.
- (2) The work relating to the steel post and the Hyspan bearer met all relevant standards when it was installed. However, it should be noted that the work to install the steel post and Hyspan bearer was undertaken in February of 2004 and was not undertaken as part of the rectification order.
- (3) No the building certifier has not submitted an application for a Certificate of Occupancy and Use for any work undertaken since the first Certificate of Occupancy and Use was issued on 4 December 2002.

79 Planning Seselja

Block 13 Sec 22 Stirling - Faulty workmanship

Zed Seselja : To ask the Minister for Planning

In relation to : Block 13 Section 22 Stirling

An extension to an existing dwelling on Block 13 Section 22 Stirling was completed in 2002. The Certifier for the extension construction work was penalised as a result of faulty workmanship by the builder and the builder himself was issued with a rectification order. The builder failed to comply with the rectification order and the matter was referred to the Director of Public Prosecutions (DPP), however the DPP did not proceed with the matter.

1. On what date was the matter referred to the DPP?
2. Was additional information required by the DPP before the case could proceed?
3. If additional information was required, what was that information?
And
Who was required to provide it?
4. Why did the DPP not proceed with the matter?

Mr Barr : The answer to the Member's question is as follows:—

- (1) The matter was referred to the DPP in August 2005
- (2) No
- (3) N/A
- (4) The statute of limitations expired

80 Planning Seselja

Sec 247 minor amendment

Zed Seselja MLA : To ask the Minister for Planning

In relation to : A Section 247 minor amendment under the *Land (Planning and Environment) Act 1991* to a pre- existing Development Application at Block 10 Section 36 Reid.

- 1 Why did ACTPLA accept the amendment on 11 February 2004 to a development that had received Certificate of Occupancy three months earlier when the ACTPLA application form (an approved form, issued under the authority of Section 287A of the *Land (Planning and Environment) Act 1991*) clearly stated a Section 247 amendment can only be lodged if there is prior approval and Certificate of Occupancy has not been issued?

Mr Barr: The answer to the Member's question is as follows:–

- 1 The *Land (Planning and Environment) Act 1991* (the Land Act) provides for the lessee or occupier to apply for an amendment to a development approval issued under section 230 at any time whilst the development approval is in force. If the proposed amendment is a minor amendment as defined under section 247 an application to amend an approval that is in force can be made under section 247.

The approval for Block 10 Section 36 Reid was issued on 1 October 2002. The issuance of a Certificate of Occupancy and Use under the *Building Act 1972* did not cause the development approval of 1 October 2002 to end.

The inclusion on the development approval application form of the restriction on lodgements of a section 247 amendment prior to a certificate of occupancy having been issued, is an administrative process that is used to stream applications when they are being lodged. The purpose of the form is to assist applicants in lodging their applications.

The purpose of the statement on the development approval application form is to separate those applications that relate to existing work as opposed to those that may constitute new work which would not meet the requirements of section 247.

The form does not override the rights of lessees to submit applications that are consistent with section 247 while a development approval is in force as was the case with Block 10 Section 36 Reid.

81 Planning Seselja

Development application at Block 10 Sec 36 Reid

Zed Seselja : To ask the Minister for Planning

In relation to : Claimed deviations by ACTPLA for an approved Development Application at Block 10 Section 36 Reid.

- The replacement of a timber fence with a masonry wall, including pillars and gates.
- Increased scale and dimensions of the courtyard off the study.
- The use of new terracotta roof tiles on the extension that do not match the existing.

- 1 What site inspections were conducted, by whom, and when, to determine these claims were accurate?
- 2 If site inspections were conducted, was the requirement to obtain written consent from the lessee complied with?
- 3 Were site inspection reports written?
- 4 Were the lessees of Block 10 section 36 Reid ever provided with a copy of any site inspection reports where these claims were verified?
- 5 If no site inspections were conducted, on what basis were the allegations verified before they were passed to the lessees of Block 10 Section 36 Reid?
- 6 How does ACTPLA explain its allegations about the masonry wall when the BA set of plans held by ACTPLA and approved on 4 April 2003 (specifically drawing WD03 Rev C) show a masonry wall approved for construction in the exact position it has been built?
- 7 How and when did ACTPLA verify its allegations regarding the increased scale and dimensions of the courtyard off the study when these works are not visible from the public domain?
- 8 Which approved drawing did ACTPLA use as the basis for this claim?
- 9 How did ACTPLA arrive at the conclusion that the new terracotta roof tiles on the extension did not match the existing?
- 10 Was a site inspection conducted or were samples compared, and if so, was written consent of the lessee of Block 10 Section 36 provided in relation to the site inspection or sample collection?
- 11 If no site inspection was conducted, and/or no sample taken, how were the two roof tiles compared and by whom?

Mr Barr: The answer to the Member's question is as follows:-

1. With respect to the replacement of a timber fence with a masonry wall, including pillars and gates a site inspection was conducted on 12 November 2003 by officers from ACT Heritage, the ACT Planning and Land Authority and the lessee. Officers from ACT Heritage conducted a site inspection on 3 December 2003 with the lessee. ACTPLA has no record of when ACT Heritage identified issues with the roof tiles or the scale of the courtyard off the study.
2. No
3. Yes
4. No
5. N/A
6. The plans approved for the development show the fence as a timber fence. The building plan which shows the fence as a masonry wall was included by the building certifier for information only, to highlight a minor alteration to the class 1 structure and does not relate to what was approved for construction.
7. ACTPLA was acting on advice received from officers of the ACT Heritage Unit.
8. See question 7
9. See question 7
10. See question 7
11. See question 7

82 Planning Seselja

Development at Block 10 Sec 36 Reid

Zed Seselja : To ask the Minister for Planning

In relation to : Meeting of ACTPLA staff with residents of Reid and members of the Reid Residents Association in relation to a development at Block 10 Section 36 Reid.

1. Which ACTPLA staff, (name and position) attended a meeting with Reid residents referred to at item 8 of Reid Residents Association Meeting minutes for 22 April 2004?
2. Did ACTPLA staff take notes at that meeting?
3. Who took those notes and what was that persons official designation within ACTPLA?

ANDREW BARR: The answer to the Member's question is as follows: –

1. There is no record of any ACTPLA staff having attended the Reid Residents Association meeting for 22 April 2004.
- 2 & 3 Not applicable

83 Planning Seselja

Block 10 Sec 13 Reid

Zed Seselja : To ask the Minister for Planning

In relation to : A compliance flag being placed on the building file for Block 10 Section 13 Reid.

- 1 Building Approval plans held by ACTPLA and approved for construction on 4 April 2003 show a masonry wall as subsequently constructed?
- 2 Why therefore was a compliance flag used by ACTPLA in relation to that wall?
- 3 Has the compliance flag on Block 10 Section 36 been removed in relation to the masonry wall?
- 4 If not, why not?
- 5 If the compliance flag has been removed in relation to the masonry wall, when was it removed, and why were the lessees of Block 10 Section 36 not informed of this in writing?

Mr Barr : The answer to the Member's question is as follows:–

- 1 The plans approved for the development show the fence as a timber fence. The building plan which shows the fence as a masonry wall was included by the building certifier for information only, to highlight a minor alteration to the class 1 structure and does not relate to what was approved for construction.
- 2 The compliance flag is an administrative device used to identify leases which have non-compliant or unapproved works. The flag on Block 10 Section 36 relates to all issues with the development, not only the unapproved masonry wall, which is why it remains in place.
- 3 No.
- 4 The structure remains unapproved.
- 5 N/A

186 Planning Seselja

Holder oval

Zed Seselja MLA: To ask the Minister for Planning

In relation to: Holder oval.

- 1) What is the current status of Holder Oval?
- 2) What plans does the government have regarding future use of Holder oval?
- 3) What scheduled maintenance program applies to the oval?
- 4) In the event that the drought breaks and maintenance/regeneration programs can be introduced, what priority will be accorded to the regeneration of Holder oval and its continuing maintenance?

Mr Barr : The answer to the Member's question is as follows:–

- 1) Holder Oval has been an “informal use oval” since the mid 1990’s. This means that it, along with a number of similar sportsgrounds with low levels of formal sporting use, has had its maintenance regime reduced to that of parkland.
- 2) There are no plans to change the status of this oval.
- 3) The oval receives regular mowing to a level similar to parkland.
- 4) The current and ongoing maintenance regimes of this oval is unaffected by the current drought. There is no intention to restore this oval beyond its existing condition as it has not been subject to full sportsground maintenance programs for over ten years.

Building approvals

Mrs Jacqui Burke MLA: To ask the Minister for Planning

In relation to: Budget 2007-08 Paper 4, page 401 and building approvals

- (1) For each of the years 2001-02 to 2006-07, how many building approvals were given for houses
- (2) For each of the years 2001-02 to 2006-07, how many building approvals were given for residential multi-unit developments
- (3) For each of the years 2001-02 to 2006-07, how many units within multi-unit developments were given approvals.

Mr Barr: The answer to the Member's question is as follows: –

- (1) 2001 - 2002 there were 2,764 building approvals were given for houses. This number also includes alterations and additions.

2002 – 2003 there were 3,680 building approvals were given for houses. This number also includes alterations and additions.

2003 – 2004 there were 2,890 building approvals were given for houses. This number also includes alterations and additions.

2004 – 2005 there were 2,231 building approvals were given for houses. This number also includes alterations and additions.

2005 – 2006 there were 2,404 building approvals were given for houses. This number also includes alterations and additions.

2006 – 2007 there were 2,422 building approvals were given for houses. This number also includes alterations and additions.
- (2) 2001 – 2002 there were 46 building approvals were given for residential multi-unit developments. This number does not include the number of residential units within the multi-unit development.

2002 – 2003 there were 70 building approvals were given for residential multi-unit developments. This number does not include the number of residential units within the multi-unit development.

2003 – 2004 there were 56 building approvals were given for residential multi-unit developments. This number does not include the number of residential units within the multi-unit development.

2004 – 2005 there were 63 building approvals were given for residential multi-unit developments. This number does not include the number of residential units within the multi-unit development.

2005 – 2006 there were 85 building approvals were given for residential multi-unit developments. This number does not include the number of residential units within the multi-unit development.

2006 – 2007 there were 54 building approvals were given for residential multi-unit developments. This number does not include the number of residential units within the multi-unit development.

(3) 2001 – 2002 there were 1,211 individual units within multi-unit developments were given approvals.

2002 – 2003 there were 1,236 individual units within multi-unit developments were given approvals.

2003 – 2004 there were 1,294 individual units within multi-unit developments were given approvals.

2004 – 2005 there were 1,039 individual units within multi-unit developments were given approvals.

2005 – 2006 there were 1,759 individual units within multi-unit developments were given approvals.

2006 – 2007 there were 1,434 individual units within multi-unit developments were given approvals.

East lake urban renewal project

DR FOSKEY: To ask the Minister for Planning:

In relation to the East Lake Urban Renewal Project:

1. Is the \$350,000 allocated to the East Lake Urban Renewal Project being spent completely on design?
2. What plans or commitments has the government made to fund the project beyond the design stage?
3. What is the Government's plan for integrating the Project with the current Causeway public housing?
4. Is the Government committed to continuation of the Causeway public housing estate?
5. What advice is the Government seeking regarding affordable housing on the project site?
6. What models of sustainability are being considered by the Government for the project?
7. Is the East Lake Urban Renewal Project aware of the BedZED Sustainable Community Development Project in the UK?
8. Can the Minister explain how the benefits and lessons of that project have been or will be incorporated in the design and development of the East Lake project?
9. How will interested individuals and community groups be informed about and be able to contribute to the project?
10. If the project is successful, will other similar projects be undertaken in other parts of Canberra?

MINISTER BARR: The answer to the Member's question is as follows: –

1. No. The money will be used for planning studies, consultation, design and consultancies.
2. The Government has made no commitment to fund the project beyond the \$350,000 allocated in this year's budget

3. The Causeway public housing estate is included in the East Lake study area and will, with the input of Housing ACT, be considered within the overall context for the future of the area.
4. Any redevelopment in the Causeway will be considered by Housing ACT within the framework of the Government's *Public Housing Asset Management Strategy*.
5. The planning of East Lake will be considered in the context of the ACT Government's *Affordable Housing Action Plan 2007* and the National Action Framework on Affordable Housing.
6. The initial model for the development of a sustainable community is derived from the One Planet Living principles. Through the partnership arrangement with the CSIRO these will be tested and other models potentially applied.
7. Yes. BioRegional was engaged by the ACT Planning and Land Authority in March 2005 to utilise the intellectual property and experience of the BedZED project and One Planet Living to investigate and recommend a site for an environmentally sustainable community in the ACT. BioRegional identified that East Lake provided the best scope for development of such a community.
8. As per the response to question 6, the initial model of sustainable community being tested is derived from the One Planet Living principles, which supersede, but have been informed by, the BedZED development.
9. Key stakeholders and residents of the Causeway were first consulted on the East Lake proposals during the preparation of site investigations in 2005. It is anticipated that the East Lake Draft Planning Report will be released for public comment later this year for a minimum period of eight weeks, during which time a range of methods will be used to inform the community and seek public submissions on the project.
10. The shared knowledge gained through the partnership are expected to inform other Greenfield and urban renewal development projects in the ACT.