



Legislative Assembly for the ACT

STANDING COMMITTEE ON PLANNING AND
ENVIRONMENT

Draft Variation to the Territory Plan No. 244

Duffy part Block 2 Section 56 Stromlo

APRIL 2005

Report 5

Committee membership

Chair Mick Gentleman MLA

Deputy Chair Zed Seselja MLA

Mary Porter AM MLA

Secretary: Hanna Jaireth

Administration: Linzi Lamont

Resolution of appointment

On 7 December 2004 the ACT Legislative Assembly agreed to establish general purpose standing committees as follows:

- (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: ...
 - (e) a Standing Committee on Planning and Environment to examine matters related to planning, public works and land management, conservation and heritage, transport services, and environment and ecological sustainability.
....¹

The Assembly also agreed that if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed consideration of a report on draft plan variations or draft plans of management referred to the Committee by the Minister under the *Land (Planning and 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.²

Terms of reference

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

The Minister 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 section 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.

¹ Legislative Assembly of the ACT, *Minutes of Proceedings*, No. 2–7 December 2004, pp.12–16.

² Legislative Assembly of the ACT, *Minutes of Proceedings*, No. 2–7 December 2004, pp.12–16.

Preface

Both Federal and ACT law and policy governs planning in the ACT. The *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth)³ establishes the National Capital Authority, which prepares and administers the National Capital Plan. The Act also enables the Legislative Assembly to establish a statutory planning authority – now the ACT Planning and Land Authority – to develop and implement the Territory Plan. The *Land (Planning and Environment) Act 1991* (ACT)⁴ (the Act) requires the Territory Plan to set out the planning principles and policies for giving effect to its object,⁵ which is:

to ensure, in a manner not inconsistent with the national capital plan, that the planning and development of the ACT provides the people of the ACT with an ecologically sustainable, healthy, attractive, safe and efficient environment in which to live, work and have their recreation.⁶

The Plan includes both a written statement and a map. The written statement contains general planning principles (Part A), specific land use policies (Part B), overlay provisions (Part C) and definitions of terms (Part D). The Territory Plan map shows which land use policies and overlays in the written statement apply to particular sections of land in the Territory. The Territory Plan is developed and implemented taking account of other strategic ACT Government policy documents such as *The Canberra Plan* and *People Place Prosperity: A Policy for Sustainability in the ACT*.⁷

Recognising that land use policies may change over time, the Act provides for variations to the Territory Plan. The ACT Planning and Land Authority prepares these for stakeholder comment. There can be a number of versions of a draft variation depending on the consultation program.

The Minister is required by the Act to refer each draft variation, within 28 days of receiving it, to an appropriate committee of the Assembly – currently the Standing Committee on Planning and Environment – for consideration and report.⁸

³ Accessible at <<http://scale.law.gov.au/html/pasteact/0/160/top.htm>>.

⁴ Accessible at <<http://www.legislation.act.gov.au/a/1991-100/current/pdf/1991-100.pdf>>.

⁵ Land (Planning and Environment) Act 1991, sub-section 7(2)).

⁶ Land (Planning and Environment) Act 1991, sub-section 7(1).

⁷ Accessible at <<http://www.cmd.act.gov.au/canberraplan/>> and <<http://www.sustainability.act.gov.au/policy.html>>.

⁸ Land (Planning and Environment) Act 1991, section 25.

The Minister is required to have regard to the Committee's recommendations before approving the proposed variation and tabling it in the Assembly (see below), or returning it to the ACT Planning and Land Authority with written directions for further action.⁹

The Territory, the Executive, a Minister or a Territory authority must not do or approve anything that is inconsistent with the Territory Plan, or the proposed draft variation, in relation to land that is subject to a draft variation, once the draft variation has been notified for public consultation under the Legislation Act and until it commences operation, is disallowed by the Legislative Assembly, or is withdrawn.¹⁰

Following the Committee's tabling of its report in the Legislative Assembly, the Minister must take the findings of the committee into account before making his decision in relation to the draft plan variation.¹¹ If the Minister approves it, he will table the proposed variation and associated documents in the Legislative Assembly.¹² Unless wholly or partially disallowed by the Assembly within five sitting days, the variation will commence on the date nominated by the Minister

⁹ Land (Planning and Environment) Act 1991, paragraphs 26(1)(a) and (b), sub-section 26(2).

¹⁰ Land (Planning and Environment) Act 1991, section 9.

¹¹ Land (Planning and Environment) Act 1991, sub-section 26(2).

¹² Land (Planning and Environment) Act 1991, section 29.

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Summary of Recommendations

RECOMMENDATION 1

1.39 The Committee recommends that given the substantial and tragic devastation of the Stromlo settlement during the 2003 bushfires, sustainability principles should take precedence over heritage considerations. The Committee supports the rebuilding of the Stromlo settlement, and most of the general and detailed planning principles specified in DV244. Whilst reluctant to prolong the period of displacement for Stromlo residents, the Committee is nevertheless unable to endorse the retention of the existing road pattern, cottages and other items of heritage significance *in situ* at the Stromlo settlement.

1.40 The Committee recommends that the ACT Planning and Land Authority omit the following paragraphs from the design and siting principles in DV244.

Dwellings shall comply with Appendix III.1. Where there is an inconsistency between Appendix III.1 and these principles and policies the latter shall prevail to the extent of that inconsistency. The requirements included [in] a relevant interim Heritage Places Register or Heritage Places Register take precedence over the principles and policies in this document and controls in Appendix III.1 in the event of any inconsistency.

RECOMMENDATION 2

1.41 The Committee recommends that the Chief Minister and the ACT Heritage Council consider the costs and benefits of relocating the few significant examples of surviving Stromlo heritage to the site of the ACT Government Bushfire Memorial on the corner of Eucumbene Drive and the Cotter Road, or the proposed new International Arboretum site, so that heritage considerations do not unnecessarily constrain the capacity of the rest of the Stromlo settlement to be a world-class example of sustainability. Residents of the surviving houses at Stromlo should not be disadvantaged relative to their neighbours by having to live in houses with few sustainability features.

RECOMMENDATION 3

1.42 The Committee recommends that the Chief Minister seek independent advice from solar specialists on the optimum block size, shape and settlement layout, and landscaping for the settlement. Advice should be sought on recommended strategies (including accessing relevant Territory and Australian Government funding programs) for ensuring the provision of sustainable energy infrastructure for the settlement. The ACT Planning and Land Authority should be required to amend the outline plan and design and siting principles for the Stromlo Settlement to maximize solar benefits.

RECOMMENDATION 4

1.43 The Committee recommends that the Chief Minister's Department and Land Development Agency liaise with the Master Builder's Association, the Australian Government Department of the Environment and Heritage, and short-listed developers, to assess whether some or all of the houses at Stromlo could be fitted with photovoltaic systems and access the Australian Government's rebate program.

RECOMMENDATION 5

1.44 The Committee invites the ACT Planning Authority and the Chief Minister's Department to consider the recommendations of the report on outdoor lighting in the ACT by a former Planning and Environment Committee of the Assembly, and the 'Dark Sky Policy' adopted for the Currumbin Ecovillage, Gold Coast, Queensland, to determine whether similar requirements would be appropriate for the Stromlo settlement.

RECOMMENDATION 6

1.45 The Committee recommends that the reference to 'low, transparent (e.g. wire mesh) front fences' and 'gravel driveways with the existing landscape character' be omitted from the design and siting principles in DV244.

RECOMMENDATION 7

1.46 The Committee recommends that the location of pathways and footpaths be given careful consideration and be specified in the Outline Plan in DV244. These pathways and footpaths should be suitable for use by people of all ages and capacities, and should provide optimum links with community facilities such as schools, local shopping centres and public transport.

Introduction

- 1.1 On 3 June 2004 the Chief Minister, Mr Jon Stanhope MLA, announced that the 17 houses destroyed in the January 2003 bushfires at Stromlo, as well as those destroyed at Uriarra and Pierces Creek, would be replaced with high quality environmentally sustainable houses. The number of houses at Stromlo is to be increased from 20 to 40.¹³ The Stromlo redevelopment aims to achieve ‘a balance between urban development, landscape values and respect for the cultural history of the forestry industry in the ACT’.¹⁴ A six-star sustainability rating is being sought for the reconstructed settlement.¹⁵
- 1.2 The site of the Stromlo settlement is urban land under the National Capital Plan. The Draft Variation proposes to replace the existing Territory Plan Plantation Forestry Policy¹⁶ applicable to part Section 56 Block 2, Duffy, with Residential Policy and Hills Ridges and Buffers Areas Land Use Policy. This will also involve a sub-division of the land. Under the *Land (Planning and Environment) Act 1991* (ACT) this means that the draft variation has to include a map specifying the uses to which the land can be put¹⁷ and the principles and policies for the development of the land.¹⁸
- 1.3 There is a small area of declared National Land managed by the Australian Government Department of Finance and Administration at the western part of the Stromlo settlement site. At the date of this report the Chief Minister’s Department was negotiating a land swap in relation to this area. A small strip is subject to Hills Ridges and Buffer Spaces Policy.
- 1.4 A Defined Land Overlay applies to the area. Variations that propose subdivisions must be consistent with the relevant subdivision and any

¹³ Jon Stanhope MLA, Chief Minister, *Media Release 207/04: New ACT Rural Villages to be World Class*, 3 June 2004.

¹⁴ Land Development Agency, Canberra ACT: Rural Villages: Expressions of Interest: Sale and Redevelopment of Uriarra Village, Stromlo Settlement and Pierces Creek Settlement, 2004.

¹⁵ Legislative Assembly of the ACT, Standing Committee on Planning and Environment, Reference: Draft Variations 237 and 244, Proof Transcript of Evidence, Friday, 11 March 2005, p.4.

¹⁶ Territory Plan Part B15

¹⁷ *Land (Planning and Environment) Act 1991* (ACT) subsection 32(2). See Figure 2.2 Outline Plan, Stromlo Settlement, in DV244, p.16.

¹⁸ DV244 incorrectly refers to *Land (Planning and Environment) Act 1991* (ACT) subsection 7(3)(e) rather than paragraph 7(3)(c).

approved conditions that apply to it, and the principles and policies specified in the plan for the development of the relevant defined land.¹⁹

- 1.5 On 21 February 2005, pursuant to section 25 of the *Land (Planning and Environment) Act 1991* (ACT), the Minister for Planning, Mr Simon Corbell MLA, referred DV244 to the Standing Committee on Planning and Environment for consideration and report.

Background

- 1.6 The Stromlo forestry settlement was built in the 1940s to provide job-tied housing for the Commonwealth Government's ACT forestry industry that had been fostered from about 1914 by Thomas G.C. Weston, then superintendent of ACT Parks and Gardens. The Department of the Interior managed these forests as commercial plantations from 1926.²⁰ In the mid-1980s Housing ACT was given responsibility for managing the houses with sitting tenants. The land was not legally subdivided nor brought under residential land use policy after the ACT became self-governing.²¹ Block sizes in the settlement ranged from 1 200m² to 1 500m².
- 1.7 The Stromlo settlement was largely destroyed by the 2003 bushfires. All that remained was 3 houses and their yards; the road network; the helicopter pad; part of the former meteorological station, a roadside letterbox and the forestry depot; an informal memorial to Dorothy (Dolly) McGrath (the 83-year old resident of Cottage 5 who died in the 2003 fire), and abandoned pieces of forestry equipment.²² The tall *Pinus Radiata* that formerly enclosed the settlement and created the sense of a secluded rural village, were completely destroyed. However the social capital and close-knit sense of community at Stromlo has survived remarkably well amongst some of its displaced residents considering the devastating impact of the 2003 fires.

¹⁹ *Land (Planning and Environment) Act 1991* (ACT) subsection 32(3).

²⁰ Navin Officer Heritage Consultants Pty Ltd, ACT Rural Villages Sustainability Report Cultural Heritage Study, February 2004; Attachment 3 to ACT Government, *Preliminary Assessment under Part 4 of the Land (Planning and Environment) Act 1991 (ACT), Stromlo Settlement: Parts of Block 2 Section 56, and Block 5 Section 55*, Duffy, June 2004, p.21.

²¹ Letter from Acting Chief Minister, Mr Ted Quinlan MLA, to Chair, Standing Committee on Planning and Environment, dated 4 January 2005.

²² Navin Officer Heritage Consultants, Cultural Heritage Study, p.33.

- 1.8 Various inquiries and reports have considered whether and how the Stromlo settlement should be rebuilt. These include the:
- ACT Government Non-Urban Study Steering Committee, *Shaping our Territory: Final Report: Opportunities for Non-Urban ACT*, Canberra, November 2003.
 - ACT Government Non-Urban Study Steering Committee, *Shaping our Territory: Sustainability Study: Stromlo Settlement*, Canberra, May 2004.
 - ACT Government, Preliminary Assessment under Part 4 of the Land (Planning and Environment) Act 1991 (ACT), Stromlo Settlement: Parts of Block 2 Section 56, and Block 5 Section 55, Duffy, June 2004.
 - Minister for Planning, Preliminary Assessment Evaluation for Part Block 2 Section 56, and Block 5 Section 55, Duffy Proposed Variation to the Territory Plan, July 2004.
- 1.9 In response to the broad-ranging first stage consultation process for the report *Shaping our Territory: Options and Opportunities*, 142 public comments and 21 stakeholder group comments were submitted. The second stage consultation stimulated 467 submissions. These were taken into account in the development of the *Shaping Our Territory Final Report*.²³ Advice from a wide range of experts was used to develop the Stromlo Forestry Settlement Sustainability Study.²⁴
- 1.10 The Chief Minister's Department has submitted draft heritage citation for the Stromlo Forestry Settlement to the ACT Heritage Council, which the Council received in September 2004. In March 2005 the Heritage Unit in Environment ACT was considering the assessment but had not yet released it for public comment. This was to occur when the new Heritage Council had been appointed under the *Heritage Act 2004* (ACT). Some of the recommended conservation initiatives for the area include:
- retention of the original street layout and historical form and architectural character of Cottages 10, 21 and 22
 - conservation of the informal memorial cairn to Dolly McGrath on the site of Cottage 5, and

²³ ACT Government Non-Urban Study Steering Committee, *Shaping our Territory Final Report: Opportunities for Non-Urban ACT*, November 2003, Appendix 2.

²⁴ ACT Government Non-Urban Study Steering Committee, *Shaping our Territory: Sustainability Study: Stromlo Settlement*, Canberra, May 2004, Appendix 1.

- conservation of the three remaining pieces of forestry equipment.²⁵

1.11 DV244 includes general and detailed planning principles and policies *applicable* to the area. Stakeholders' responses to these issues are discussed below. These deal with:

- | | |
|---|---|
| • sustainability | • low density, open space and the number of dwellings (i.e. 40) |
| • water and energy management | • best lighting practices |
| • subdivision design and <i>development</i> density | • best practice environmental controls |
| • public/private housing mix | • land use |
| • transport and access | • heritage |
| • landscape and environment | • design and siting |

1.12 The Shaping Our Territory Working Group within the Chief Minister's Department and the Land Development Agency have invited expressions of interest for the sale and development of blocks in the Stromlo Settlement, as well as the Uriarra Village and Pierces Creek Settlement. Short-listed registrants are to be invited to respond to a select request-for-tender process from which a proponent to purchase and develop the villages is to be selected. A short list of developers who had been assessed for financial capability was in place in March 2005. The next stage would not proceed until the Legislative Assembly processes had been completed.²⁶

Consultation comments

1.13 The ACT Planning and Land Authority released DV244 on 19 June 2004 for public comment until 9 July 2004. In summary, of the 16 written responses made to the ACT Planning and Land Authority:

- only 3 fully supported DV244
- 6 supported rebuilding the settlement
- 2 opposed rebuilding the settlement

²⁵ Letter dated 2 March 2005 from Ms J. Plovits, Senior Manager, Chief Minister's Department, to Committee Secretary.

²⁶ Personal communication, J. Plovits, 6 April 2005.

- several submissions raised detailed concerns.²⁷

TABLE 1: SUMMARY OF ISSUES AND ACT PLANNING AND LAND AUTHORITY RESPONSES:²⁸

Stakeholder comment	Response by the ACT Planning and Land Authority
Impacts on Stromlo Observatory (the ANU has no objections provided best lighting practices are adhered to)	National Capital Plan requirements are reiterated in the principles and policies for Defined Land
The Department of Finance and Administration wishes to expand the residential area on the western national land part of the site for the Defence Housing Authority (DHA)	This is beyond the scope of this DV and further negotiations are needed for accommodating DHA elsewhere
The land should not be used for 50% public housing but should be sold on the open market; building only 40 houses is not a sustainable outcome.	Refer to the Non-Urban Study recommendations accepted by the ACT Government
The area would be better as a landscape buffer or greenbelt between existing suburbs and proposed developments at Molonglo	Refer to the Non-Urban Study recommendations accepted by the ACT Government
Concept Plan needs refining re home businesses, plot ratio, siting of garages, pet control and water pressures	These issues have been appropriately addressed already
Costs savings are available if water and sewerage services are provided	Suburban water and sewerage services will be utilised supplemented by rainwater tanks. Broadband access is planned.
Access should be improved for residents, pedestrians, cyclists	Cotter Road will probably not be linked to Warragamba Drive to minimise through traffic. Other access issues will be addressed

²⁷ ACT Planning and Land Authority, Report on Consultation with the Public and Government Agencies, *Draft Variation to the Territory Plan No. 244, Duffy Part Block 2 Section 56*, January 2005, p.3.

²⁸ ACT Planning and Land Authority, Report on Consultation, pp.3–12.

The Hills Ridges and Buffer Area should be maximised and is inappropriate for the proposed bushfire memorial, which should be established as a memorial garden. The wildlife corridor between Molonglo River and Weston Creek will be blocked.

Clarification is needed concerning the proposed Community Title scheme, including costs

Planning and Land Council comments re costs, the concerns of neighbouring residents were not addressed and the proposal will result in long-term social and economic deprivation.

in the detailed design stage. A secondary egress is available for Emergency Services.

The Hills Ridges and Buffer Area will be as indicated in the variation (possibly with minor variations) and the memorial site has been announced. It will be within an avenue of trees to be landscaped on the eastern slope of Mt Stromlo on the corner of Eucumbene Drive and the Cotter Road.

Leasing arrangements are separate to the DV process but will be clarified for stakeholders

ACT Forests will manage the Hills Ridges and Buffer area; a community development worker will be appointed; community-titling issues will be clarified; and neighbouring residents and the Weston Creek Community Council were consulted about the proposed development.

- 1.14 In accordance with the *Land (Planning and Environment) Act 1991*, when developing DV244, the ACT Planning and Land Authority also sought and considered the views of the National Capital Authority, the ACT Heritage Council and the Conservator of Flora and Fauna.
- 1.15 Negotiations with the National Capital Authority led to agreement about an appropriate width for the Hills Ridges and Buffer Areas near the settlement. Consultation was also recommended, and occurred, with the ANU regarding the possible impact of lighting on the Mount Stromlo observatory.
- 1.16 The ACT Heritage Council advised that they had no concerns about the recommended final variation as these had been addressed in earlier consultations and in the final recommended variation. The fires had significantly increased the value of the surviving structures.
- 1.17 The Conservator of Flora and Fauna advised that there were no issues of concern in DV244.

Committee Consultations

- 1.18 The Legislative Assembly's Standing Committee on Planning and Environment resolved to hold a public inquiry into DV244 on 1 March 2005.
- 1.19 The Committee considered the recommended final variation at meetings on 1, 8 and 11 February 2005, 1, 11 and 31 March 2005, and 12 April 2005. On 11 February 2005 the Committee and Secretary discussed the proposed variation on site with Ms Jacqui Lavis, Director, Strategic Planning and Policy Branch, ACT Planning and Land Authority; Ms Michelle Brock, Project Officer, Territory Plan Coordination Section, Strategic Planning and Policy Branch, ACT Planning and Land Authority; Ms Jocelyn Plovits, Senior Manager, Shaping Our Territory Implementation Group, Chief Minister's Department; Mr Mike Bessell, Astronomer, Mt Stromlo Observatory, and Mr Justin De Domenico, Advisor to Mr Seselja.
- 1.20 Submissions to the inquiry were invited by way of advertisements in *The Canberra Times* and *The Chronicle*, and in letters to stakeholders, in March 2005. The Committee Chair wrote to Stromlo residents inviting submissions. The closing date for submissions was earlier than is customary for Assembly committee inquiries, recognising that Stromlo residents are keen to return to the settlement at the earliest opportunity.
- 1.21 The Committee held public hearings in relation to the proposed variation on 11 and 31 March 2005. The main issues raised in submissions include:
- the need for displaced families to return to former blocks as soon as possible²⁹
 - the care that former residents dedicated to their houses, common spaces, flower and vegetable gardens and each other, and the need for large blocks³⁰
 - commendation for the sustainability principles applicable to the redevelopment³¹

²⁹ Submission No. 4, 6, 8, 9, 10.

³⁰ Submission No. 3, 4, 8, 9, 12. Legislative Assembly of the ACT, Standing Committee on Planning and Environment, Reference: Draft Variations 205 and 244, Proof Transcript of Evidence, Thursday, 31 March 2005, pp.8, 11, 12, 14.

- solar orientation, landscaping, open space, fencing and pathways³²
- need for consideration of proximity to broader urban region of Duffy, Holder and Molonglo³³
- opposition to expanding the settlement to 40 houses, and house sizes³⁴
- bushfire management³⁵
- retention of memorial for Dolly McGrath³⁶
- enclosed gutters, no eaves and windows³⁷
- gravel driveways³⁸
- compliance with grey water usage guidelines³⁹
- infrastructure training⁴⁰
- provision of services and costs⁴¹

Committee Comments

Heritage Issues

- 1.22 As noted above, the Stromlo settlement is the subject of a heritage nomination.
- 1.23 Mr Derek Wrigley OAM queried the heritage value of the 3 houses that survived the 2003 fires that destroyed most of the Stromlo settlement. These are south-east and south-west facing. He described them as thermally inefficient and unsustainable, and not a good example of architecture. He is concerned that social divisions may emerge in future when Stromlo residents return to live in their new houses. He suggested that the surviving houses be relocated so that good planning for the rest of the site is not unnecessarily impeded by heritage considerations, and so that the houses do not become

³¹ Submission No. 2, 3, 8, 9.
³² Submission No. 1, 2, 6, 9, 10, 12.
³³ Submission No. 7, 11.
³⁴ Submission No. 7, 11, 12.
³⁵ Submission No. 13.
³⁶ Submission No. 9, 10.
³⁷ Submission No. 6.
³⁸ Submission No. 2.
³⁹ Submission No. 3.
⁴⁰ Submission No. 1, 12.
⁴¹ Submission No. 12, 13, cf. No. 9.

eyesores over time.⁴²

- 1.24 The Committee notes that Dr Sandy Blair, Secretary to the ACT Heritage Council, commented in correspondence to the ACT Planning and Land Authority dated 15 July 2004, that low and transparent (wire mesh) fences are often a feature of rural village settlements, and that side setbacks would prevent wall to wall development across blocks. Low transparent (e.g. wire mesh) front fences are included in the General Planning principles in DV244.
- 1.25 Assoc. Prof. Kath Wellman expressed concern about the prescriptive requirement for gravel driveways in the settlement. She said that would be difficult to police and that the driveways for two of the surviving houses are not made of gravel. She noted that gravel requires a fall of 3% to drain, and without this it is difficult to maintain.
- 1.26 The Committee shares these concerns and suggests that DV244 creates unnecessary tensions between trying to retain the heritage value of the area whilst also seeking to create a world-class example of sustainable design. Nor is it easy to reconcile the proposal to recreate the original street layout of the village, on social continuity and heritage grounds, with its expansion to 40 houses. Several submissions noted the difficulties this new social mix may engender.

Size of the settlement

- 1.27 The Chief Minister's Department advised the Committee that the aim of increasing the number of houses at Stromlo was to create a more vibrant social mix and to more closely match the demographic characteristics of neighbouring suburbs. The ACT Government's sustainability study had also tested the hypothesis that 40 houses could be a sustainable development on social, economic and environmental grounds and had found that it was viable.⁴³
- 1.28 The Committee welcomes the ACT Government's plan to appoint a community development worker who will work on rebuilding the social capital that previously existed in the settlement, and drawing new residents into the pre-existing social networks of the settlement. In the Committee's

⁴² Submission No 1.

⁴³ Advice from Ms J. Plovits, 5 April 2005.

view, the community development worker should also focus on helping Stromlo residents to cope with further change, to living in the present, and to moving on from tragedy. The settlement has changed forever because of the fires, and whilst there is remnant heritage value, residents are likely to benefit more from enjoying the positive benefits that living in a world-class sustainable environment will provide, rather than looking to recreate the past.

Front Fences

- 1.29 In the Committee's view front fences do little to engender a sense of an open community and should not be permitted. Mr Wrigley expressed similar views, describing fencing as 'the epitome of old thinking' where housing faced the street and had a fence to keep other people out, and children and dogs away from traffic. In a village environment, such fencing should be unnecessary.⁴⁴ Another submission requested corrugated colourbond fencing for the blocks.⁴⁵ Evidence from the Chief Minister's Department that residents desire wire mesh fencing to keep out rabbits is not persuasive, as fencing is not an effective rabbit control measure.
- 1.30 A 'no front fence' policy has been in place for residential areas in Canberra since the early implementation of the Garden City concepts in the 1920s. Front gardens are encouraged and front fences prohibited.⁴⁶ Given the proximity of the Stromlo settlement to Duffy and possibly eventually the urban development in the Molonglo Valley, it would be inequitable to permit front fences in Stromlo, even if they are low and transparent. The material to be used for side and rear fences should be left to the detailed design stage of the rebuilding project.

Design Principles

- 1.31 A local academic landscape architect and urban designer, Dr Wellman, commended the general and detailed principles prescribed in DV244. She described them as being 'predominantly performance based ... [with] an

⁴⁴ Submission No 1.

⁴⁵ Submission No. 6.

⁴⁶ P. Reid, *Canberra Following Griffin: A Design History of Australia's National Capital*, National Archives of Australia, Canberra, 2002, p.157.

inherent flexibility that will allow some diversity of approach'.⁴⁷

Block sizes, solar orientation and solar electricity generation

- 1.32 DV244 proposes to have residential block sizes that range in size from 1 000m² to 2 500m². The Committee notes that 2 500m² is considerably larger than the block size that existed previously in the settlement. The low-density rural character of the former settlement is to be retained, and further subdivision will not be permitted. DV244 also includes as a general planning principle for the Stromlo settlement that the block subdivision should ensure that the solar advantage of aspect is maximized and guided by the ACT Energy Guidelines (1993).
- 1.33 The Committee heard evidence from Mr Wrigley⁴⁸ about the desirability of maximizing the solar orientation of the housing blocks in the Stromlo redevelopment, and the difficulties that may be created by requiring rectangular blocks of the size proposed. Use of the surviving road network in the area and planting of tall tree species in the area could compound these difficulties. Mr Wrigley recommended larger, polygonal blocks so that all the houses could face north, taking into account the contours and topography of the area, and that a solar landscape architect be asked to advise on macro planting in the area. He recommended that a panel of independent solar specialists scrutinize the developers' designs for the settlement. The Committee agrees with these views, and recommends that the heritage consideration for the Stromlo street layout not impede opportunities for optimizing sustainability for the new settlement.
- 1.34 Ms Jennifer Dunn, Conservation Officer with the Heritage Unit, Environment ACT told the Committee that the new blocks have narrow, side-on street frontage to accommodate a long northern frontage to ensure optimum solar orientation. She noted that whilst this is important for retention of the rural character of the village, there might be a problem caused by overshadowing from neighbouring properties.⁴⁹

⁴⁷ Submission No. 2.

⁴⁸ Submission No. 1.

⁴⁹ Email communication, 2 March 2005.

- 1.35 The Committee is aware of the Australian Government's Photovoltaic Solar Rebate Programme that enables householders, community facilities and developers to apply for rebates of \$4 000 towards the cost (often in the order of \$16 000) of installing photovoltaic energy systems in homes. ACT stakeholders have not sought access to this funding at the same rate as in other jurisdictions. Mr Robert Moore, ACT Master Builders' Association, is the ACT contact point for ACT stakeholders interested in accessing programme funds. Although by March 2005 the funding rounds for developers had closed, funding was still available for community facilities (which may or may not include public housing). The Department of the Environment and Heritage program area administering the scheme advised that an extension of the funding may or may not be approved in the Federal May 2005 budget.
- 1.36 The Committee is aware that the Chief Minister's Department and the Land Development Agency are asking developers to assess green energy options for the rural village developments. As photovoltaic systems can reduce residents' electricity costs, reduce greenhouse gas emissions, and help to enable five star energy efficiency ratings to be achieved, developers should be encouraged to access the Photovoltaic Rebate Scheme. The Committee therefore recommends that the Chief Minister's Department and Land Development Agency liaise with the Master Builder's Association, the Australian Government Department of the Environment and Heritage, and short-listed developers, to assess whether some or all of the houses at Stromlo could be fitted with photovoltaic systems and access the Australian Government's rebate program.

Lighting

- 1.37 The Committee met with Mr Mike Bessell, Astronomer, Mt Stromlo Observatory, and others, at the Stromlo site on 11 February 2005. Mr Bessell advised Committee members that provided lights at a rebuilt Stromlo settlement were eco-efficient and downward oriented, they should not create difficulties for the Stromlo observatory.
- 1.38 The Committee has also had its attention drawn to a report on outdoor lighting in the ACT by a former Planning and Environment Committee of the Assembly,⁵⁰ and the 'Dark Sky Policy' adopted for the Currumbin Ecovillage,

⁵⁰ Legislative Assembly of the ACT, *The Provision of Quality Outdoor Lighting in the ACT*, Report No. 38 of the Standing Committee on Planning and Environment, November 1997.

Gold Coast, Queensland. This policy is said to only permit lighting that 'minimises glare, light trespass, and light pollution, while maintaining night-time safety, utility, security and productivity; and does not adversely impact on night-time visual amenity'. All light fittings providing exterior light are required to be fully shielded to direct the light downward and prevent glare, and not be directed at other lots or toward the sky. Luminance levels have to be kept as low as possible without compromising personal safety.⁵¹

Committee Recommendations

RECOMMENDATION 1

- 1.39 **The Committee recommends that given the substantial and tragic devastation of the Stromlo settlement during the 2003 bushfires, sustainability principles should take precedence over heritage considerations. The Committee supports the rebuilding of the Stromlo settlement, and most of the general and detailed planning principles specified in DV244. Whilst reluctant to prolong the period of displacement for Stromlo residents, the Committee is nevertheless unable to endorse the retention of the existing road pattern, cottages and other items of heritage significance *in situ* at the Stromlo settlement.**
- 1.40 **The Committee recommends that the ACT Planning and Land Authority omit the following paragraphs from the design and siting principles in DV244.**

Dwellings shall comply with Appendix III.1. Where there is an inconsistency between Appendix III.1 and these principles and policies the latter shall prevail to the extent of that inconsistency. The requirements included [in] a relevant interim Heritage Places Register or Heritage Places Register take precedence over the principles and policies in this document and controls in Appendix III.1 in the event of any inconsistency.

RECOMMENDATION 2

- 1.41 **The Committee recommends that the Chief Minister and the ACT Heritage Council consider the costs and benefits of relocating the few significant examples of surviving Stromlo heritage to the site of the ACT Government Bushfire Memorial on the corner of Eucumbene**

⁵¹ Email communication, Mr Dierk von Behrens, 8 April 2005.

Drive and the Cotter Road, or the proposed new International Aboretum site, so that heritage considerations do not unnecessarily constrain the capacity of the rest of the Stromlo settlement to be a world-class example of sustainability. Residents of the surviving houses at Stromlo should not be disadvantaged relative to their neighbours by having to live in houses with few sustainability features.

RECOMMENDATION 3

- 1.42 The Committee recommends that the Chief Minister seek independent advice from solar specialists on the optimum block size, shape and settlement layout, and landscaping for the settlement. Advice should be sought on recommended strategies (including accessing relevant Territory and Australian Government funding programs) for ensuring the provision of sustainable energy infrastructure for the settlement. The ACT Planning and Land Authority should be required to amend the outline plan and design and siting principles for the Stromlo Settlement to maximize solar benefits.

RECOMMENDATION 4

- 1.43 The Committee recommends that the Chief Minister's Department and Land Development Agency liaise with the Master Builder's Association, the Australian Government Department of the Environment and Heritage, and short-listed developers, to assess whether some or all of the houses at Stromlo could be fitted with photovoltaic systems and access the Australian Government's rebate program.

RECOMMENDATION 5

- 1.44 The Committee invites the ACT Planning Authority and the Chief Minister's Department to consider the recommendations of the report on outdoor lighting in the ACT by a former Planning and Environment Committee of the Assembly,⁵² and the 'Dark Sky Policy' adopted for the Currumbin Ecovillage, Gold Coast, Queensland, to determine whether similar requirements would be appropriate for the Stromlo settlement.

⁵² Legislative Assembly of the ACT, *The Provision of Quality Outdoor Lighting in the ACT*, Report No. 38 of the Standing Committee on Planning and Environment, November 1997.

RECOMMENDATION 6

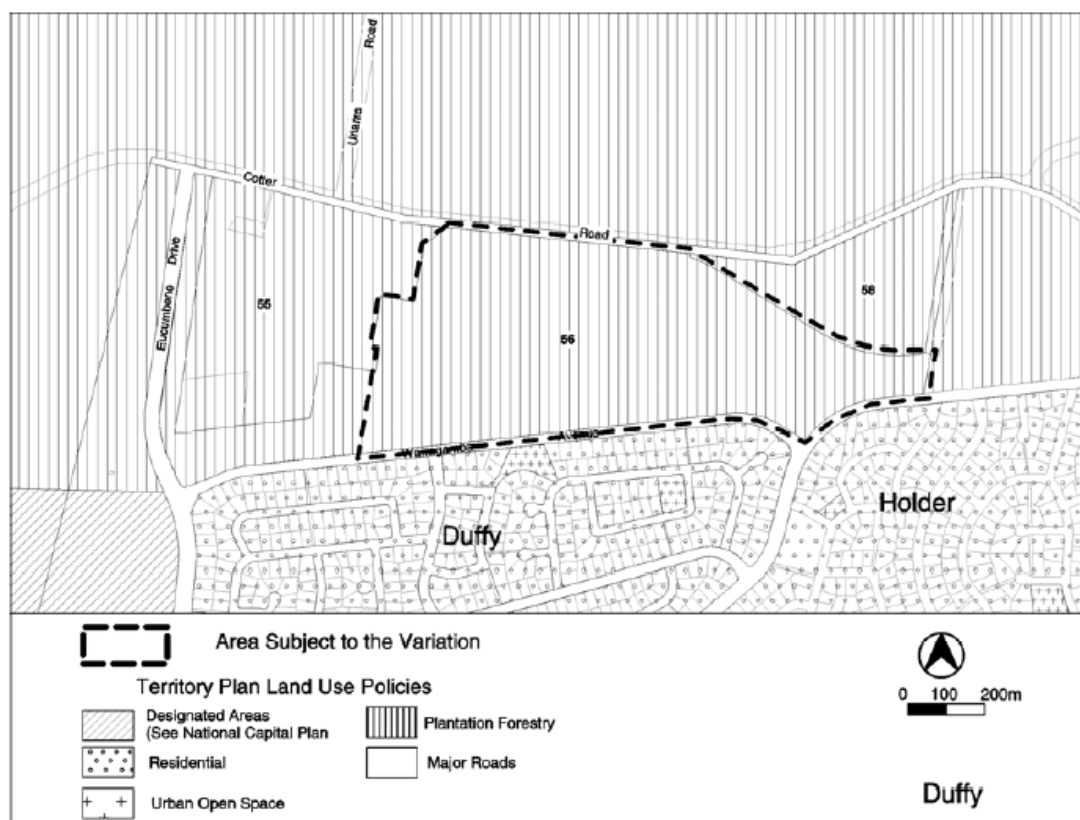
- 1.45 The Committee recommends that the reference to 'low, transparent (e.g. wire mesh) front fences' and 'gravel driveways with the existing landscape character' be omitted from the design and siting principles in DV244.

RECOMMENDATION 7

- 1.46 The Committee recommends that the location of pathways and footpaths be given careful consideration and be specified in the Outline Plan in DV244. These pathways and footpaths should be suitable for use by people of all ages and capacities, and should provide optimum links with community facilities such as schools, local shopping centres and public transport.

APPENDIX A: Current and proposed territory Plan policies

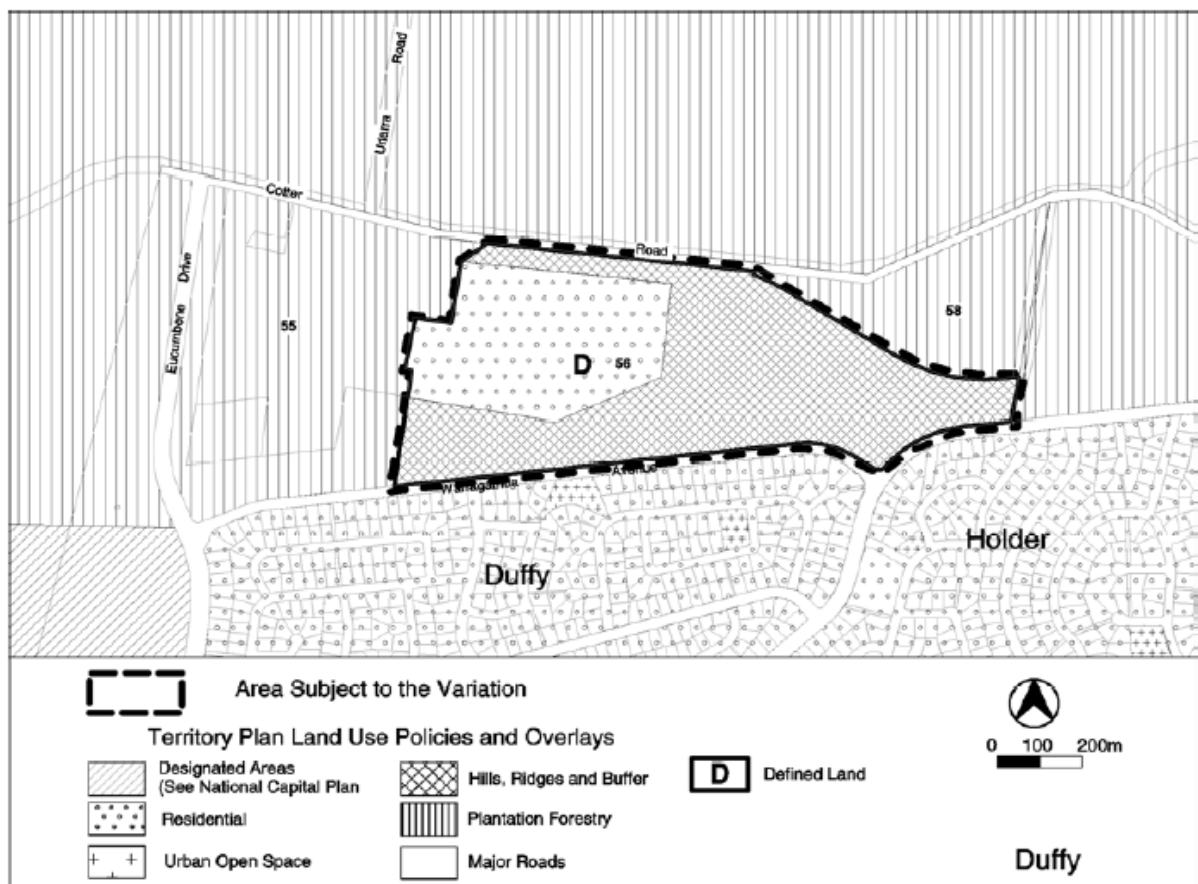
FIGURE 1: CURRENT TERRITORY PLAN LAND USE
POLICIES FOR PART BLOCK 2 SECTION 56 DUFFY:



APPENDIX B: Variation to the Territory Plan map

FIGURE 2: PROPOSED TERRITORY PLAN LAND USE POLICIES FOR PART BLOCK 2 SECTION 56 DUFFY:

The Plantation Forestry Land Use Policy applicable to part Block 2 Section 56 is replaced with the Residential Land Use Policy and Hills Ridges and Buffer Areas Land Use Policy, and a Defined Land Overlay is added:



APPENDIX C: List of submissions

- N. 1 – Mr Derek Wrigley OAM
- No. 2 – Assoc. Prof. Kath Wellman
- No. 3 – Em. Prof. Ian R. Falconer
- No. 4 – Ms B. Shubert
- No. 5 – Mr M. Shubert
- No. 6 – Ms C. Gregory, C. & K. Kennedy
- No. 7 – ACTCOSS
- No. 8 – Ms Jennifer Taylor
- No. 9 – Ms Janine Ferry, Mr & Ms Ron & Barbara Schubert, Mr & Ms Graham & Barbara Franklin-Browne, Ms Christina & Mr Tim Merry, Ms Cheryl Gregory, Cody & Keira Kennedy
- No. 10 – Ms Christina Merry
- No. 11 – Weston Creek Community Council
- No. 12 – Conservation Council of the South East Region & Canberra
- No. 13 – ACT Rural Landholders' Association