

From: R. Malik

Sent: Thursday, 4 March 2010 9:33 PM

To: Committees

Subject: Submission to Standing Committee on Planning, Public works and Territory and Municipal Services: Redevelopment of Section 47 in Turner

Importance: High

Attachments: Minister - Andrew Barr - Turner section 47.doc; Reply from Minister Barr 6 July 2009.pdf

Attention: Committee Secretary, Ms Nicola Derigo

We are the owners of house no 18 Greenway Street in Turner. This house is under section 47 of Turner. Following recommendations by Turner Neighborhood Association and an endorsement of the Turner Neighborhood plan, the Minister for Planning in 2001 made decision in 2001, that no development to take place for seven (7) years on this section.

Facts

- *TURNER Neighborhood Plan 39 (P4-11) states that there is to be no redevelopment in Section 47 for seven (7) years following the endorsement of the Turner Neighborhood Plan by the Minister for Planning.*
- *Section 47 Blocks 1-24 (decision 9/7/01) - rejected from inclusion to an Interim Heritage Place Register by the ACT Heritage Council.*
- *The Government accepted recommendation 2 contained in Report 75 of the Standing Committee on Planning and Urban Services that the section Master Plan prepared for section 47 as part of The Turner Neighborhood Plan show no redevelopment for this section. This will remain until the master plan is reviewed in seven years*

As seven years have now been completed, the decision would be under review.

I looked at the current Territory plan for ACT and note restrictions placed on the development of section 47 of Turner in the territory plan.

- *Part C (4) Rule 44 of the attached Inner North Precinct Code states that the "Redevelopment is not permitted on Turner Section 47 and Section 63 Blocks 12-21".*

I am puzzled to see the inclusion of these restrictions in the Territory plan as initial moratorium on the development was made because of recommendations made by some of the Turner's residents. Why has this restriction on development been included in the Territory plan without a detailed review? We believe that it is a mistake that should be corrected at earliest possibility.

A very small number of members of this Turner Resident Association (tightly held group) are involved who make recommendations on behalf of the other residents. This is done without any consultation process with other members who do not get involved or receive any information.

I understand that the decision to stop development in 2001, temporarily, was made based on the recommendations made by the "Turner Residents Association". It was a temporary clause that should have been reviewed after seven years. Including these restrictions in the Territory plan, without a major review, is not consistent with the intention of the Turner Section Master Plan. The restriction on the development should not have been included in the ACT Territory plan, as it will jeopardise any review that is now due after seven years.

I also note that some of the people objecting redevelopment on Section 47 are not resident or owners of blocks in Section 47.

We strongly appose to any redevelopment moratorium or restrictions imposed on section 47 for the following reasons.

- Existing houses facing Haig Park are of poor construction quality, poor energy rating, and poor orientation and require very high maintenance.
- Retaining such houses in its current form due to planning restriction is gross injustice and waste of expensive resources which can be optimized by allowing redevelopment.
- Considerable underutilization of urban land e.g. 18 Greenway is a two bed room cottage on a block of 1145 Sq mt.
- Just facing section 47 in Turner is Masson Street, on which there are new townhouse developments and there are developments close to the transport corridor in Turner.
- We fail to understand the restriction on section 47 in Turner, which is not consistent with the development-taking place along both side of the Haig Park.
- Restrictions imposed on blocks in Section 47, in particular facing "Haig Park" prevent optimisation of land use and areas of Urban Open spaces.
- Prevents prospects of using public parks and open spaces and active use of open spaces in close proximity of Section 47.
- Section 47 blocks on the Greenway Street should have similar development conditions as on the Masson Street (other side of the Haig Park).

In view of the above arguments, I would request you to consider the following:

- The related clause in the Territory Plan should be amended to remove moratorium on the re-development of Section 47.

Thanks a lot in anticipation

Rashmi and Ramesh Malik
EVATT ACT 2617

29th April 2009

The Honourable Andrew Barr, MLA
Minister for Planning
ACT Government
ACT 2600

Subject – Request to review the moratorium placed on Turner section 47 included in the Territory planning

Dear Minister

We are the owners of house no 18 Greenway Street in Turner. This house is under section 47 of Turner. Following recommendations by Turner Neighbourhood Association and an endorsement of the Turner Neighbourhood plan, the Minister for Planning in 2001 made decision in 2001, that no development to take place for seven (7) years on this section.

Facts

- ***TURNER Neighbourhood Plan 39 (P4-11) states that there is to be no redevelopment in Section 47 for seven (7) years following the endorsement of the Turner Neighbourhood Plan by the Minister for Planning.***
- ***Section 47 Blocks 1-24 (decision 9/7/01) - rejected from inclusion to an Interim Heritage Place Register by the ACT Heritage Council.***
- ***The Government accepted recommendation 2 contained in Report 75 of the Standing Committee on Planning and Urban Services that the section Master Plan prepared for section 47 as part of The Turner Neighbourhood Plan show no redevelopment for this section. This will remain until the master plan is reviewed in seven years***

As seven years have now been completed and I believe that, the decision would be under review. However, I had looked at the current Territory plan for ACT and note restrictions placed on the development of section 47 of Turner in the territory plan.

- ***Part C (4) Rule 44 of the attached Inner North Precinct Code states that the “Redevelopment is not permitted on Turner Section 47 and Section 63 Blocks 12-21”.***

I am puzzled to see the inclusion of these restrictions in the Territory plan as initial moratorium on the development was made because of recommendations made by the “Turner Resident Association”. Why has this restriction on development been included in the Territory plan without a detailed review? We believe that it is a mistake that should be corrected at earliest possibility.

I am afraid that a very small number of members of this association (tightly held group) are involved who make decisions on behalf of the other residents. This is done without any consultation process with other members who do not get involved or receive any information.

I believe that the decision to stop development in 2001, temporarily, was made based on the recommendations made by the “Turner Residents Association”. It was a temporary clause that should have been reviewed after seven years. By including this restrictions in the Territory plan is not consistent with the intention of the Turner Section Master Plan. The restriction on the development should not have been included in the ACT Territory plan, as it will jeopardise any review that is now due after seven years.

I would like you to consider the following:

- Just facing section 47 in Turner is Masson Street, on which there are multi story developments and there are developments all around Turner. We fail to understand the restriction only on a small area (section 47) in Turner, which is not consistent with the development-taking place along both side of the Haig Park.
- Restrictions imposed on a small number of blocks facing “Haig Park” prevent optimisation of land use and areas of Urban Open spaces.
- Prevents prospects of using public parks and open spaces and active use of open spaces in close proximity of Section 47.
- Section 47 blocks on the Greenway Street should have similar development conditions as on the Masson Street (other side of the Haig Park).

In view of the above arguments, I would request you to consider the following:

- The related clause should be amended to remove any restrictions.
- Expected review after seven years should be conducted in a fair and transparent manner.

Thanks a lot in anticipation

Rashmi and Ramesh Malik
EVATT ACT 2617



Andrew Barr MLA

MINISTER FOR EDUCATION AND TRAINING
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR PLANNING
MINISTER FOR TOURISM, SPORT AND RECREATION

MEMBER FOR MOLONGLO

Rashmi and Ramesh Malik

EVATT ACT 2617

Dear Mr & Ms Malik

Thank you for your letter of 8 May 2009 about a review of the Territory Plan provision that placed a moratorium on redevelopment for Turner section 47.

I can advise that Rule 44 of the Inner North Precinct Code which currently prohibits redevelopment over Turner section 47 and section 63 blocks 12-21, will be reassessed as part of ongoing refinements to the Territory Plan. However the timing of this review will depend upon Government commitments, priorities and resources.

The provision was initially incorporated into the Turner Neighbourhood and Section Master Plans in 2003 and reflects the recommendations of the former Planning and Urban Services Legislative Assembly Standing Committee in August 2001. At the time the Standing Committee also recommended that:

"a formal period of review be established for the re-examination of all Section Master Plans at seven year intervals to reassess development intent."

On this basis, the provision has been in place some six years and is not yet scheduled for formal review. Notwithstanding this, the ACT Planning and Land Authority (ACTPLA) has been monitoring issues in Turner on an ongoing basis. More specifically, the restructure of the Territory Plan (March 2008) involved an extensive public consultation process. In relation to the Turner Section Master Plan the public submissions were strongly divided as to whether these provisions should remain or be reviewed to allow redevelopment in these areas.

As a priority, the Government is committed, over the next year, to an extensive review of four key development codes of the Territory Plan, including the Single Dwelling Housing Development Code and the Multi Unit Housing Development Code.

ACT LEGISLATIVE ASSEMBLY

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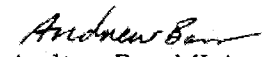
Accordingly, I am not prepared to bring forward the government review of this provision or a range of other matters at this point in time.

I have however referred a number of planning issues, including this one, to the Legislative Assembly's Committee on Planning, Public Works and Territory and Municipal Services for their consideration. It is not clear at the time of writing this letter whether or not they will consider your issue in detail.

Please feel free to call my planning advisor Pierre Huetter in coming months for an update on the progress of the committee's work.

Thank you for raising this matter with me. I trust that I have clarified the situation.

Yours sincerely


Andrew Barr MLA
Minister for Planning

6 JUL 2009