



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
STANDING COMMITTEE ON PLANNING AND URBAN SERVICES

Report No.75 August 2001

SECTION MASTER PLANNING FOR TURNER, SECTIONS 46, 47, 48 & 62

Recommendations

Recommendation 1: that, in relation to the questionnaire distributed by PALM to solicit the views of residents of a section about redevelopment:

- *PALM act only on the basis of the information obtained on that questionnaire and any supplementary written advice from lessees, where individuals modify their initial view—and not on any verbal advice;*
- *PALM ask whether the resident or lessee intends to sell or redevelop their property within a specified time frame of five to ten years; and*
- *PALM clearly show, on its drawing entitled ‘known lessee information’, those properties whose redevelopment intentions are unknown or unclear. PALM should immediately discontinue the practise of assuming that the lessees of such properties are in favour of redevelopment.*

Recommendation 2: that Section 47 Turner be treated in the same manner as Turner 63 Turner, and that a Section Master Plan be developed which reflects the fact that there is no redevelopment intention for the section.

Recommendation 3: that the Section Master Plans for Sections 46, 48 and 62 should protect the intentions of residents who have indicated no redevelopment intention by reflecting that intention on the Plan. Further, that where there are adjacent blocks which have conflicting development intentions, a graduated level of storeys should be required so that single storey dwellings are bounded only by two-storey dwellings with effective side and rear setbacks.

Recommendation 4: that PALM prepare a report to this committee’s successor in the Fifth Assembly on the application of height controls as they related to basement parking and loft-type rooms. PALM should conduct an assessment of this issue and propose mechanisms to address the problems in current definitions of ‘loft’ and ‘basement’ that enable some apartments to clearly exceed the intention of the three-storey height control.

THE STANDING COMMITTEE ON PLANNING AND URBAN SERVICES

The Standing Committee on Planning and Urban Services was established on 28/4/98 to inquire into and report on planning and lease management, road and transport services, infrastructure and asset management and public utilities purchasing, electricity industry and regulation, construction industry policy, parks and forests, private sector employment inspectorate, building services, environment, heritage and municipal services and any other related matter (*resolution of appointment, as amended on 25/11/99, 7/2/00 and 15/2/01*).

Committee members: Mr Harold Hird MLA (Chair), Mr Dave Rugendyke MLA (Deputy Chair), Mr Simon Corbell MLA

Secretary—Mr Rod Power; Office secretary—Ms Judy Moutia; for further information please contact the secretary on ph: 02 6205-0435 or fax: 02 6205-0432 or email: committees@act.gov.au

Recommendation 5: that PALM review current design and siting provisions for multi-unit developments in north Canberra to encourage greater housing diversity (especially with respect to utilising existing public infrastructure such as schools) and lead to developments that do not create the impression of a 'wall of development' fronting established streets.

Recommendation 6: that PALM establish a range of mechanisms to encourage a broader range of housing types, in terms of both accessibility and affordability, to be developed in the B11 and B12 areas.

Recommendation 7: that PALM discontinue the preparation of development outcome drawing 2.

Recommendation 8: that a formal period of review be established for the re-examination of all Section Master Plans at seven-ten year intervals to reassess development intention.

Recommendation 9: that the government ensure the appropriate regulatory bodies vigorously and professionally monitor the practices of real estate agents in those areas of Canberra undergoing redevelopment pressure, in order to minimise the instances of undue pressure being placed on local residents to sell their homes out of fear about alleged imminent redevelopment.

Recommendation 10: that the information package for local residents in relation to section master plans amend or delete the current reference to the process being similar to that used for Territory Plan variations.

Recommendation 11: In relation to informing members of the Assembly about section master plans, that:

- the government ensure that PALM advises all Assembly members of its intention to prepare or amend a section master plan
- the relevant Assembly committee similarly be informed
- all members of the Assembly be provided with a copy of a final section master plan.

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I. Issue

1. The issue before the committee is the section master plans—and process—for Turner, Sections 46, 47, 48 and 62.
2. The Territory Plan identifies Sections 46 and 62 as being within the B11 land use area which permits three-storey development. Sections 47 and 48 are within the B12 landuse area which prescribes a maximum of two-storey development.

II. Rationale for committee examination: resident concerns

3. The Standing Committee on Planning and Urban Services resolved on 10 November 2000 to obtain a public briefing on the section master plan, and process, applying to Section 47, Turner. On 23 March 2001 the committee resolved to examine the section master plans, and process, for Sections 46, 48 and 62 as well as Section 47. The committee took these actions following representations by local residents who were concerned about the following issues.

Lack of certainty:

The way PALM are developing these so-called blueprints for the future [section master plans] ensures that the only certainty they provide is that the entire area covered by the B11 and B12 zones will be redeveloped into multi-storey blocks of apartments. Despite the rhetoric, there is very little short-term and absolutely no long-term protection of the amenity of those residents who wish to stay in their current dwellings.¹

I think the problem with the zoning at the moment and section master plans is that it actually puts PALM in a situation where they are also forced to act as if we are all going to develop and they are almost forced to push the zoning.²

We believe that it is both unsettling and immoral for PALM to canvass residents about their intentions and then continue to draw up section master plans which in no way reflect what the residents have stated and which only play into the hands of developers.³

Section 62 is very much an area which has been rejuvenated... [but] after the meeting last May [with PALM] some of the lessees in Forbes Street just said, “we can’t take this; we do not trust PALM”. They sold their property and moved to O’Connor...

[And] some residents in Section 46... [have] put their house on the market... [because] they did not trust PALM and... they just could not possibly extend [their house to accommodate a new baby] with the situation... Another resident... chose to rent a house elsewhere in Canberra. He said he could not take the stress any longer of living in the

¹ Dr Abbott *Transcript* of the public hearing on 6/4/01 p.12

² Ms Wainwright *Transcript* of the public hearing on 11/4/01 p.26

³ Mrs Hemer *Transcript* of the public hearing on 11/4/01 p.19

area... [And I have been] harassed by estate agents... We have had three different estate agents who have been very, very persistent [in the last year]... We have been told that we are going to be ringed by development and that there is nothing we will be able to do about it. We can either take the price that is being offered now and get out, or we will be stuck with a house we cannot sell... [One agent stated that] because I have a three-year old, I really need to look at how I was as a mother because [my child] could very easily be run over with heavy traffic coming into and out of driveways and things like that.⁴

The uncertainty and stress of PALM's unilateral planning for us has had a detrimental effect [on the residents of Section 46]. For example, when a house was sold at auction, the purchaser walked up to an elderly widow who lived next door and who was not in good health at the time and said, "I believe I have bought your house". She replied fairly strongly, "You have not". He then pointed his finger at her and said, "One day I will". That is what life is like.⁵

Opposition to redevelopment:

We can also ask the question in regard to Section 47: why are we spending all this public money on the process of developing a section master plan when no-one has actually indicated that they wish to redevelop?⁶

PALM does not seem to appreciate the tremendous sense of community that exists in our section... There are people of all ages, from young families with children to elderly people who have lived in the area since the houses were built some 50 years ago.... There are areas within the B11 and B12 zones where people are happy to redevelop, so why not concentrate on those areas first and leave other areas alone?...⁷

Nearly all of us [are] opposed to three-storey development because we do not think it is compatible with people being able to stay and live in those sections... [It produces] what we call a wall of development which makes the look of the street very much changed and is all set up for a future terrace development...⁸

We are not against development, but it is the scale of development that is imposed by zoning B11 that is of great concern to the people in Sections 46 and 62...[When] we talk about three storeys... with underground car parking and three storeys plus a pitched roof that is habitable, we are really talking about at least 4 ½, if not 5, storeys.⁹

Ambiguities in PALM's consultation process:

When we first heard about section master plans, we thought they sounded like a good idea... For us, the process to develop a section

⁴ Ms Wainwright *Transcript* of the public hearing on 11/4/01 pp.15-16

⁵ Mrs Hemer *Transcript* of the public hearing on 11/4/01 p.18

⁶ Dr Abbott *Transcript* of the public hearing on 6/4/01 p.12

⁷ Dr Abbott *Transcript* of the public hearing on 6/4/01 p.17 and p.19

⁸ Ms Wainwright *Transcript* of the public hearing on 11/4/01 p.12 and p.14

⁹ Mrs Hemer *Transcript* of the public hearing on 11/4/01 p.26 and p.18

master plan for our section [Section 47] began with the distribution of questionnaires around March [2000]... We were very unhappy with the way the questionnaire was worded. It was confusing and there was nothing to indicate that where a questionnaire was not returned it was deemed that no protection was to be provided to that person...

[Also] PALM made no effort to contact the owners who were overseas. For example, in our section there is one resident who is overseas on a posting. We managed to contact him through his real estate agent, and he sent a strongly worded message to PALM indicating that he definitely didn't wish to redevelop. Some of the other residents me that they did not receive a questionnaire at all...

In May [2000] PALM organised a public meeting to discuss the section master plans for our area. At that meeting we were told that the draft section master plans would be finalised within the next month and that residents would be given a short period of time—PALM suggested a couple of weeks—to comment.

The majority of residents who attended this meeting were angry at the lack of opportunity to provide input into the process and the short timeframe. At this meeting, PALM also presented us with a draft control plan... which showed the type of development they were proposing for our section. We were very annoyed that such plans were being drawn up, even though the majority of residents had returned their forms and clearly indicated that they did not wish to redevelop... [The draft control plan] shows a building envelope extending all the way around the section. Clearly, that is not in line with most lessees' desires...

Three to four months further passed and we had not heard anything from PALM, so... [we] contacted [PALM] to organise a meeting... [which took place] on 9 October [2000]... Since the Section 47 draft section master plan was not finalised, we were shown the Section 46 draft section master plan. We were amazed to find that, despite many lessees indicating that they did not wish to redevelop, the control plan and the possible development outcomes drawing showed all of the blocks redeveloped. PALM seemed to be saying, "We know what you want, but we know better"... [just as it did with another section in Turner] Section 38...

PALM's known lessee information drawing for Section 38... [shows] six blocks who have indicated that they do not wish to redevelop. Yet the control plan... shows a primary building envelope extending all the way around, including the six sections where people have indicated they do not wish to redevelop. [Further, PALM's] possible development outcomes drawing shows again those six lessees amalgamated into two large blocks and two multi-unit development put in their place... [This] seems to be what PALM actually wants for the section, not what the lessees want... [It is] simply a blueprint for developers, who can be confident of PALM's intentions for those blocks. It increases the likelihood of two lessees ganging up on a third to try to force them to sell... [It] should not be part of the section master plan for our section... [It indicates] that everything is to be redeveloped at some unspecified

time. This leads us to feel duped, cheated and bullied by the very process that was supposed to offer us some protection...

[PALM's actions in this matter appear to contradict what it had done for another section in Turner, Section 63:] The section master plan for Section 63... [shows] no redevelopment in either the control plan or the possible development outcome drawing [for the whole western side of the section, which is that fronting Hartley Street]...

[PALM explained the different treatment by stating] that the section 63 lessees had given a uniformly strong response that they did not want redevelopment but... [this was not the case in] Section 47... [and] residents needed to write to PALM indicating that they did not want redevelopment in their section. This begs the question: what was the point of the questionnaire?...

As a result of the meeting on 9 October... 20 of the 24 lessees... in Section 47 signed [a] letter [stating 'we are not in favour of redevelopment in our section']... Of the four who did not sign, the ACT government is one [being the Housing Trust]. However, the tenants of that property did sign... And it is our understanding that the other three had not returned PALM's initial questionnaire. That is, as far as we know, no lessee in Section 47 has indicated that they do wish to redevelop.¹⁰

[In relation to Sections 62 and 46, the residents stated that they understood] that only two lessees of Section 62 wanted to develop and could develop because... [they] were halves of duplexes, and only one lessee in Section 46, a Housing Trust home, had indicated that they wanted to develop.¹¹

Minimal setbacks on new multi-units

Our concern is that the master plans have been used to lower the standards of the Urban Housing Code... If you look at the Macpherson [Court] development, the setback of the underground park is 900mms from the front, despite the fact that the Urban Housing Code says that it should be six metres... [Also] in the master plans, the private open space is not provided as well as is set out in the Urban Housing Code. The setbacks are important not only for landscape and for private open space, but also protection from street noise...¹²

The section master plans for the B11 and B12 zones are often being written in such a way that they undermine the ACT Housing Code. For example, setbacks are frequently reduced from the standard six metres. In a new development called City Edge near O'Connor, the setback is less than one metre.¹³

¹⁰ Dr Abbott and Mr Colvin *Transcript* of the public hearing on 6/4/01 pp.12-19

¹¹ Ms Wainwright *Transcript* of the public hearing on 11/4/01 p.13

¹² Dr Dickins *Transcript* of the public hearing on 11/4/01 p.24

¹³ Dr Abbott *Transcript* of the public hearing on 6/4/01 p.17

Lack of housing diversity

One of the main problems with B11 and B12 is that it is not providing for a mix of housing in Turner. The main public infrastructure is the primary school, yet the type of accommodation provided by B11 and B12, largely small two-bedroom apartments, does not provide for families with children who want to live close to the city [and utilise the local school].¹⁴

Should section master plans prescribe a period during which redevelopment is not permitted?

There is support from the residents of Section 46... for a time-limited section master plan. It would bring in a degree of stability and calmness in a situation which has been anything but for the last few years. It would also delete the need for section master plans to include the possible development outcomes No.2 drawing—this is the one that really stirs people—which presently confuses those who wish to stay and ensures that they have no certainty for the future.¹⁵

[In relation to the suggestion] of preventing redevelopment in Section 47 until 51% of residents in the section agreed to it... [we] find this suggestion unacceptable... [in large part because] it continues to undermine residents' certainty about their future in the short to medium term, and makes a mockery of their right to stay in their houses with protection of their amenity in the longer term. It also leaves residents vulnerable to harassment by developers and real estate agents in order to 'achieve the goad' of 51%.

We argue that it is not a matter of waiting until there is a critical mass of support for redevelopment, but of providing a predictable time frame, during which people can get on with their lives, and after which they can reconsider their options... The fundamental flaw of Section Master Plans is that there is no time frame and, as a result, there is no certainty.¹⁶

[Thus the] proposal undermines what we understood to be the main principle of Section Master Plans: certainty.¹⁷

In relation to a ten-year plan, I will use myself [as an example]. I have a young child. We would be looking to extend our property, but that would be a major financial commitment for us. You just would not want to be making commitments if you knew you had to go in ten years... The great concern we have is that we feel as if its people who want to develop who are accorded a more privileged position than we are. I do not think the ten years could possibly change that.¹⁸

¹⁴ Ibid p.18

¹⁵ Mrs Hemer *Transcript* of the public hearing on 11/4/01 p.20

¹⁶ Supplementary material dated 20/4/01 from D Abbott and C Colvin

¹⁷ Attachment to the supplementary material dated 20/4/01 from D Abbott and C Colvin

¹⁸ Ms Wainwright *Transcript* of the public hearing on 11/4/01 p.17

Conclusion

4. The local residents in Section 47 concluded, on the basis of the above, that:

The section master plan [should] show Section 47 as being ‘not for redevelopment’ [and] the section master plan for Turner Section 47 [should] take effect for a period of ten years, after which the process be revisited.¹⁹

The reason for [the first recommendation] is that the overwhelming majority of people in our section have clearly indicated that they do not wish to have B12 development in their section and no-one has indicated that they do wish to redevelop...

The [reason for] the second recommendation... [is that] this seems a reasonable period of time, because in PALM’s questionnaire they ask about people’s intentions over the next five and ten years.²⁰

5. The local residents of Sections 46 and 62 concluded that, ‘in line with the precedent of Section 63 (that is the one where Hartley Street was taken out of development)’, the section master plans for these areas should recognise the wish of residents *not* to redevelop.²¹

III. What this committee did

6. In order to hear affected parties and to better understand the issues, the committee held two public hearings. At the first on 6 April 2001, the following persons addressed the committee:

- Mr Hawkins (Executive Director, PALM), Mr Wood-Bradley and Mr Lewis [PALM]
- Dr Abbott and Mr Colvin (local residents of Section 47) and Dr Dickins (local resident of Section 48 and representative of Turner Residents’ Association).
- At the second public hearing on 11 April 2001 the committee was addressed by:
- Mr Hawkins (Executive Director, PALM) and Mr Lewis [PALM]
- Ms Wainwright and Mrs Hemer (local resident of Section 62 and 46 respectively) and Dr Dickins (local resident of Section 48 and representative of Turner Residents’ Association).

7. The committee welcomed submissions/correspondence from the following persons (listed in alphabetical order):

¹⁹ Residents’ presentation before the committee on 6/4/01 p.11

²⁰ Dr Abbott *Transcript* of the public hearing on 6/4/01 p.19

²¹ Dr Dickins *Transcript* of the public hearing on 11/4/01 p.25

- Mr Abbott and Mr Colvin
- Dr Dickins (for Turner Residents' Association)
- Ms Wainwright

8. The committee also sought supplementary material from the Minister for Urban Services and his department. The committee thanks the Minister for providing this supplementary material.

IV. PALM's view of the section master planning process

9. In examining the material provided to it, the committee was particularly interested in the view of PALM which pointed out the following:

The purpose of section master plans

Section master plans are comprehensive, integrated plans for the incremental renewal of sections in the B11 and B12 residential areas in inner north Canberra...²²

[They involve] sensitively managing [the] change processes which... naturally and inevitably, are occurring in the inner north... [and are intended] to allow the natural redevelopment forces to occur within a framework which protected the existing qualities in that area... [They] are a tool to provide the clear urban design framework for progressive, what we might call incremental, stage-by-stage change, and in some areas these stages are going to be very slow... They seek to balance pressure for redevelopment with the retention of amenities for those who certainly wish to stay in those areas...²³

Timetable for undertaking section master plans

Section master plans [are being] prepared progressively, starting with those sections where there is interest from developers who have acquired blocks or options to purchase. Or where property owners have requested section master plans, either because they wish to sell their properties or wish to remain in their properties and are seeking the protection that section master plans will afford...²⁴

[The preparation of section master plans] is very time and labour intensive... because it requires considerable time with individual leaseholders.²⁵

²² Information package for local residents addressed 'To the Lessee' and headed *Section Master Plans for Your Property*, PALM (Ian Wood-Bradley, dated 22/3/01)

²³ Mr Hawkins *Transcript* of the public hearing on 6/4/01 pp.1-2

²⁴ Information package for local residents addressed 'To the Lessee' and headed *Section Master Plans for Your Property*, PALM (Ian Wood-Bradley, dated 22/3/01)

²⁵ Mr Hawkins *Transcript* of the public hearing on 6/4/01 p.2

Subject to PALM resources and the level of community interest and support, a section master plan could be initiated and approved within three months.²⁶

10. While the committee's specific inquiry is into section master planning in Turner, the committee was told that similar studies are underway in Dickson, Lyneham and O'Connor.²⁷ Also, section master plans already exist for Braddon Sections 10, 13, 15, 16, 22, 58 and 59; Lyneham Section 46; O'Connor Section 41; and Turner Sections 38, 39, 44, 60, 61, 63 and 64.²⁸

The structure of section master plans

11. PALM told the committee that each section master plan has the following components:

Analysis [of] public amenities, vegetation, services [including hydraulic and electricity supply], lessee intentions, etc [including mapping the location of footpaths and driveways];

Design criteria;

Control plans²⁹ [which 'indicates the location of where the primary buildings are to occur in relation to the street, and it will nominate setbacks'. In the case of Section 47,] it also indicates a large internal area of the section which is predominantly soft landscape and there would be a restriction on site cover in that area, so that no more than 30% of that internal garden area would in fact be covered by buildings and hard stand...³⁰ The control plan is not a driver for change. It is just a guide to the people who choose to change or develop their properties as to the way that is it to proceed... Any change in lessee intention needs to be consistent with that control plan...³¹

Special provisions;

Development outcome drawings [which 'demonstrate the short-term possibility and long-term objectives of the policy being met... The drawings have no effect other than to illustrate an outcome possible in the very long-term. Development outcome drawing 2 is a useful tool in communicating the policy intentions in other areas, however it can be deleted in these areas if required'.³² It shows 'possible full redevelopment of the section over time that may occur... This could be a snapshot in 20 or 30 years' time³³];

²⁶ Information package for local residents addressed 'To the Lessee' and headed *Section Master Plans for Your Property*, PALM (Ian Wood-Bradley, dated 22/3/01)

²⁷ Mr Hawkins *Transcript* of the public hearing on 11/4/01 p.1

²⁸ Information package for local residents addressed 'To the Lessee' and headed *Section Master Plans for Your Property*, PALM (Ian Wood-Bradley, dated 22/3/01)

²⁹ Presentation by PALM at the public hearing on 6/4/01

³⁰ Mr Wood-Bradley *Transcript* of the public hearing on 6/4/01 p.9

³¹ Mr Lewis [PALM] *Transcript* of the public hearing on 11/4/01 pp.6-7

³² Supplementary material attached to correspondence from Minister Smyth dated 12/6/01 Attachment D.

³³ Mr Wood-Bradley [PALM] *Transcript* of the public hearing on 6/4/01 p.9

Improvements to public/private areas.³⁴

12. PALM considers that it should prepare a full redevelopment option for a section if just one or two lessees/residents express interest in seeing what the redeveloped area might look like. To do so does not mean that the full redevelopment option is ‘the final product... [or] the final master plan’.³⁵ In the case of Section 47, PALM said that ‘we were encouraged—invited, in fact—by one of the residents to explore and prepare that plan’.³⁶ Further:

Sometimes there are people who privately would like to keep their options open and see the majority of people are anti at this time. They sometimes come back to our staff and say “Look, I might have ticked that box, but really I would like to keep a few options open for the long-term,” deceased estates and other things.³⁷

Urban design principles

13. PALM stated:

Our urban design principles for this area are emphasis on the quality of the public domain, continuity and closure and diversity of dwelling types, public fronts and private rear yards, small-scale incremental redevelopment, sustainable robust buildings and garaging to rear.³⁸

Housing diversity

14. PALM stated that:

Either through negotiation or the initiative of the developers, we are seeing a range in the size and housing types... [In] Section 39 Turner and also in Braddon [are] a couple of apartment-style developments which have provided for elevator/lift facilities. The Urban Housing Code provided for 20% of the units to provide access to all.³⁹

15. Supplementary information from PALM added other examples of housing diversity:

Section 63 Turner and Section 58 Braddon – two recent townhouse developments that provide housing for small families and ‘empty nesters’; and

Section 86 O'Connor (formerly Macpherson Court) – range of dwellings including small and large townhouse and apartments. Includes affordable housing for the community and ACT Housing.⁴⁰

³⁴ Presentation by PALM at the public hearing on 6/4/01

³⁵ Mr Hawkins *Transcript* of the public hearing on 6/4/01 p.27

³⁶ Mr Hawkins *Transcript* of the public hearing on 11/4/01 p.3

³⁷ Mr Hawkins *Transcript* of the public hearing on 11/4/01 p.28

³⁸ Mr Hawkins *Transcript* of the public hearing on 6/4/01 p.5

³⁹ Mr Hawkins *Transcript* of the public hearing on 11/4/01 p.2

⁴⁰ Supplementary material attached to correspondence from Minister Smyth dated 12/6/01 Attachment D.

16. In relation to ACT Housing, the committee was told that ‘ACT Housing has a property in each section, and support government policy’.⁴¹

Heritage considerations

17. PALM told the committee that the Heritage Council has:

Broadly supported the technique [of section master planning] and identified specific values for Section 47... [namely:] the broad landscape verges and street trees, buildings sited diagonally on corner blocks, consistency of built form and materials, and the articulated built form.⁴²

Changes made to section master plans in response to community concerns

18. PALM provided the following example of changes made to section master plans following community consultation:

Restrictions on the site coverage behind the primary building envelope; making sure that there is sufficient private open space for the design of redevelopment; taking specific horticultural advice on vegetation; protection of the visually important trees; requirements for duplex sites.⁴³

[And] a possible outcome of [the section master planning] process is that... a section master plan indicates no development⁴⁴... [as occurred in] half of Section 63 [in Turner].⁴⁵

PALM’s assessment of the consultation process

19. PALM stated that:

The consultation process which we have been using includes pre-consultation questionnaires... and conducting community design workshops... We believe that they have... been... successful.⁴⁶

[PALM] continues to improve and tailor the section master plans prepared [in inner north Canberra].⁴⁷

⁴¹ Ditto

⁴² Mr Hawkins *Transcript* of the public hearing on 6/4/01 p.3

⁴³ Mr Hawkins *Transcript* of the public hearing on 6/4/01 p.6

⁴⁴ Mr Hawkins *Transcript* of the public hearing on 6/4/01 p.22

⁴⁵ Mr Hawkins *Transcript* of the public hearing on 11/4/01 p.4

⁴⁶ Mr Hawkins *Transcript* of the public hearing on 6/4/01 p.4

⁴⁷ Correspondence from Minister Smyth to the committee, 12/12/00

PALM's information package for local residents of a section being considered for a section master plan

20. PALM told the committee that it has:

A package of information which introduces the resident/lessee to the policy for the area and gives them an understanding of the implications of that policy for the redevelopment of that area. We include a question and answer section of about 20 questions that are commonly asked and we give a response to them. We identify the sections where we have produced section master plans... In an attachment we include a flow chart of the process... And then we have the questionnaire...

If after a period of time there is no response, PALM officers go out and doorknock those gaps in our survey work... Then we have public meetings...⁴⁸

21. The information package for residents states:

This letter invites your involvement in helping to secure the type of living environment that you and others are seeking, without adversely affecting others whose choice is different.

Recent changes to the Territory Plan controls for inner north Canberra (Variation to the Territory Plan No.109) require that before redevelopment can be permitted, planning and design documents, known as *Section Master Plans*, must be approved. The purpose of these plans is twofold. Firstly, they will provide for the rights and amenity of those residents who wish to remain in their existing homes to be protected during any process of change. Also they aim to ensure that separate developments are integrated in planning and design to achieve a high level of design quality.

PALM is required to prepare Section Master Plans. This ensures their independence, and provides greater certainty to the community, while facilitating quality development. An important part of the preparation for these Section Master Plans is to establish the intentions of the existing property owners in the section. This is why we are seeking your response in the attached questionnaire...

Once a Section Master Plan has been finalised based on this process, it will be formally advertised (notified) and you will be able to say if you support the outcome of the process or believe further changes are needed to match your needs...

Where you have advised PALM that you have no interest in redevelopment and intend to stay in your current... home, you will be protected in a number of ways. Your intentions will be recorded in the Section Master Plan and your block will be identified as having an owner (lessee) who does not wish to redevelop at this time. Development adjoining your property will then be subject to a number of controls in the Section Master Plan and the Urban Housing Code...

⁴⁸ Mr Lewis [PALM] *Transcript of the public hearing on 11/4/01 pp.28-29*

Section Master Plans are finally decided by the Minister for Urban Services – not referred to the Commissioner for Land and Planning – so that are not appealable in the Administrative Appeals Tribunal. In this way, Section Master Plans are similar to variations to the Territory Plan...

A Section Master Plan may be initiated and approved [by PALM] within three months.⁴⁹

The duration of section master plans

22. PALM told the committee:

While the suggested ten year moratorium on redevelopment (including dual occupancy) has some attraction, there are also issues with this option that need to be addressed. In particular, the redevelopment “front” would leap-frog over these sections and apply to other areas generally to the north. Sections 46, 47, 48 and 62 would become increasingly attractive to investors if a moratorium is affected. In particular, speculation by property developers is likely to occur in anticipation of the end of the moratorium. The rate of development in these sections following the end of the moratorium may be quite swift. This rate of change may have an even greater impact on the neighbourhood than the current incremental approach.⁵⁰

We will certainly look at an alternative to the time limitation which the residents have proposed. We may even have to limit all dual occupancy in the interim period as well, because the ultimate policy is for another form of development over some time well into the future, but wait for the majority of the residents—51% for example—to show their interest in development as the trigger to go back and review the master plan.⁵¹

This is in effect the situation with Turner, Section 63.⁵²

Master plans, by their nature, are a device which can be reviewed at any appropriate time... [The aim is to] have a worthy control for a period of time...

Ten years is a pretty long time; things change. The time may be shorter than that...⁵³

⁴⁹ Information package for local residents addressed ‘To the Lessee’ and headed *Section Master Plans for Your Property*, PALM (Ian Wood-Bradley, dated 22/3/01)

⁵⁰ Supplementary material attached to correspondence from Minister Smyth dated 12/6/01 Attachment D.

⁵¹ Mr Hawkins *Transcript* of the public hearing on 11/4/01 p.4

⁵² Supplementary material attached to correspondence from Minister Smyth dated 12/6/01 Attachment D.

⁵³ Mr Hawkins *Transcript* of the public hearing on 11/4/01 p.4

V. Conclusion and recommendations

23. The committee accepts that many residents in some sections of Turner are genuinely concerned and frustrated by the section master planning process which, for them, is *not* delivering the certainty they expected.

24. At the same time, the committee notes that the residents of Section 63 in Turner (on the Hartley Street frontage) have achieved some certainty about the fact that their area will not be redeveloped in the foreseeable future. The sole reason for this different result appears to be that *all* of the Hartley Street lessees advised PALM that they were not interested in selling or redeveloping their property in the foreseeable future. [The committee notes that PALM considers the most important question in its resident questionnaire to be the following: ‘I am interested in selling or redeveloping my property in the foreseeable future—yes or no’⁵⁴].

25. It seems that PALM does not feel able to provide a similar sort of certainty to the residents of sections where *even one lessee* expresses an interest in possible redevelopment.

26. Further, it seems that PALM considers it should not entirely trust the outcome of the resident questionnaires in that apparently one or more residents have sometimes quietly approached PALM *after* completing their questionnaire to say that, even though they declared no interest in redeveloping, they would like PALM to prepare a plan in which redevelopment was permitted [see earlier in this report].

27. The committee is concerned about PALM’s action in this regard, because it renders the process not transparent. It is important that PALM act on the basis of *written* advice from lessees rather than on unsubstantiated oral advice received after the initial questionnaire was processed.

28. The process is further clouded by the presence of Housing Trust properties in many sections of north Canberra including Turner. While the current tenants of these properties may indicate their wish for no redevelopment, the actual landlord (the ACT government) obviously has an interest in facilitating the government’s policy of redeveloping the inner north. PALM needs to handle this issue with care, especially in those cases where most other lessees of a section oppose redevelopment.

29. PALM’s use of the word ‘foreseeable’ in its questionnaire may also create difficulty. It appears to the committee that it would be wiser to state a definite time-frame. One suggestion is five years, that is, the questionnaire would ask the resident or lessee if he or she intended to sell or redevelop their property within the next five years.

30. In relation to instances where PALM cannot determine the viewpoint of a resident/lessee about redevelopment (perhaps because the questionnaire is not returned and/or a person is overseas), it appears to the committee that PALM should acknowledge this on its drawing of ‘known lessee information’. At present, this document identifies the properties whose lessees have advised PALM that they do *not*

⁵⁴ Mr Lewis [PALM] *Transcript* of the public hearing on 6/4/01 p.8

wish to develop. It would be useful to also identify those properties whose redevelopment intentions are unknown.

31. *Recommendation 1: that, in relation to the questionnaire distributed by PALM to solicit the views of residents of a section about redevelopment:*

- *PALM act only on the basis of the information obtained on that questionnaire and any supplementary written advice from lessees, where individuals modify their initial view—and not on any verbal advice;*
- *PALM ask whether the resident or lessee intends to sell or redevelop their property within a specified time frame of five to ten years; and*
- *PALM clearly show, on its drawing entitled ‘known lessee information’, those properties whose redevelopment intentions are unknown or unclear. PALM should immediately discontinue the practise of assuming that the lessees of such properties are in favour of redevelopment.*

32. Of course, it is imperative that the information obtained by PALM is accurately translated into the drawings indicating ‘known lessee information’ and development outcomes 1. In this regard, the committee was disturbed to learn of an error on one of the section master plans which was brought to light during the committee’s inquiry—the draft section master plan for Section 46 showed the lessee of one block as favouring redevelopment when this was not the case.⁵⁵ PALM subsequently provided an updated development outcome drawing correcting this mistake.

33. Where it appears that no resident/lessee of a section expresses an intention to sell or redevelop their property within a specified timeframe, it is reasonable for PALM to prepare a development outcome drawing that reflects this fact. In effect, this means that the section would be treated just like that portion of Section 63 fronting Hartley Street. *It appears to the committee that, on the information obtained in the course of the inquiry [see page 4 of this report], this is the situation applying to Section 47.*

34. *Recommendation 2: that Section 47 Turner be treated in the same manner as Turner 63 Turner, and that a Section Master Plan be developed which reflects the fact that there is no redevelopment intention for the section.*

35. *Recommendation 3: that the Section Master Plans for Sections 46, 48 and 62 should protect the intentions of residents who have indicated no redevelopment intention by reflecting that intention on the Plan. Further, that where there are adjacent blocks which have conflicting development intentions, a graduated level of storeys should be required so that single storey dwellings are bounded only by two-storey dwellings with effective side and rear setbacks.*

36. The committee considers that it is essential to have appropriate planning protection for residents wishing to remain in their homes. This involves design and

⁵⁵ Mr Lewis [PALM] *Transcript* of the public hearing on 11/4/01 p.30

siting provisions, especially in relation to overshadowing, height limits, density, verge and tree protection, etc.

37. Members of the committee share the concern of residents about three aspects of current design and siting provisions. The first is the height of multi-unit development where it incorporates basement carparking and habitable rooms under a pitched roof. Such developments indeed appear to be five stories tall rather than the three stories permitted in the B11 area. There is a case for PALM reviewing these provisions so that multi-unit developments in well-established suburbs like Turner do not dominate the streetscape and general residential area.

38. *Recommendation 4: that PALM prepare a report to this committee's successor in the Fifth Assembly on the application of height controls as they related to basement parking and loft-type rooms. PALM should conduct an assessment of this issue and propose mechanisms to address the problems in current definitions of 'loft' and 'basement' that enable some apartments to clearly exceed the intention of the three-storey height control.*

39. The second concern relates to the fact that some multi-unit developments present the appearance of 'a wall of development' immediately alongside the street verge. This is in sharp contrast to the requirement for single residences to be set back from the street. While the committee is sympathetic to PALM's efforts to encourage a large amount of open space to the rear of multi-unit complexes, the committee would be concerned if this led to buildings being sited too near the street-front verge and consequently appearing to be simply a 'wall' of development.

40. *Recommendation 5: that PALM review current design and siting provisions for multi-unit developments in north Canberra to encourage greater housing diversity (especially with respect to utilising existing public infrastructure such as schools) and lead to developments that do not create the impression of a 'wall of development' fronting established streets.*

41. The third concern relates to housing diversity. Notwithstanding the several examples provided by PALM of redevelopments incorporating elevator/lift facilities and/or housing for small families, it seems that most redevelopment will not encourage 'empty nesters' or an influx of (for example) families with small children who might utilise the existing facilities at Turner School. It would appear useful for PALM to review the mechanisms by which a greater housing diversity might be encouraged.

42. *Recommendation 6: that PALM establish a range of mechanisms to encourage a broader range of housing types, in terms of both accessibility and affordability, to be developed in the B11 and B12 areas.*

43. The committee has taken careful note of the development outcome drawings set out in the Attachment to this report. The committee has no difficulty with those drawings which reflect the *actual* situation in the sections, that is, those which show redevelopment *only on those properties whose lessees have stated an interest in redevelopment or selling.*

44. However, the committee can see why the second development outcome drawing, which shows a whole section redeveloped, causes concern and anger among residents wishing to remain in their existing homes. Though PALM does not consider the control plan as 'a driver for change' but a 'guideline'⁵⁶, the second development outcome drawing suggests a clear intention to redevelop a whole section. Since this drawing is only an indication of what eventual redevelopment might look like (when and if it occurs), the drawing seems to serve little purpose. This is in marked contrast to development outcome drawing 1 which identifies the likely shape of redevelopment on those properties whose lessees *have already indicated* some interest in selling or redeveloping. This is the key drawing for residents and developers alike, in that it reflects the situation in the immediate future.

45. *Recommendation 7: that PALM discontinue the preparation of development outcome drawing 2.*

46. In terms of identifying a period in which no redevelopment should occur (as suggested by some submitters) or a percentage of lessees needing to be reached before redevelopment occurs (as has also been suggested), the committee appreciates the difficulties in both suggestions. There is no avoiding the fact that the government and the legislature have adopted a landuse category in these areas of north Canberra that permits denser development than single residences. At the same time, both the government and the legislature have put in place the section master planning process in order to ease the transition phase for those residents who wish to remain in their homes for the foreseeable future.

47. On balance, the committee considers that it would be best to identify a formal period for the re-examination of all Section Master Plans.

48. *Recommendation 8: that a formal period of review be established for the re-examination of all Section Master Plans at seven-ten year intervals to reassess development intention.*

49. As well as appropriate planning protections, it is essential that PALM's consultation procedures are robust enough *in all instances* to give residents confidence that their viewpoint in respect to sale or redevelopment is accurately portrayed in section master plans.

50. This said, the committee acknowledges the time and effort associated with the preparation of accurate and sensitive section master plans. The committee also acknowledges the awkwardness of PALM's position, given that the landuse controls in these sections of Turner permit denser development than the traditional single residence while the section master planning sets constraints on the implementation of this denser landuse. However awkward it may be, it is essential that PALM retain the confidence of local residents who look to the section master planning process as their defence against excessively rapid redevelopment of two or three storey buildings on a large scale.

⁵⁶ Mr Lewis [PALM] *Transcript* of the public hearing on 6/4/01 p.9

51. The committee was concerned to learn about the unprofessional and unsavoury practices of some real estate agents in the north Canberra area, especially in relation to pressuring residents to sell their homes out of fear about potential redevelopment. The government should address this issue.

52. *Recommendation 9: that the government ensure the appropriate regulatory bodies vigorously and professionally monitor the practices of real estate agents in those areas of Canberra undergoing redevelopment pressure, in order to minimise the instances of undue pressure being placed on local residents to sell their homes out of fear about alleged imminent redevelopment.*

53. The committee took particular note of the reference, in the information package for local residents of a section being considered for a section master plan, to the decision-making process being ‘similar to variations to the Territory Plan’ (in that they are not appealable in the Administrative Appeals Tribunal). The committee points out that the mechanism for amending the Territory Plan does contain what many see as an appeal mechanism, namely, the capacity to ask the relevant committee of the Assembly to hold a public inquiry into a proposed Plan variation. This committee has conducted such hearings on many occasions. Also, the government’s decision on a Plan variation must be tabled in the Assembly where it is open to any member to move that it be rejected or amended. These types of ‘appeal’ or review mechanisms do not exist in the case of a decision by the Minister on section master plans. Therefore, the committee considers that the reference in the information package should be amended or deleted altogether.

54. *Recommendation 10: that the information package for local residents in relation to section master plans amend or delete the current reference to the process being similar to that used for Territory Plan variations.*

55. The committee has carefully considered whether to recommend that *all* section master plans should be brought before the relevant planning committee of the ACT’s parliament—but this would hugely add to the committee’s workload as well as lengthening the decision-making process. It also would involve constant amendments as section master plans are altered following the decision of a lessee to sell or redevelop their property despite earlier indicating they had no intention to do so.

56. However, it is important that local politicians are informed about PALM’s intention to develop or amend a section master plan. Also, the relevant planning committee of the Assembly should be specifically notified. Further, the Minister for Urban Services should ensure that a copy of each section master plan (once it is finalised and endorsed by him) is made available to members of the ACT parliament as well as to the relevant planning committee.

57. *Recommendation 11: In relation to informing members of the Assembly about section master plans, that:*

- *the government ensure that PALM advises all Assembly members of its intention to prepare or amend a section master plan*
- *the relevant Assembly committee similarly be informed*

- *all members of the Assembly be provided with a copy of a final section master plan.*

Harold Hird MLA
Chair

August 2001

Attachments

Section 47 Turner

- Known lessee information
- Control plan
- Development outcome drawing 1
- Development outcome drawing 2

Section 48 Turner

- Known lessee information
- Control plan
- Development outcome drawing 1
- Development outcome drawing 2

Section 62 Turner

- Known lessee information
- Control plan
- Development outcome drawings 1 & 2

Section 38 Turner

- Known lessee information
- Control plan
- Possible development outcomes drawing 2

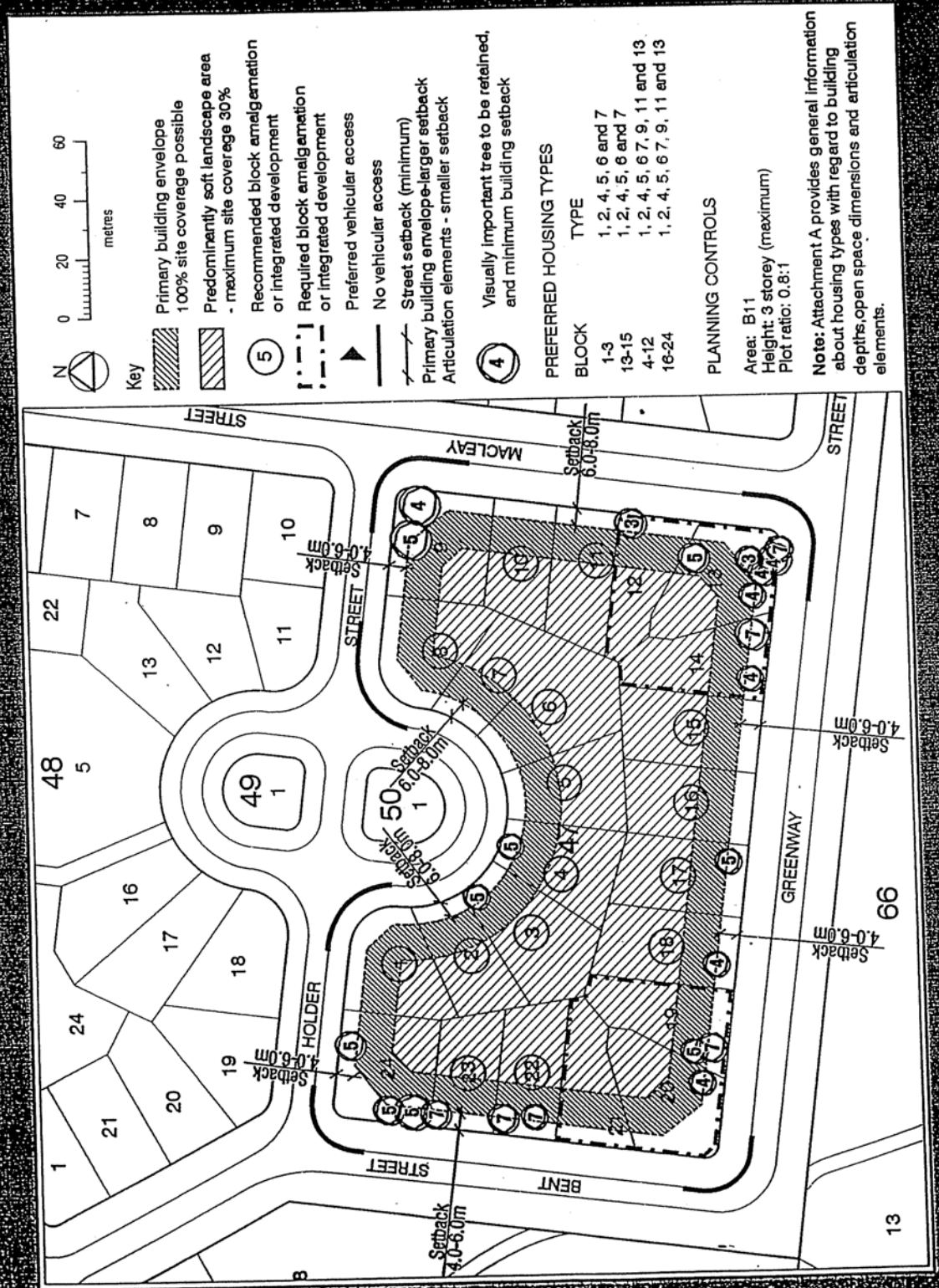
Section 63 Turner

- Control plan
- Possible development outcome drawing 2

Section 47 Turner Known lessee information

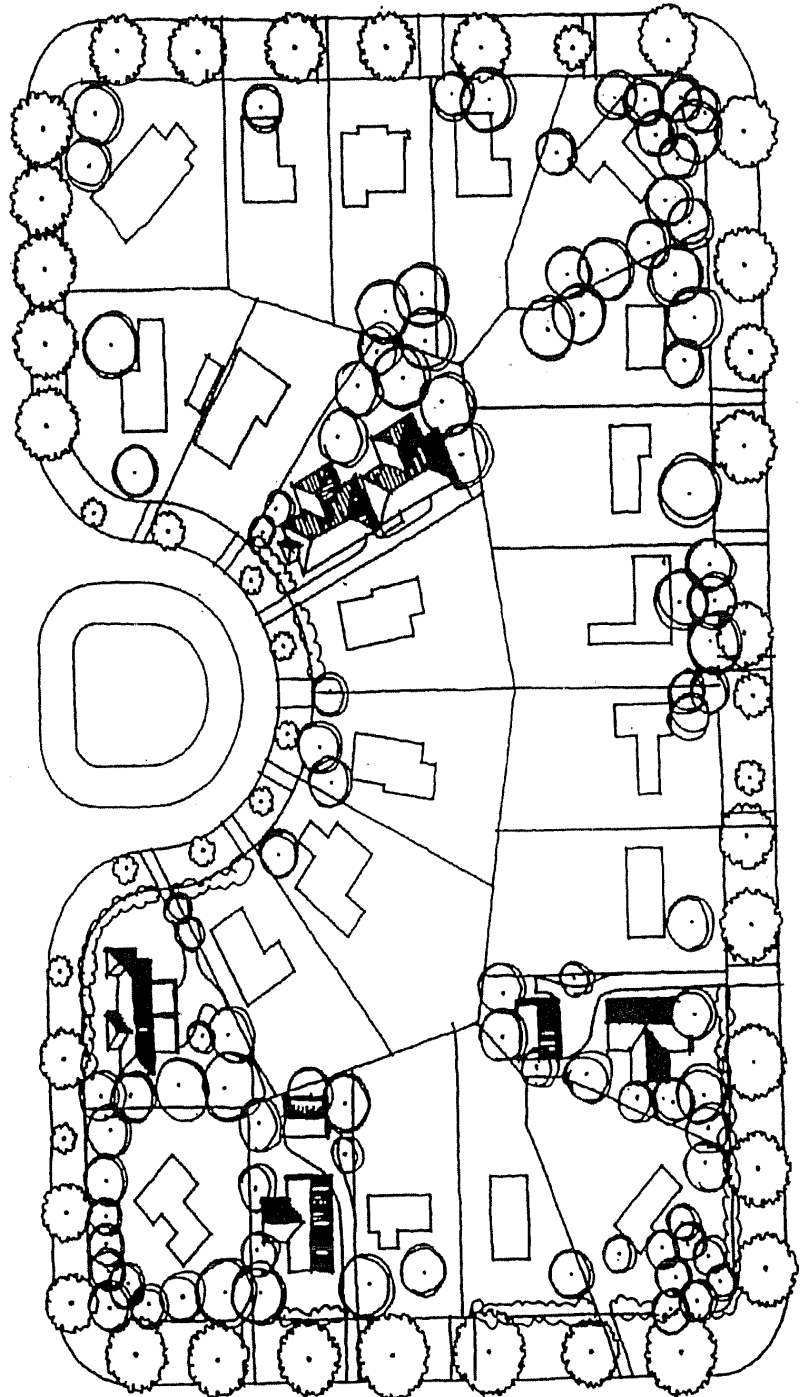


Section 47 Turner Control plan



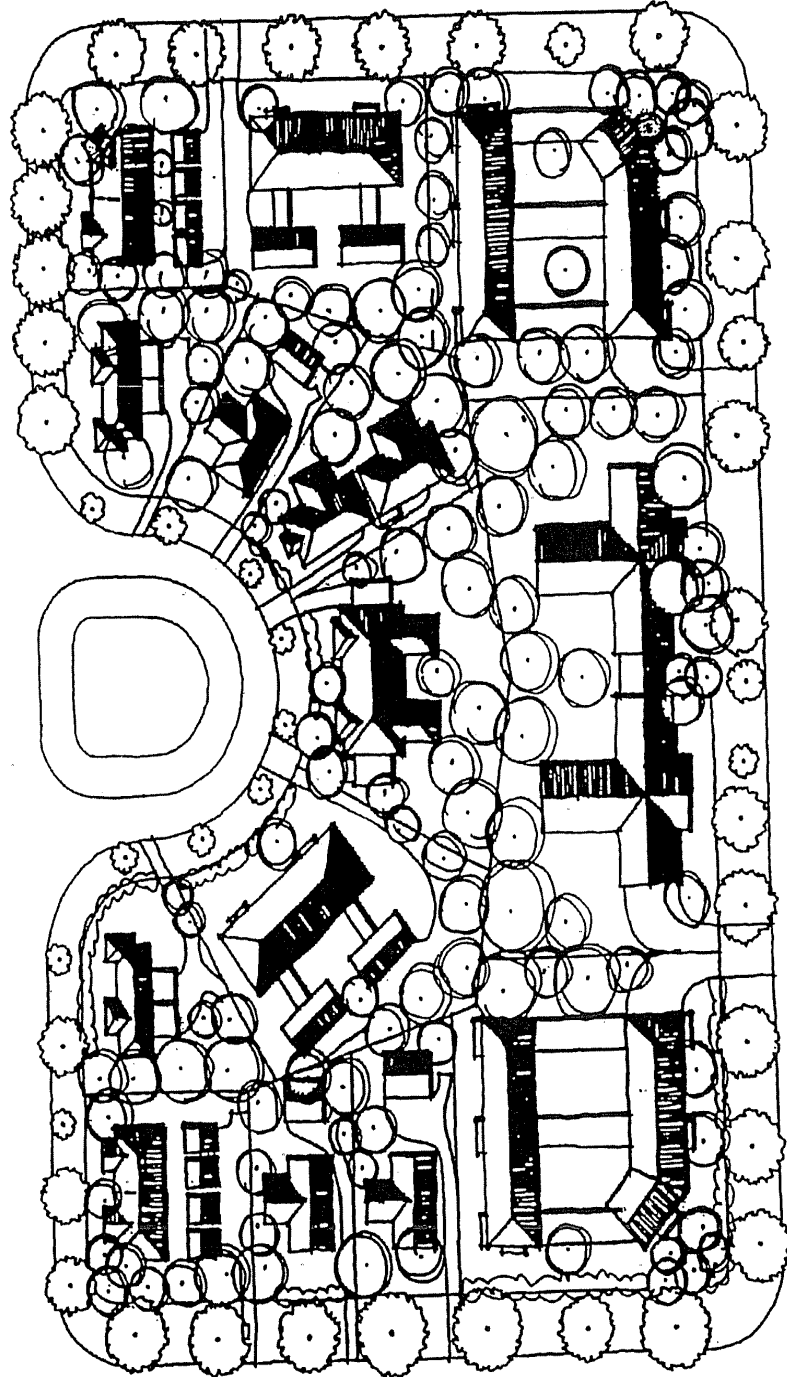
Section 47 Turner
Development outcome drawing 1

Drawing 1

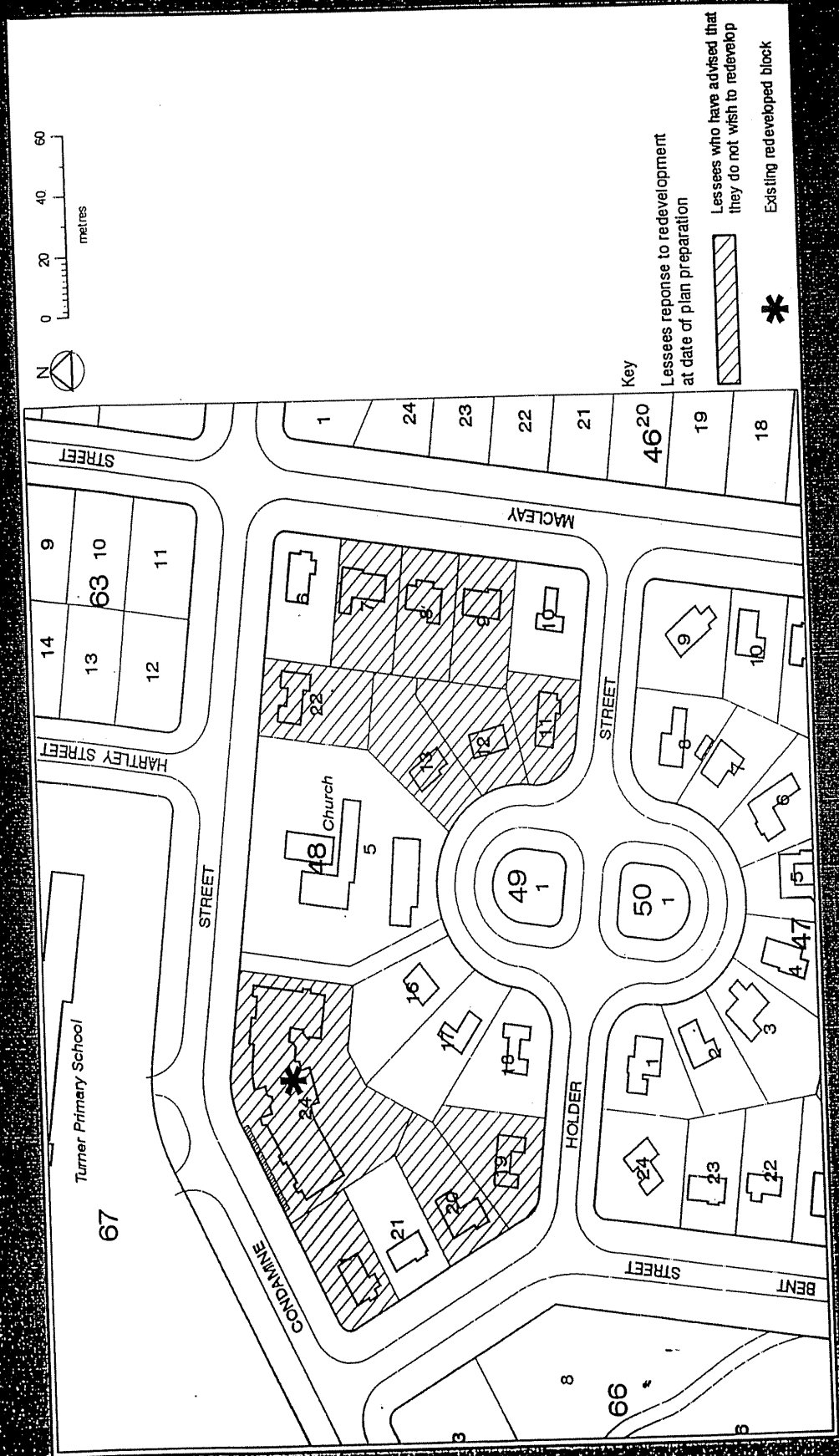


Section 47 Turner
Development outcome drawing 2

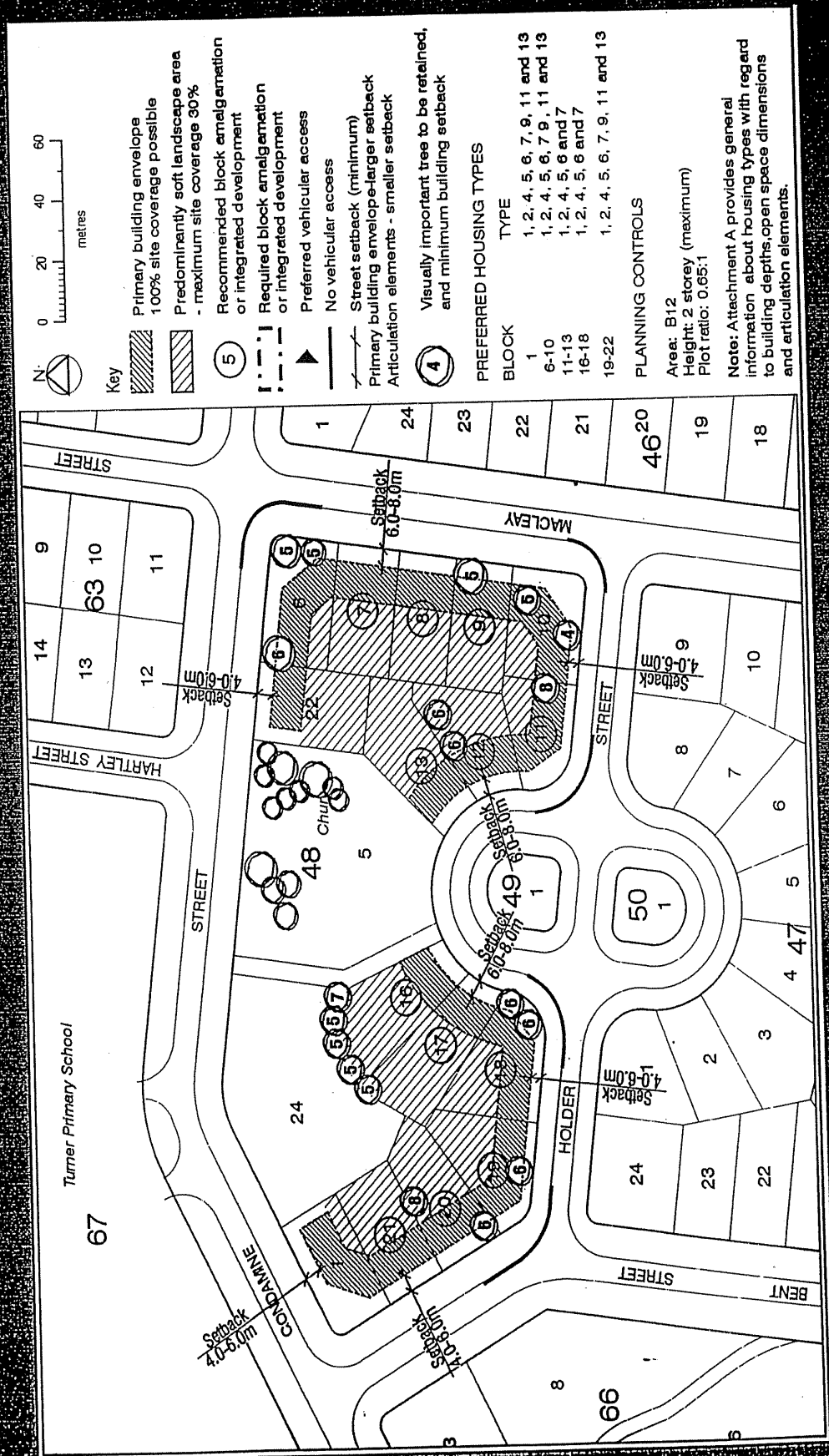
Drawing 2



Section 48 Turner Known lessee information

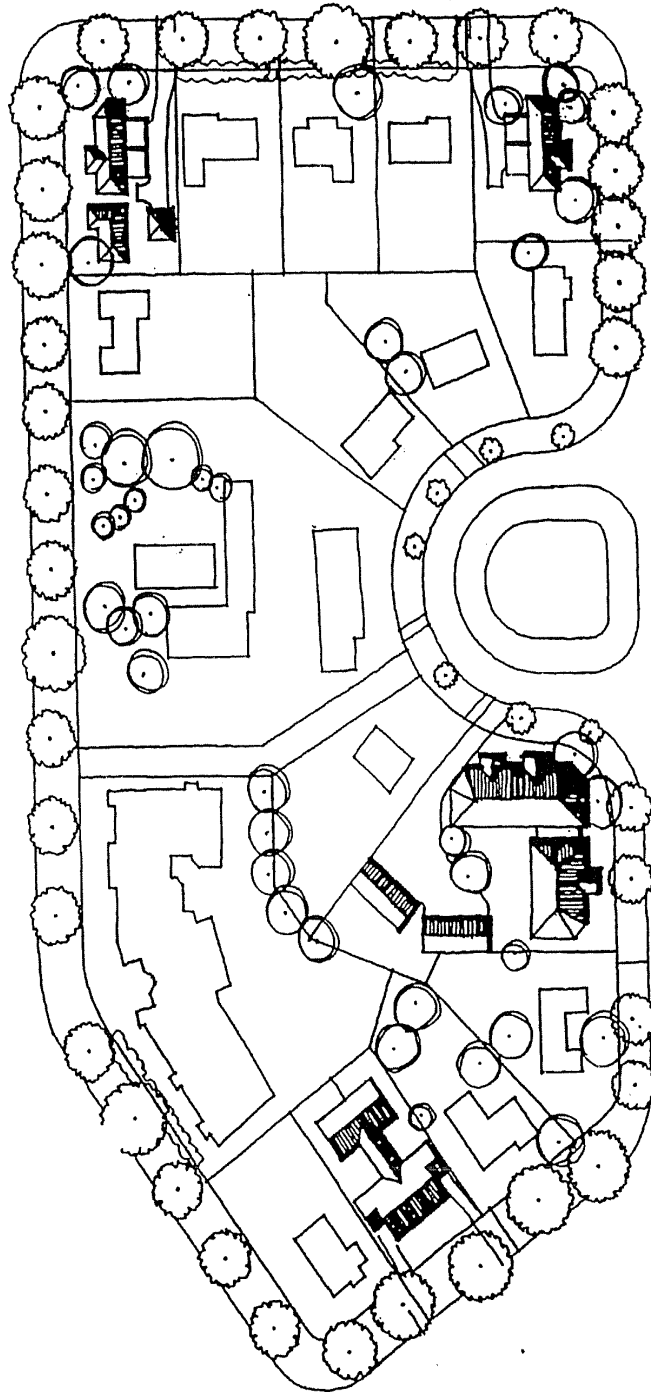


Section 48 Turner Control plan



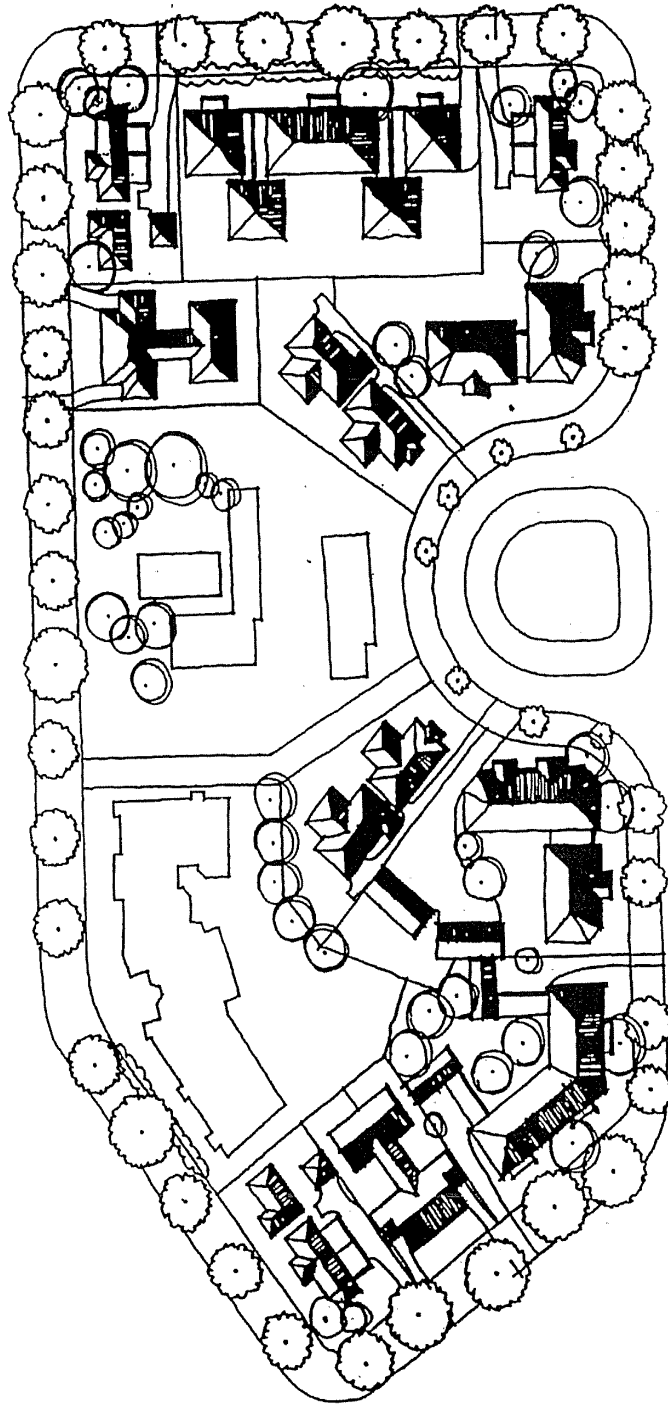
Section 48 Turner
Development outcome drawing 1

Drawing 1

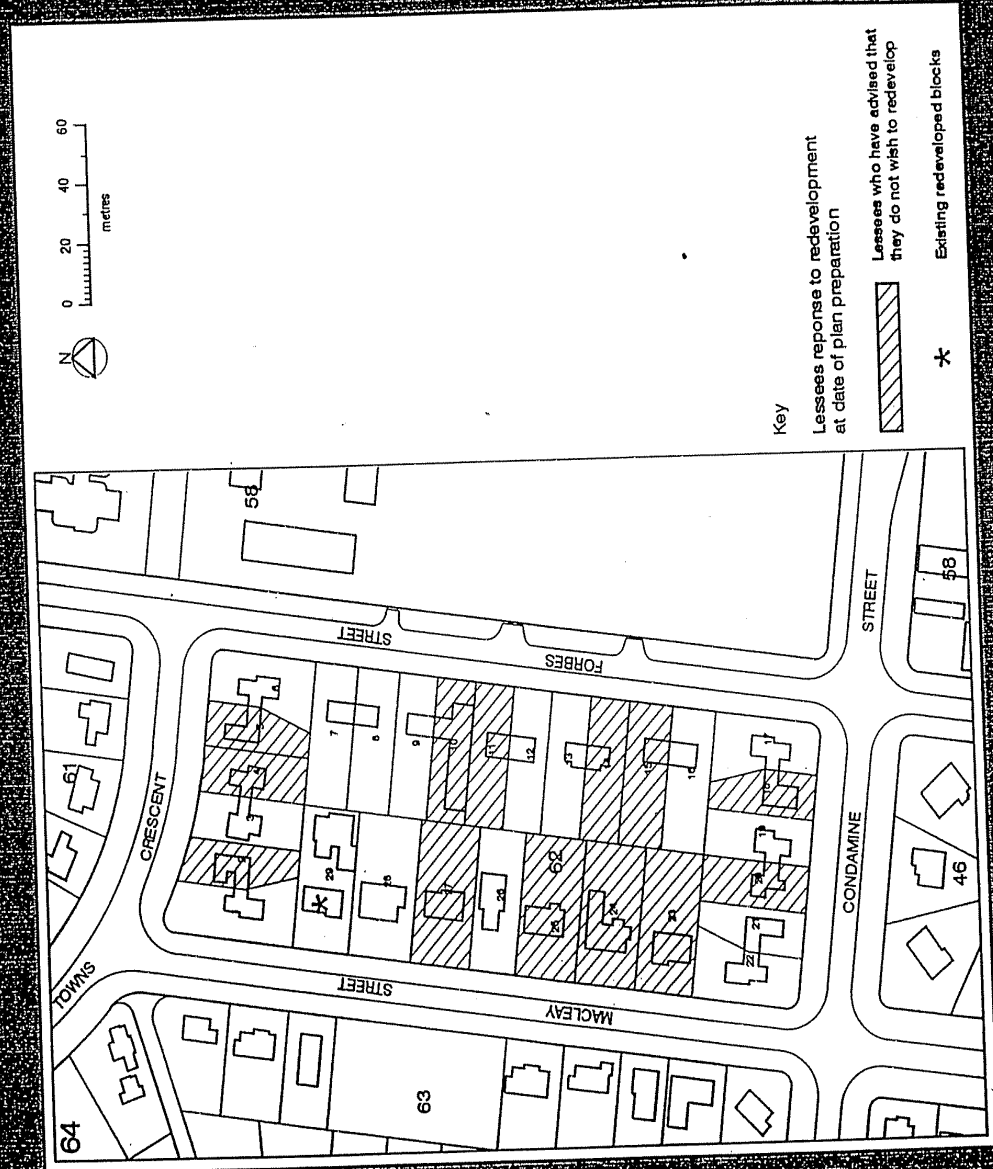


Section 48 Turner
Development outcome drawing 2

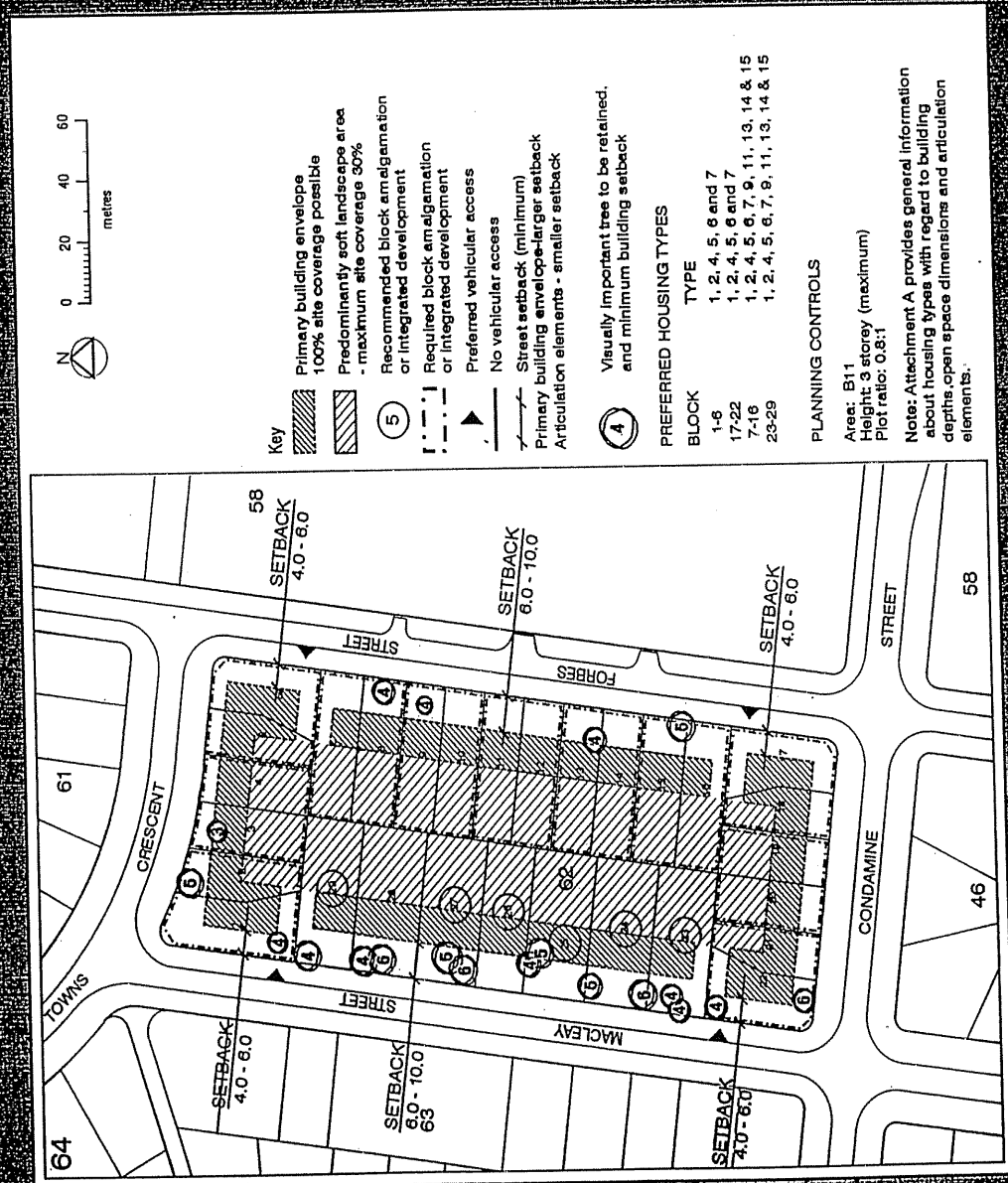
Drawing 2



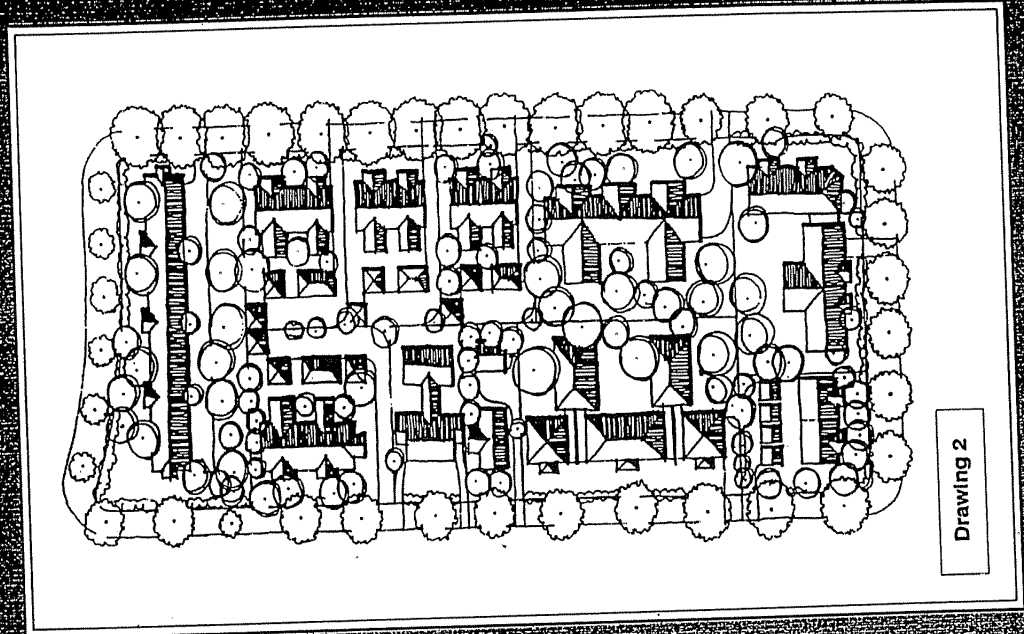
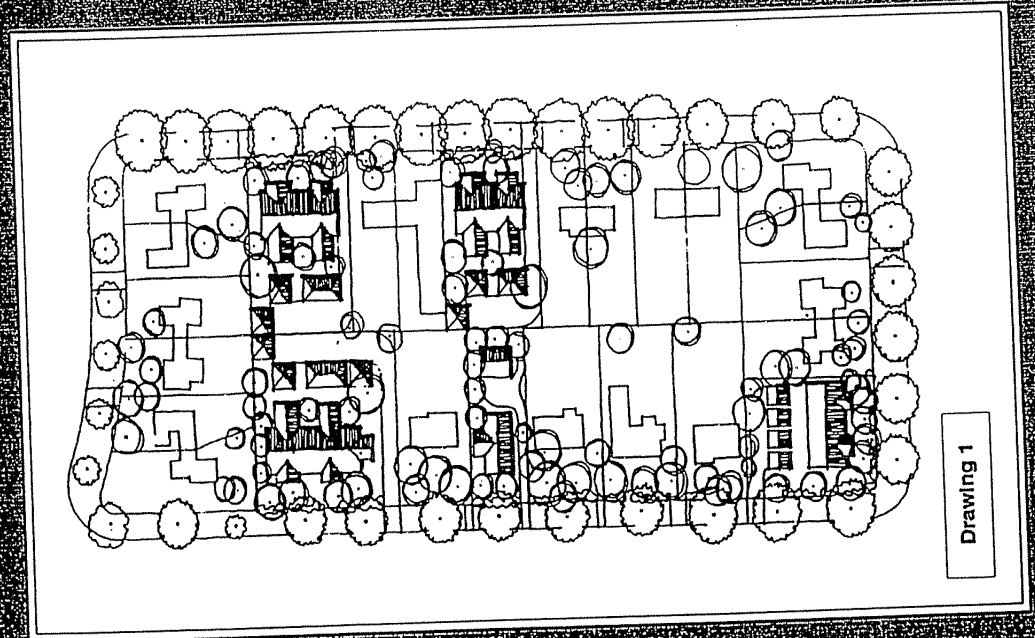
Section 62 Turner Known lessee information



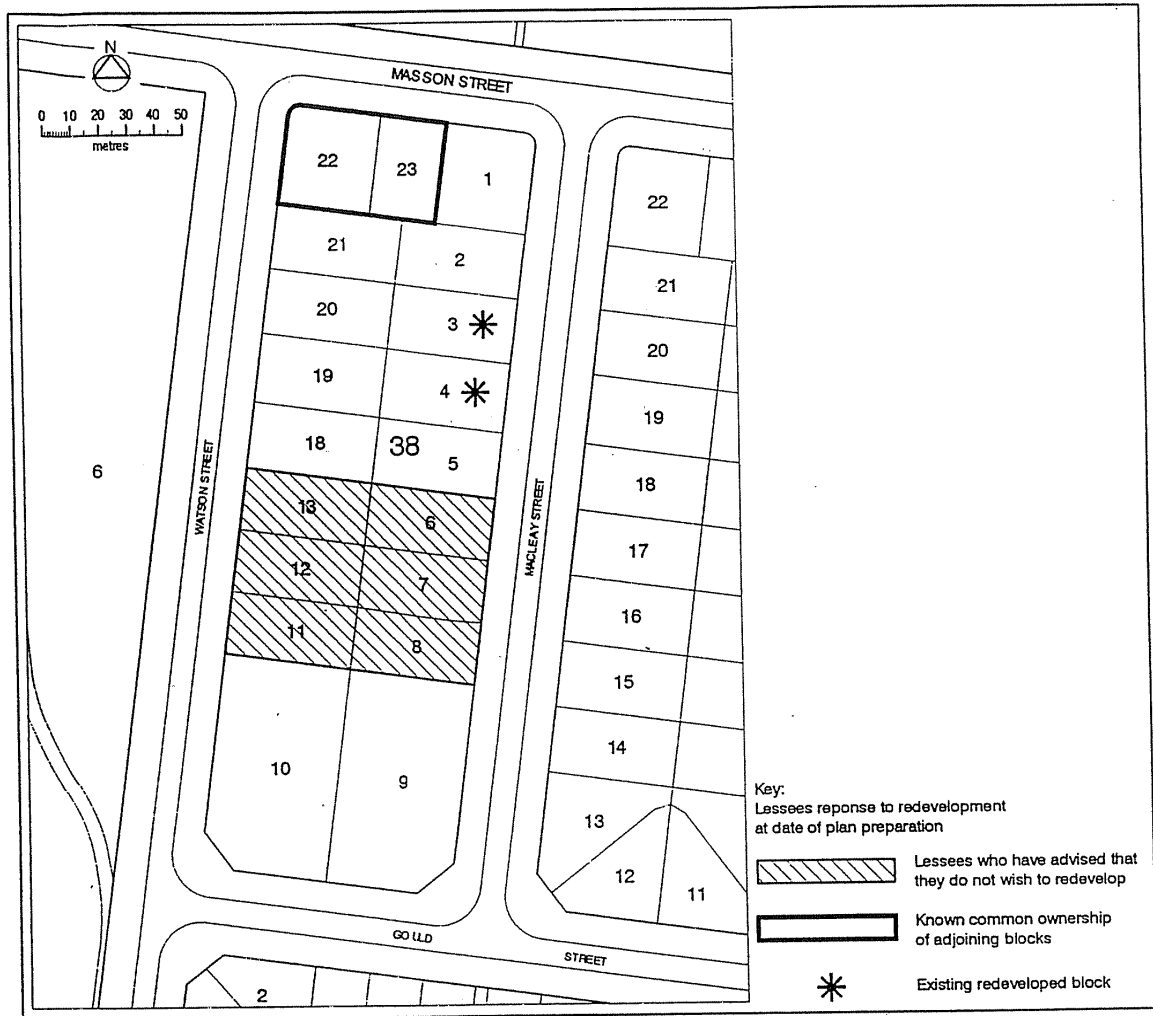
Section 62 Turner Control plan



Section 62 Turner
Development outcome drawings 1 & 2



Known lessee information



- Blocks 22 and 23 are in common ownership.

As a result of the lessee questionnaire undertaken, individual meetings with lessees and public meetings some lessees have indicated that they do not wish to redevelop. Possible development outcomes drawings take into account this information and indicate a possible development outcome excluding these blocks.

IMPLEMENTATION

Design criteria

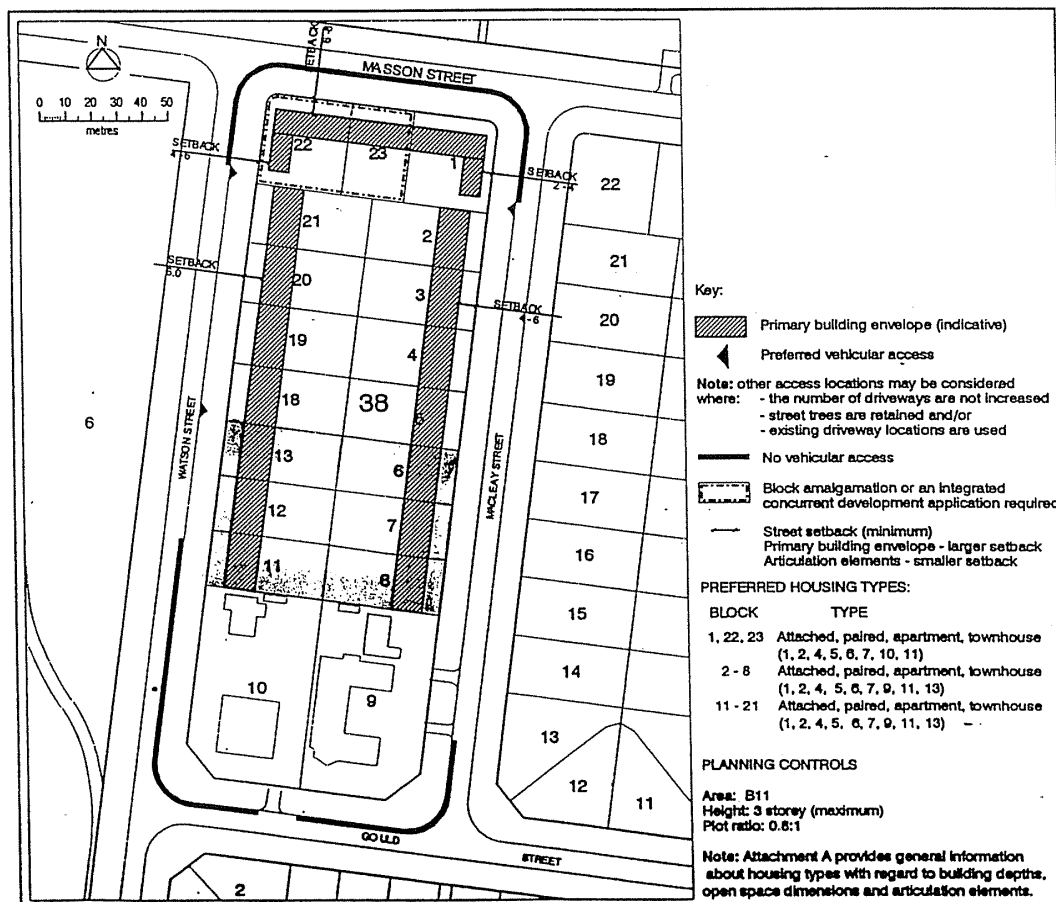
Specific provisions of this Control Plan are "Acceptable Standards" under the Code.

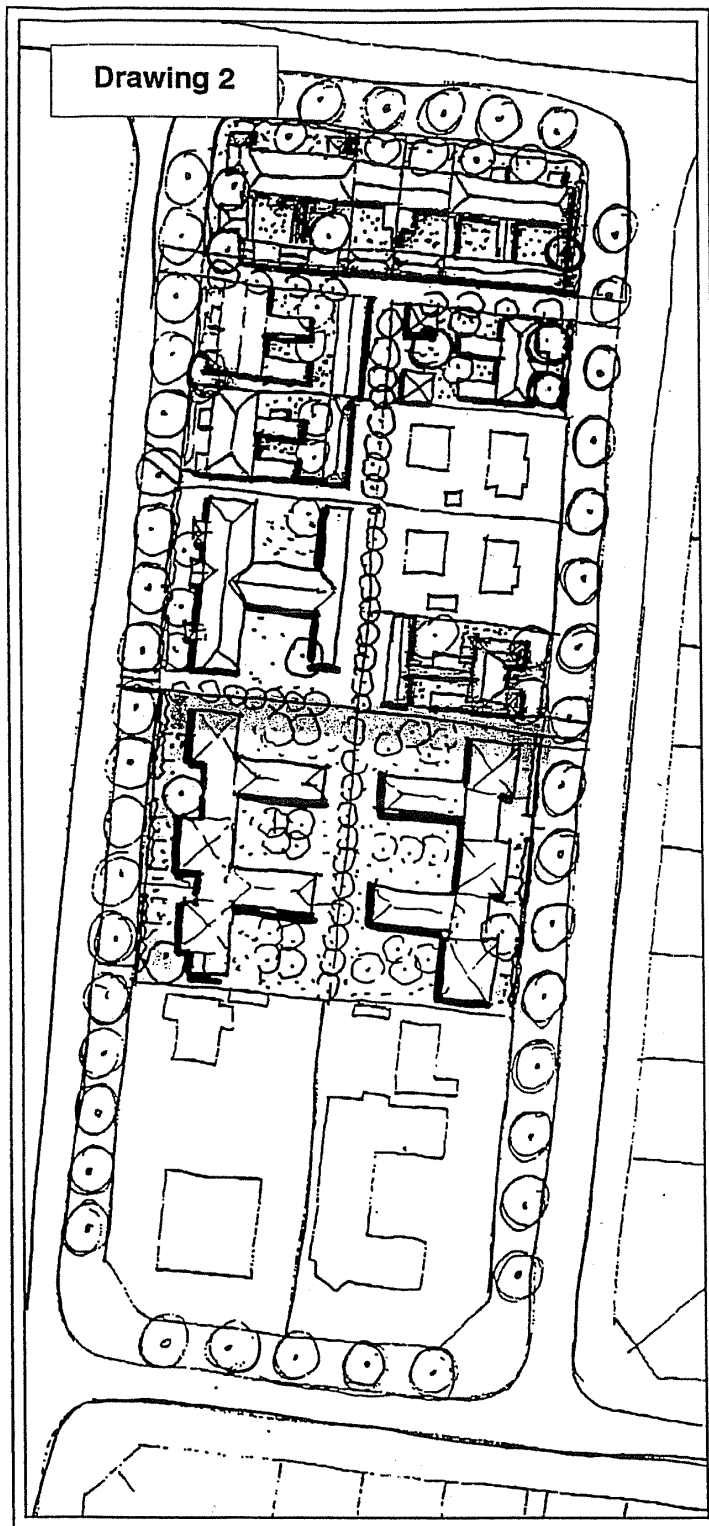
The criteria used to produce the Control Plan for this section are as follows:

- Protect the amenity of residents that do not want to redevelop
- Retain street trees
- Provide for planting and retention of medium to large trees with spreading crowns
- Provide passive surveillance of the street and Haig Park and Sullivans Creek Reserve
- Utilise existing driveway locations for vehicular access where possible
- Restrict access from Masson Street
- Avoid garages dominating the street frontage
- Maximise street address for new dwellings
- Encourage dwelling entries to face the street
- Identify appropriate building types
- Identify appropriate parking provision
- Establish an appropriate streetscape
- Provide a range of dwelling types on larger development sites.

Control Plan

The Control Plan is consistent with the Urban Design Principles at Attachment C and the above design criteria.





Possible development outcomes
drawing No:2 illustrates a possible later outcome for a section when all blocks are redeveloped. The drawing illustrates the operation of the control Plan in achieving integrated development of the section.

IMPLEMENTATION

Design criteria

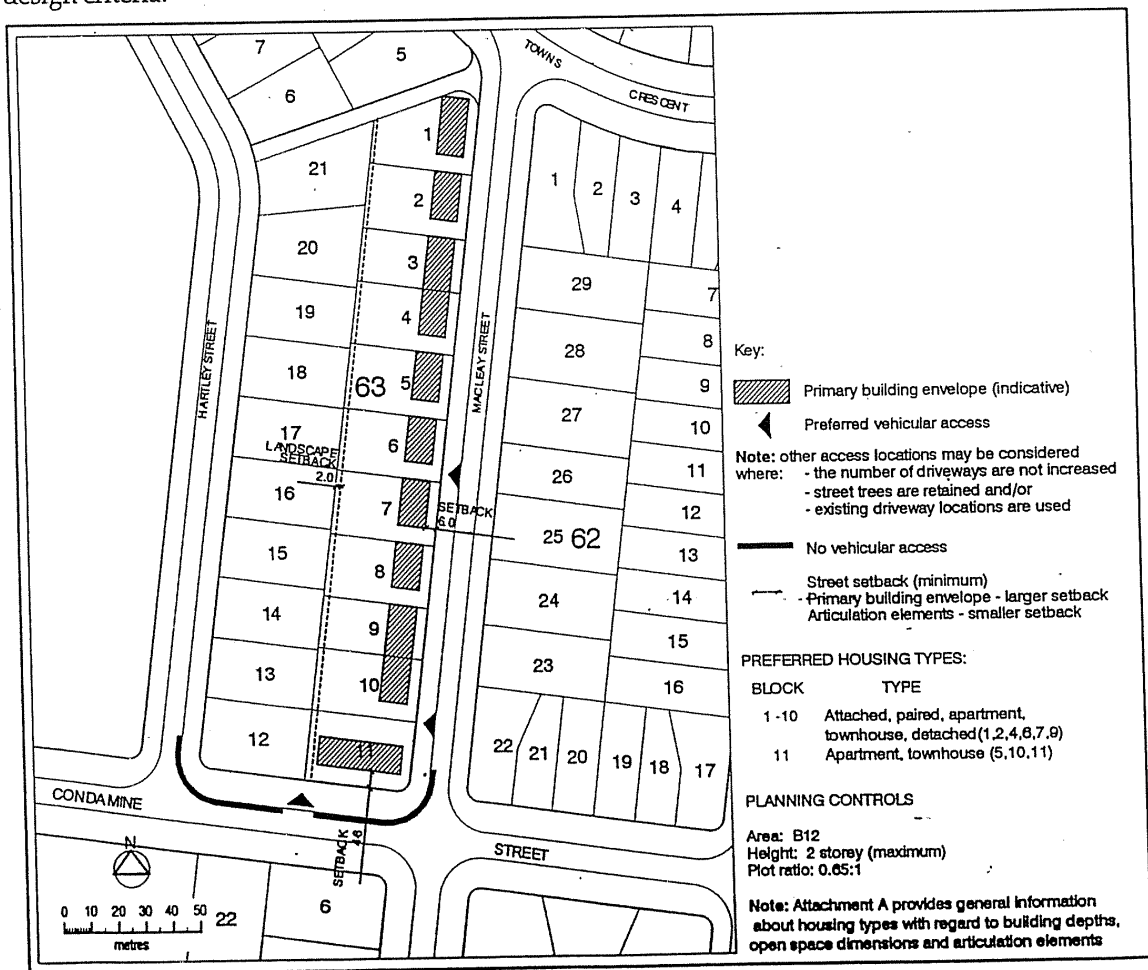
Specific provisions of this Control Plan are "Acceptable Standards" under the Code.

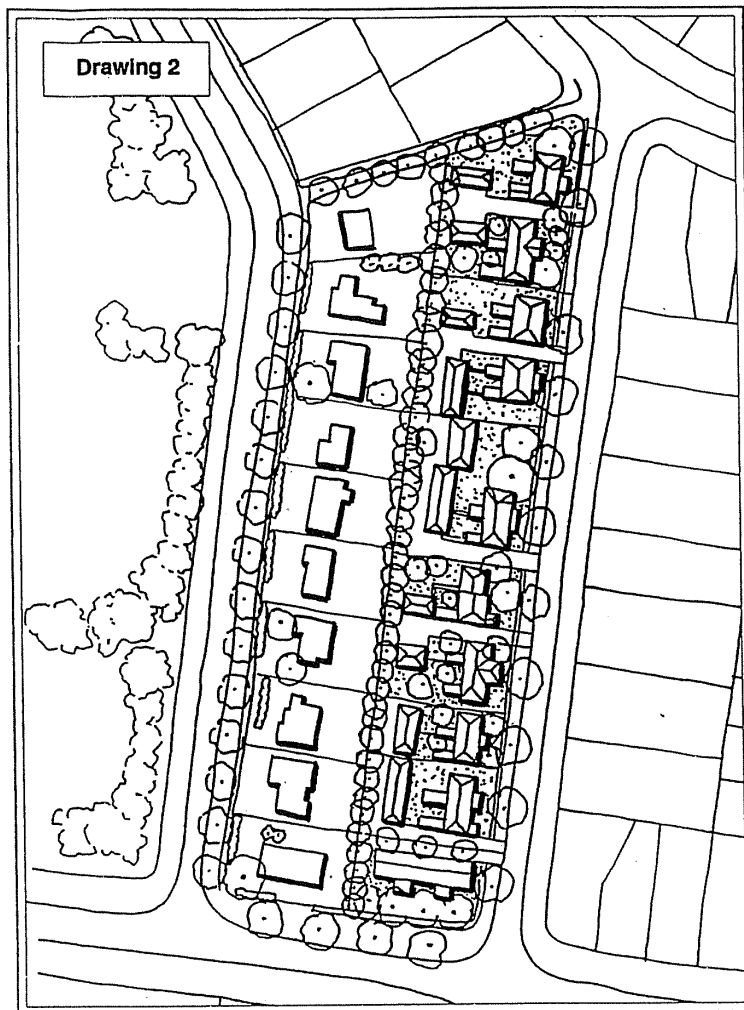
The criteria used to produce the Control Plan for this section are as follows:

- Reflect the strong preferences of commonly located lessees along Hartley Street
- Protect the amenity of other residents that do not want to redevelop at this time
- Retain street trees
- Utilise existing driveway locations for vehicular access where possible
- Encourage shared vehicular access where appropriate
- Restrict vehicular access from Condamine Street
- Avoid garages dominating the street frontage
- Maximise street address for new dwellings
- Encourage dwelling entries to face the street
- Establish an appropriate streetscape
- Identify appropriate parking provision.

Control Plan

The Control Plan is consistent with the Urban Design Principles at Attachment C and the above design criteria.





Possible development outcome drawing No:2
illustrates a possible later outcome for a section when all blocks are redeveloped. The drawing illustrates the operation of the Control Plan in achieving integrated development of the section.