



Legislative Assembly for the Australian Capital Territory

Draft Variation to the Territory Plan No.137
O'Connor Section 86 Block 2
Macpherson Court

Report No.29 of the Standing Committee on Urban Services

August 1999

On 28 April 1998 the Legislative Assembly for the Australian Capital Territory resolved to establish a general purpose standing committee, called the Standing Committee on Urban Services, to inquire into and report on:

planning and lease management, road and transport services, housing and housing assistance, government purchasing 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 matter under the responsibility of the portfolio minister.

Also on the same day, the Legislative Assembly resolved:

If the Assembly is not sitting when the Standing Committee on Urban Services has completed consideration of a report on draft Plan variations referred pursuant to section 25 of the *Land (Planning and Environment) Act 1991* or draft Plans of Management referred pursuant to Section 203 of 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, circulation and publication.

Minutes of Proceedings (Fourth Assembly) No.2, 28 April 1998

Committee Membership

Mr Harold Hird MLA (Chair)

Mr Dave Rugendyke MLA (Deputy Chair)

Mr Simon Corbell MLA (appointed on 25 June 1998, replacing
Mr Wayne Berry MLA)

Secretary: Mr Rod Power

Background

1. Section 25 of the *Land (Planning and Environment) Act 1991* requires the government to refer each 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.
2. Section 26 of the Land Act states that ‘the Executive shall have regard to any recommendations’ of the appropriate Assembly committee. The Standing Committee on Urban Services is the ‘appropriate’ committee in the Fourth Assembly.
3. On 2 July 1999 the Minister for Urban Services, Mr Brendan Smyth MLA, referred to this committee the draft Variation and background papers relating to draft Variation No.137: *O’Connor Section 86 Block 2 Macpherson Court*.

The draft Variation

4. The draft Variation proposes to change the land Use Policy for Block 2 Section 86 O’Connor from *Residential* to *Residential with a B11 Area Specific Overlay*.

Consideration by the committee

5. On 3 July 1999 the committee resolved to place advertisements in the local media inviting the public to lodge submissions on the draft Variation. The advertisements appeared in the *Canberra Times* and the *Chronicle* on 24 July and 3 August 1999 (respectively). The closing date for submissions was 20 August 1999.
6. The committee received two written submissions: from Ms Stuart (for the Turner Residents Association Inc.) and from Ms Henderson (a local resident). The committee obtained copies of, and took into account, the six submissions received by PALM in April and May 1999.
7. In order to hear the people who asked to address the committee, two public hearings were held as follows:

on 17 August 1999

- Mr McKenzie (chief executive officer of Community Housing Canberra Ltd, which is redeveloping Macpherson Court), Mrs Purdon (Purdon and Associates, Urban and Social Planners) and Mr Moss (Cox Humphries Moss, architects)
- Ms Stuart (Turner Residents Association Inc. and North Canberra Community Council)
- Mr Calnan, Mr Collett and Ms Graham (PALM)

on 23 August 1999

- Miss Davey and Ms Kellett (chair, and deputy chair, of the North Canberra Community Council)
- —Mr Key (Sullivans Creek catchment group, and Turner Residents Association).

Recommendation

8. **The committee endorses draft Variation to the Territory Plan No.137: O'Connor Section 86 Block 2 Macpherson Court.**

9. The committee considers that the proposed landuse is appropriate given:

- the past use of the site (for three-storey housing)
- its location (adjacent to many amenities including public transport)
- the possibilities for good urban design of new buildings and open space, based on the *B11 Area Specific Policy* (which includes a maximum plot ratio of 0.8, maximum building height of 12 metres and satisfying the requirements of the Urban Housing Code).

10. The committee is conscious of the fact that the draft Variation **deals only with a proposed change of land use for the site**. It does not deal with issues such as the following: difficulties with public carparking at O'Connor shops, possible imposition upon a developer to provide some public carparking, the short-term use of the disused service station site on Macpherson Street, a possible change of landuse for the TAB site in David Street, and the long-term future of public land adjoining Sullivans Creek.

11. All of these issues were raised by submitters to PALM and to this committee.

12. In the committee's view, the appropriate time to deal with these issues—when considering multi-unit development—is by way of the section master plan process. This process was first suggested by this committee's predecessor in the Third Assembly and is now a planning requirement. While it is early days, the committee is impressed by the efforts being made to make the process work to the benefit of existing residents, proponents of redevelopment and the wider community. At the committee's insistence, PALM has a key role to play in the process.

13. PALM told the committee that the sketch plans shown to the committee by Community Housing Canberra Ltd were indicative only, and that PALM would carefully scrutinise the details during the Development Application and section master plan processes. In particular, PALM would insist that all carparking generated by activities on the site must be located within the site's boundaries.

14. In relation to one issue concerning some submitters (that of using public land for carparking), the committee would be disturbed if commercial leaseholders felt able to satisfy their carparking requirements by spilling over onto adjacent public land. However, this is a separate matter to whether the public carparking needs of a viable local centre such as O'Connor might be met by using existing green space (namely, the area between Macpherson Court and the existing three-storey apartments fronting David Street). This issue is not a feature of the draft Variation presently before the committee but, of course, it is a matter that needs to be addressed in the preparation of section master plans.

15. Similarly, the issue of traffic access and public parking on the existing laneway at the rear of O'Connor shops should be raised, and dealt with, during the section master plan process. However, it is not a feature of the draft Variation per se.

16. The same is true of the landuse applying to the disused service station site. PALM informed the committee that the existing lessee intends to operate within the current landuse provisions. Therefore, the section master plan must be in accord with these provisions and not 'second guess' what a future lessee might want to do.

17. **In view of the range of issues raised by submitters in relation to the Macpherson Court site and its environs, and in order to feel satisfied that all of these issues have been satisfactorily addressed, the committee recommends that it be fully briefed on the section master plan for the Macpherson Court area before it is signed off. The committee requests the Minister for Urban Services approve a full briefing by PALM officers at the appropriate time(s).**

Postscript

18. The *Land (Planning and Environment) Act 1991* requires the ACT Executive to have regard to any recommendation contained in a report of an appropriate committee of the Legislative Assembly before approving a draft Variation to the Territory Plan. If it does approve a draft Variation following the committee's report, the Executive must table its decision within five sitting days of approval.

19. A further five sitting days is then provided for any member of the Assembly to move that the Variation be rejected in whole or in part. Any such motion must be dealt with by the Assembly within five sitting days.

20. If a Variation is not rejected by the Assembly, the ACT Planning Authority (now the Planning & Land Management Group of the Department of Urban Services) will publish a notice in the *Gazette* specifying the date of commencement of the Variation.

Harold Hird MLA
Chair

25 August 1999